

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**  
*“Nomination of Mr. David P. Pekoske, to be Administrator of the Transportation Security Administration, Department of Homeland Security”*

10:00 AM, July 13, 2022

***MAJORITY QFRs***

**Questions for the Record from Chair Cantwell to Administrator Pekoske**

***Pipeline Cybersecurity Resources.*** The Government Accountability Office (GAO) has raised concerns about the staffing and resources dedicated to TSA’s pipeline cybersecurity activities. A GAO report found that the agency only had six people working on pipeline cybersecurity in 2018. Thankfully, you have taken efforts to address this concern, last year TSA employed 39 people to ensure our pipeline infrastructure remains secure. However, it is critical that increasing your agency’s cybersecurity expertise and resources remains a top priority.

*Question 1.* How many cybersecurity professionals working full-time on pipelines does TSA currently have on staff (not including employees working in other agencies at the Department of Homeland Security)?

***Answer:*** TSA has 51 employees currently supporting the pipeline cybersecurity mission. Nineteen of those individuals are cybersecurity professionals dedicated to pipeline cybersecurity efforts. TSA has completed interviews and is in the process of hiring an additional 25 pipeline cybersecurity professionals. These positions were appropriated in the FY22 budget. These individuals possess technical skills and specialized experiences necessary to conduct pipeline cyber inspections and security assessments.

*Question 2.* How is TSA working to improve your cybersecurity employees’ pipeline infrastructure expertise?

***Answer:*** TSA continues to actively recruit, hire, and onboard cybersecurity experts possessing the technical skills and specialized experiences needed to fulfill cyber related functions that enhance the cyber resilience of the transportation sector, maintain threat awareness, and advance other TSA cyber related mission requirements.

To support cybersecurity hiring efforts, TSA established the Cybersecurity Community of Practice (Cyber CoP) to streamline and inform hiring, staffing, training, and retention practices. The Cyber CoP will enable the cyber community to innovate and lead the agency with Cyber infrastructure and maintaining threat awareness. As a result of this group, the direct hire policy is being updated to include (Transportation Security Inspector (TSI) (Cyber) SV-1801-G/H, SV-1801-H/I, and SV-1801-I/J, and Supervisory TSI (Cyber) (STSI (Cyber), SV-1801-J; these positions carry out TSA’s missions for protecting our nation’s pipelines.

TSA works in close coordination with key Federal partners, including CISA, USCG, DOT, FAA, DOE and FBI to expand its cybersecurity expertise and capacity to fulfill its role as

**the co-Sector Risk Management Agency (SRMA) for the transportation sector. To this end, TSA has applied fiscal year 2022 funding to provide cybersecurity training to the entire surface operations workforce. This training will ensure all employees across the organization have an elevated level of understanding for cybersecurity architecture, threats and mitigation opportunities. TSA promotes cybersecurity training, including training related to Industrial Control Systems and through on the job training by facilitating participation in field assessments on pipelines, and certification under its retention program to help develop the technical competencies for the cyber professionals hired to date. For example, our cybersecurity team attended the Idaho National Labs for Cybersecurity 301 training in June 2022.**

*Question 3.* What percentage of the TSA budget is allocated for pipeline security for pipeline cybersecurity? And does TSA have a budgetary line item designated for pipeline cybersecurity?

*Answer:* **TSA received \$4 million in FY 2022 Appropriations for pipeline security, which equates to 0.05 percent of TSA's total Appropriations for the year. The FY 2023 President's Budget includes \$156.6M for Surface activities. These resources are applied across all modes of surface transportation. In FY 2022, Congress increased TSA's budget \$4M to fund emerging pipeline cyber-security standards in response to the Colonial pipeline security breach. The fiscal year (FY) 2023 Budget does not contain a line item designated for pipeline cybersecurity.**

**TSA looks forward to working with Congress in FY23 for the funding needed to strengthen pipeline cyber security in FY 2023.**

*Question 4.* The various surface transportation modes have unique infrastructure and operations that require expertise and knowledge in each mode in order to appropriately ensure the physical and cybersecurity of the nation's critical surface transportation infrastructure. How does the organizational structure of TSA's surface division support TSA's mission to protect each mode? Do you believe organizational changes need to be made to ensure each TSA has the expertise and resources needed to keep each mode secure, especially with regard to cybersecurity?

*Answer:* **TSA is responsible for the operational implementation of cybersecurity across all modes of surface transportation and has an organizational structure that allows senior leadership to direct surface operational oversight and engagement and leverage an efficient reporting structure. The creation of a separate surface operations office led by an Assistant Administrator was a change we implemented in 2018 to provide a structure needed for anticipated surface transportation security operations. To remain agile, TSA continues to assess the configuration of its staffing and the level of its resources needed to meet the demands of the evolving threat and security challenges across the transportation sector.**

**TSA appreciates the continued support from Congress. As the scope of this threat grows, TSA would likely benefit from additional resources to keep pace with the changing environment.**

***Pay Equity for the TSA Workforce.*** During the pandemic, Transportation Security Officers (“TSOs”) were on the frontlines of the U.S. transportation system, keeping the flying public safe and the economy moving in a time of unprecedented crisis. However, TSOs do not receive the same workplace rights and protections afforded to many employees at other federal agencies. While Secretary Mayorkas has taken certain administrative actions to more closely align TSOs with their General Schedule (“GS”) colleagues at other agencies, those actions are not permanent and could be easily reversed by a future administration. This could have implications on the very workforce that ensures the safety and security of our transportation systems for the foreseeable future.

*Question 1.* Administrator Pekoske, how does the lack of pay equity for the TSA workforce in comparison to other federal agencies affect TSA’s ability to recruit, retain, and ultimately provide adequate staffing for our nation’s airports?

***Answer:*** One of the long-standing challenges at TSA has been the pay gap between TSA’s frontline workforce and their counterparts in the rest of the federal government. The lack of equitable compensation in this area, compounded by years of insufficient pay progression, has continued to impede TSA’s ability to meet mission requirements in the recruitment and retention of employees and negatively impacted employee morale. Further, TSA continues to have a significant hiring need for the screening workforce to support projected passenger volume levels for fiscal year 2023 and beyond. This remains the case in this challenging labor market despite the use of our current pay strategy initiatives that have been strongly supported by the Congress—TSO Service Pay, Model Officer Recognition, and TSO Career Progression—as well as nation-wide Recruitment and targeted Retention Incentives. Appropriately compensating TSA employees is a critical step in placing TSA in a position for long-term success, as the current compensation system has made recruiting increasingly difficult and results in relatively high attrition rates, particularly for TSOs.

*Question 2.* If this funding was redirected specifically to TSA, would that funding be used to accomplish pay equity for TSOs?

***Answer:*** Funding provided would be directed to accomplish pay equity for TSA employees. While pay equity is the prevalent concern for TSA’s screening operations personnel, this is an agency-wide issue. Funding this initiative will ensure all TSA employees are not paid less than other federal government counterparts on the General Schedule.

**In addition to the FY23 budget request for pay equity, the Administration has submitted a legislative proposal to end the diversion of Aviation Security Passenger Fee revenues to deficit reduction that was required in the 2013 Balanced Budget Agreement. This fee diversion will amount to approximately \$1.52B in FY23.**

*Question 3.* Aside from the TSA’s legislative proposal and the Funding for Aviation Screeners and Threat Elimination Restoration (“FASTER”) Act before the Committee, are there any alternative options to help fund pay equity for the TSA workforce, and what is TSA’s view about these alternatives?

*Answer:* **There are no other proposed alternatives at this time if funds are not separately identified by appropriators. Pay equity is an important initiative that cannot be funded under current agency resources, but remains TSA's priority.**

**The House Appropriations Committee, in their mark on the FY23 Appropriations Bill did fund the President's pay equity request for 2 quarters (vice the 3 quarters in the request). They used FY23 allocations to offset the cost in FY23 rather than re-directed Aviation Security Passenger Fee revenues.**

***TSA Staffing at Airports.*** The U.S. is in the midst of a strong air travel rebound, as passengers take to the skies to visit the friends and family they were unable to see earlier in the pandemic. During the July 4 holiday weekend, the U.S. reached 98 percent of pre-pandemic passenger volumes for major airlines and set new record on Friday, July 1 with 2.49 million passengers passing through TSA checkpoints. We have seen problems, however, with scores of cancellations and delays as airlines try to adjust their workforce to meet demand.

For example, over Memorial Day weekend, approximately 21,000 flights were cancelled or delayed. The airlines must do better, and I'm pleased that Secretary Buttigieg is taking action to ensure that the carriers are held accountable to their customers.

But airlines are not the only part of this issue as airports and the TSA also play an important role in ensuring a smooth travel experience. Just as passenger volumes have roared back, in June, 68 million travelers passed through TSA checkpoints. It is crucial that we have sufficient TSA staffing and efficient screening technologies so that security checkpoints aren't bottlenecked as people try to reach their gates. More importantly, there are legitimate security risks associated with long wait times and crowded checkpoints.

There is work to do in terms of getting enough TSA officers hired, trained, and ready to screen passengers. Nationally, as of June 4, 2022, TSA was short nearly 4,500 Transportation Security Officers and Managers. TSA only had 47,971 of the 52,400 workers planned for this summer.

*Question 1.* What are TSA's plans to address the staffing shortfalls at airports across the country?

*Answer:* **Pay equity is critical in ensuring TSA can recruit and retain talent in fiscal year (FY) 2023 and beyond. We have found the potential for pay equity to be appropriated in FY 2023 is serving as a recruiting and retention incentive in FY 2022. TSA is also taking the following actions to address ongoing staffing shortfalls at airports:**

- **Hosting TSO Hiring Events (e.g., "Fast Track" events) to assist candidates with applying and completing multiple steps in the hiring process on the same day. Currently, TSA hosts on average 12 TSO hiring events per month, primarily at either large or priority designated airports.**
- **Expanding advertising for job opening announcements and "Fast Track" hiring events by exploring new means of traditional and non-traditional/digital/social media sources for advertising.**

- **Offering competitive financial recruitment incentives to candidates on-boarding at designated priority processing airports (based on shortfall staffing figures) and at historically “hard to hire” airports (often remote locations). These include recruitment incentives ranging from \$1,000-\$5,000 to support TSO hiring nationwide and retention incentives at over 100 airports across the country which provide a significant addition to TSO salaries at our hardest to staff locations.**
- **Leveraging internal Agency volunteers to conduct outreach to TSO candidates to encourage/assist them with taking action to move forward in the hiring process (e.g., scheduling computer based tests, completing their Standard Form 86 National Security Questionnaire, scheduling medical exams).**
- **Conducting an in-depth review of the TSO candidate assessment process to determine if any of the steps in the process could be eliminated or further streamlined in order to shorten the time to hire process, thereby enhancing TSA as a competitor to private sector employers in the job market.**

*Question 2.* How do TSA staffing models account for unanticipated bottlenecks at security checkpoints and changes to schedules? Is TSA looking to speed up Credential Authentication Technology (“CAT”) and Computed Tomography (“CT”) systems implementation at airports experiencing staffing shortages and screening delays, including small hub and nonhub airports?

*Answer:* **TSA’s staffing models assume a distribution of passenger arrival based on historical averages. These averages capture the regular variability that occurs with typical flight delays and cancellations. To account for extreme situations beyond regular averages, TSA allocates overtime funding to airports, as well as plans for the increase in part time hours as needed. These two “relief valves” enable TSA to plan and manage unanticipated flight changes while keeping to an efficient scheduling of the workforce. These situations occur more frequently during summer peak travel and winter holiday travel periods. As a result, TSA provides increased overtime funding for these periods compared to the other periods of the year.**

**TSA aims to accelerate technology implementation across airports nationwide. To that end, the Agency provided Full Operational Capability (FOC) acceleration plans to Congress as required in the fiscal year (FY) 2022 Appropriation for Credential Authentication Technology (CAT) and Computed Tomography (CT) technology. TSA based these plans on year over year resource requirements, assumptions, and operational constraints to fully field the capabilities as quickly as possible while minimizing operational impacts. At current funding levels, FOC will be achieved in FY 2049 (CAT) and FY 2036 (CPSS) in accordance with the Agency’s FY 2022 Capital Investment Plan (CIP) and aims to provide the FY 2023 CIP soon. While the initial benefit with each technology is focused on significantly enhancing security, future increments to each technology is expected to facilitate related efficiencies and passenger experience improvements.**

**TSA Federal Flight Deck Officers.** The Federal Flight Deck Officers (“FFDO”) program allows TSA to deputize qualified volunteer pilots and flight crewmembers as law enforcement officers to defend the flight deck on aircraft against security threats.

I understand TSA halted initial training for FFDOs during the pandemic, and the program has had subsequent funding shortfalls. There is now a backlog of 2,800-plus candidates. The FAA Reauthorization Act of 2018 was intended to create stand-alone facilities in both Atlanta, Georgia, and the West Coast – neither of which exist today. Congress already appropriated funding for the Atlanta facility; however, TSA has not established a full-time training facility.

*Question 1.* What is the reason for the current backlog of applicants, and what has been done by TSA to get initial training restarted to help clear the backlog?

**Answer:** The FFDO program is important to inflight security and we appreciate the volunteer flight deck officers who participate in the program and the support of the air carriers. The Federal Law Enforcement Training Center (FLETC) in Artesia halted Initial Training for FFDO candidates from March 2020 through July 2021 due to the pandemic. TSA was able to conduct FFDO Initial Training during the period of July through September 2021. In May 2022, TSA was able to repurpose funding to support a limited amount of FFDO Initial Training in Fiscal Year (FY) 2022 and 2023. Currently, TSA has seven FFDO Initial Training classes planned for the remainder of fiscal year 2022. The first class commenced July 17, 2022. Each of the seven classes are booked to capacity, 36 students per class, through September 23, 2022. Approximately, ten FFDO Initial Training classes are planned for FY 2023.

*Question 2.* Do you commit to establishing full-time training facilities for FFDOs as authorized by the FAA Reauthorization Act of 2018?

**Answer:** TSA is committed to establishing full-time training facilities for FFDO recurrent training. Currently, TSA offers recurrent training in Atlanta, Atlantic City and Dallas. Atlantic City and Dallas training sites offer two classes per week with 24 training seats per class. Atlanta offers one class per week with 12 training seats. TSA plans to increase the availability of recurrent training classes in Atlanta in future years.

**Cybersecurity Standards for Airlines.** TSA, the Cybersecurity and Infrastructure Security Agency (“CISA”), and DHS remain focused on cybersecurity, particularly for critical infrastructure. Russia’s invasion of Ukraine has heightened concerns about cybersecurity threats and has expedited the development of new cybersecurity regulations. TSA’s first phase of cybersecurity requirements for air carriers went into effect in January 2022 and requires cyber incident reporting to CISA. The second phase, which will require a vulnerability self-assessment and recovery plan, is expected to be issued in June 2022. TSA now seems to be moving toward a third phase of prescriptive cybersecurity standards for airlines, similar to what pipelines are already subject to.

*Question 1.* How does the cybersecurity risk profile for airlines compare to the risk profile for pipelines, which already have a set of cybersecurity standards in place?

*Answer:* **The cyber risk for aviation has increased to the point where we will develop cybersecurity requirements for airlines and airports that will be similar to those in place for pipelines through our July 21, 2022 directive. This directive takes a performance-based approach to regulation in establishing security outcomes that need to be achieved. Owner/operators submit implementation plans to TSA for approval, establishing how they will achieve the outcomes and audit their performance. TSA's pipeline requirements primarily focus on protecting pipeline operational technology (OT) systems from cyberattack, and ensuring security measures are in place on information technology (IT) systems that could be used as avenues to attack OT systems. Airlines similarly have both IT and OT systems that could be at risk of cyber-attacks. For example, in addition to systems that run flight operations, airline IT systems manage their reservations, scheduling, and staffing. Consequently, any disruption to both IT and OT systems can impact the airline's ability to maintain flight operations carrying passengers between domestic and international airports**

**Airports too have IT and OT systems. Airport IT systems would include general network systems for computer based applications such as email and data storage. OT systems would include heating, ventilation, and air conditioning, fire control systems, and access control systems. Disruption of these systems would impact the airport operations and the flight operations.**

*Question 2.* Do you believe that these pipeline standards are an appropriate model for airline standards, or should TSA tailor the airline standards to a different model?

*Answer:* **Our new approach to cybersecurity regulations is to base them on achieving performance-based outcomes. We issued our first security directive using this approach in our July 21, 2022, directive to critical pipeline owners and operators. Copies of this directive were provided to the Chair and Ranking Member of the Commerce, Science and Transportation Committee and a copy is attached to this response. This approach, applied more broadly, will allow us to achieve the desired cybersecurity resiliency across the different sub-sectors of the transportation sector (e.g. airlines, airports, pipelines, rail, transit, etc.) using a similar template, tailored for that sub-sector. Our directives are also linked to the National Institute for Standards and Technology Risk Management Framework and CISA guidance that applies across modes of transportation in providing a basis for critical controls. TSA is incorporating our experience in enhancing the cybersecurity posture of the pipeline industry into cyber policies for the other sectors, recognizing that there are unique operational differences that must be accommodated.**

***TSA Exit Lane Staffing.*** With respect to exit lane staffing, the FY 2023 budget request once again proposes to shift the cost and responsibility of exit lane staffing to airports. In the budget request, TSA explains that this would save the agency \$94.1 million and permit it to redeploy 1,285 TSO positions at 222 exit lanes at 109 airports to address other activities, like passenger and baggage screening.

TSA asserts that monitoring the exit lanes is a not screening function but instead considered an access control issue. Small hub and nonhub airports are concerned about this proposal as it represents a major policy and operations change. These airports are concerned about severe cost implications, which would have to be recovered through increased airline rates and charges and could lead to possible reductions in air service to smaller communities.

*Question.* How has TSA worked with airports in the past to integrate exit lane security into airport perimeter security plans and assess the effectiveness of those plans? Has TSA identified financial resources to assist airports in procuring the facility modifications and equipment purchases necessary to implement exit lane control and oversight?

***Answer:*** Through Federal Security Directors on site, TSA works with airports to assess the effectiveness of the desired exit lane security and its integration in security processes/procedures within the Airport Security Program (ASP), as appropriate. TSA also conducts recurring assessments of exit lane security requirements to ensure compliance with established ASP requirements at that airport.

**TSA leverages its existing relationships with technology experts and vendors to analyze the benefits of installing exit lane technologies at airports to safeguard the traveling public. TSA does not currently qualify, procure, or maintain exit lane technologies but instead provides a set of web-based, self-guided tools for airport use in identifying exit lane access control technologies and evaluating installed exit lane technology systems.**



## Questions for the Record from Senator Klobuchar to Administrator Pekoske

**Cybersecurity.** Following the President's Executive Order on Improving Critical Infrastructure Cybersecurity, we have seen the Transportation Security Administration (TSA), in partnership with the Cybersecurity and Infrastructure Security Agency (CISA) at the Department of Homeland Security, to issue mandatory reporting requirements, vulnerability assessments and propose changes to existing security programs.

*Question 1.* What are the lessons learned from the pipeline and rail industry whose security directives? How does TSA plan to apply these lessons to other modes of transportation, such as aviation?

**Answer:** TSA has learned some valuable lessons from this experience. For instance, we recognize that engaging and collaborating with industry prior to issuing directives increases longer term, sustainable measures that mitigate the threat. We have modified our approach by applying a performance based regulatory development process. This shift allows for industry flexibility in implementing TSA security measures after robust engagement during the policy development process. On July 21, 2022 we issued a revised Security Directive to oil and natural gas pipeline owners and operators that reflects extensive collaboration and a performance-based approach to cybersecurity regulations. This will improve security and provide industry stakeholders the ability to tailor activities to achieve needed security outcomes.

Through early engagement and collaboration, TSA can better understand industry systems and challenges owners and operators face in implementing enhanced cybersecurity measures. Also, TSA learned it is critical to incorporate flexibility in the requirements so owners and operators can most efficiently achieve security outcomes. This process also allows stakeholders more time to plan for cybersecurity-related capital investments and make security enhancements

*Question 2.* Does TSA have the necessary professionals it needs to create effective cybersecurity regulations across different modes of transportation?

**Answer:** As Administrator, I have sought to grow our cyber talent in order to keep pace with an ever evolving cyber threat. The men and women of TSA who contribute to TSA's cyber mission are doing exemplary work, but like many agencies that have a cybersecurity mission, our staffing and resources level are not where I feel they need to be. As cyber threats to the transportation sector continue to evolve, TSA must build capacity –increase staff, expand expertise and support new capabilities—to effectively mitigate risks. These efforts are currently underway and will continue, including hiring additional employees and contractors to: support the implementation of cybersecurity directives and security program amendments, conduct inspections and risk assessments, provide facilitated exercises and trainings, deliver threat intelligence briefings, provide legal support, and support the acquisition of necessary technology and tools in order to keep up with the pace of the evolving cyber threat environment.

Thank you for the Congressional support of our cybersecurity resourcing requirements in fiscal year (FY) 2022.

**We look forward to working with Congress in FY 2023 for the additional resources needed to strengthen our Nation’s cyber regulations and compliance.**

***TSA Staffing and Wait Times.*** Air travel is making a strong rebound with 73 percent of Americans planning summer travel this year. New data from TSA shows that nearly 9 million people traveled over the Fourth of July weekend—98 percent of pre-pandemic passenger volumes for major airlines. And in June, alone, 68 million travelers passed through TSA checkpoints. However, as of June 4, TSA staffing levels were short nearly 4,500 positions.

***Question.*** What airports are facing higher wait times and what do you believe are the root causes?

***Answer:*** In June 2022, 94.4 percent of TSA PreCheck® passengers waited less than 5 minutes and about 87.7 percent of passengers in standard screening lanes waited less than 15 minutes. From July 1-16, 2022, which includes the Independence Day holiday weekend, 95.5 percent of TSA PreCheck® passengers waited less than 5 minutes and about 89.7 percent of passengers in standard screening lanes waited less than 15 minutes. For the small percent that are longer, the majority of wait times are caused by three main reasons:

- 1. Capacity constraints due to airport construction and checkpoint space limitations;**
- 2. Screening equipment issues due to equipment failures and installation of new equipment; and**
- 3. Transportation Security Officer retention, recruitment, and hiring challenges as well as illness resulting from continued COVID-19 pandemic outbreaks have limited staffing levels in some locations.**

**I testified at the hearing about the request for pay equity for TSA employees in the President’s FY23 Budget Request. It is critical that we close the pay gaps that exist throughout the TSA workforce including an average 30% gap for Transportation Security Officers and a 20% gap for Federal Air Marshals. Providing equitable pay is absolutely the right thing to do because it is fair. It will undoubtedly improve our ability to recruit new talent as well as retain the experienced professionals needed in the future. I also recognize the outstanding work, professionalism and long hours our TSA team has devoted to ensuring the safety and security of more than 2 million passengers who receive screening each day in the United States. And alongside them, I note the exceptional work being done on behalf of travelers by airline and airport employees.**

## Questions for the Record from Senator Duckworth to Administrator Pecoske

***Treatment of Travelers with Disabilities.*** One in four U.S. adults has a disability, according to the Center for Disease Control and Prevention and to understand various disabilities requires comprehensive training and repeated training. For many people with disabilities anxiety, dread, humiliation and even potential injury are part of the routine of airline travel from getting to the airport gate to getting on and off the plane. Through the 2018 FAA Reauthorization Act, Congress directed airlines and TSA to make flying better for people with disabilities and demanded more training, better and faster service and taking better care of equipment, such as wheelchairs. Ultimately, TSA extended all training of newly hired TSA agents from two weeks to three weeks, which included five hours of training on screening people with disabilities and medical conditions. However, four years later, passengers report problems keep occurring as a result of agents not following the training. The Department of Transportation appointed Kelly Buckland, a former President and Executive Director of the National Council on Independent Living to serve as Disability Advisor in the Office of the Assistant Secretary on Policy.

*Question.* Will you take a similar approach and commit to appointing an employee at TSA to report to you directly and advise you on the real, day to day experience concerning passengers with disabilities?

*Answer:* **Yes. I think there could be immense value in creating a direct report position that provides input on disability matters and accessibility issues. I am committed to improving the passenger experience for passengers with disability and I will speak with my colleagues at the Department of Transportation given their recent action on this front. I greatly appreciate that you raised this recommendation to me when we met in your office and pledge to report back to you after consulting with TSA and my interagency colleagues.**

**Currently, to address complaint trends for passengers with disabilities and those that require special assistance, the TSA Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) office collaborates with TSA's Security Operations office, Requirements and Capabilities Analysis office, as well as its Training and Development office, to update training materials and distribute them to the screening workforce. We also engage with the Disability and Medical Conditions Coalition organizations that includes an estimated 400 national, regional, and local community-based organizations and advocacy groups to assist in the development of training.**

***TSA Workforce Development Pilot Program.*** According to a 2019 Office of Inspector General report, TSA needs to improve efforts to retain, hire, and train its personnel. As we discussed when you recently visited my office, the challenges faced by TSA may present an opportunity for a partnership with community colleges to help educate the next generation of transportation security workers. TSA could assist with creating a curriculum specifically designed to attract and inspire students for future TSA employment.

*Question.* Does TSA have the authority and funding necessary to develop partnerships with community colleges to help meet TSA's diverse workforce needs? If not, will you commit to

working with me on legislation to create a pilot program in which TSA would partner with community colleges to train students for careers at TSA?

*Answer:* **Yes, TSA has the authority and funding necessary. For example, TSA partners with the Des Moines Area Community College to provide all TSA employees the opportunity to earn a Certificate of Achievement in Homeland Security. Through this arrangement, students can also earn nine college credits that can be added to the student's continued pursuit of an Associate's or other degree, either in homeland security or in any other field.**

**In another program, the TSA Associates Program offers at no cost to TSA Employees, three courses online (and outside of work hours):**

- Introduction to Homeland Security**
- Intelligence Analysis and Security Management**
- Transportation and Border Security**

**Since the Associates Program began in 2017, 5,459 TSA employees participated in the Program with 1,187 employees completing the Program to earn a Certificate in Homeland Security. TSA is considering an expansion of the current program based on available resources next fiscal year.**

**Additionally, TSA offers a program for Government Reimbursement for Academic Degrees (GRAD), where tuition assistance is granted to reimburse eligible TSA employees up to \$5,000 per calendar year for the cost of covered education (not including expenses for books, technology and lab fees, and travel and parking). Education must be provided by an accredited institution towards an associates, bachelors, masters, or doctorate degree. To date 770 reimbursement requests have been submitted totaling \$1.24 million reimbursed to students.**

## Questions for the Record from Senator Sinema to Administrator Pekoske

***Airport Exit Lane Responsibility.*** As part of the Transportation Security Administration's budget request for Fiscal Year 2023, you propose to fully transition control of airport exit lanes to airports with local police primarily responsible for securing those lanes. Officials at Phoenix Sky Harbor International Airport report that this action will cost the airport approximately \$2 million per year.

*Question.* Can you explain the rationale for fully transitioning this exit lane responsibility to airports? For airports that may struggle to fund this new security requirement, are there any resources TSA can provide?

***Answer:*** The fiscal year (FY) 2023 Budget proposes transitioning access control at exit lanes at 109 of our approximately 430 federalized airports to the airport owner/operator. This will result in a savings of \$94.1M and 1,090 FTE. Staffing exit lanes is not a screening function, but rather falls under the purview of access control. In 2014, the Bipartisan Budget Act required TSA to continue its responsibilities for those exit lanes that were staffed by TSA as of December 1, 2013. On May 2, 2022, the Administration provided to Congress a legislative proposal in support of the FY 2023 Budget that would transition the responsibility from TSA to airport operators. TSA will work with airports to integrate exit lane security into their perimeter security plans and assess those plans regularly. Implementing this proposal will enable TSA to focus its resources on screening functions and risk-based security measures, properly utilizing the sophisticated, technical skillset of Transportation Security Officers.

TSA leverages its existing relationships with technology experts and vendors to analyze the benefits of installing exit lane technologies at airports to safeguard the traveling public. TSA does not currently qualify, procure, or maintain exit lane technologies but instead provides a set of web-based, self-guided tools for airport use in identifying exit lane access control technologies and evaluating installed exit lane technology systems.

## **Questions for the Record from Senator Hickenlooper to Administrator Pekoske**

***Security Equipment in the Checkpoint Property Screening System (CPSS).*** Currently there is only one company with security equipment certified under the Checkpoint Property Screening System (CPSS), and the equipment is manufactured abroad. There are other vendors seeking to manufacture equipment in the United States and increase available equipment and competition. I understand the TSA is reviewing procurement requests to certify equipment from vendors under the Checkpoint Property Screening System (CPSS).

*Question.* Administrator Pekoske, do you commit to having the TSA continue timely and sufficient review for security equipment pending certification approval? Can you provide an update on the status for the TSA to certify other equipment, including Scarabee's application, and an estimated date of final review for certification?

**Answer: Yes, I am committed to trying to increase competition and expand the availability of such equipment while at the same time close a security vulnerability as quickly as possible. As of July 20, 2022, TSA has qualified four systems between two vendors and continues to work with 15 additional certified vendor submissions as part of a robust and fair solicitation with annual competitive procurements. TSA will adhere to all deadlines identified in the event-driven competitive process. Vendor system qualification dates are predicated on successful demonstration of meeting agency requirements as outlined in the solicitation.**

***TSA Staffing, Resources, and Wait Times.*** Denver International Airport (DEN) continues to see increased passenger growth with the rebound of air travel and was the third-busiest airport in passenger traffic last year. We appreciate the partnership of TSA at DEN, especially during the month of July as the airport hits peak travel season.

*Question.* Administrator Pekoske, can you describe TSA's long-term strategy to ensure appropriate staffing and resources for airport security at DEN?

***Answer:* We appreciate the long-standing strong partnership we have with the staff at DEN. TSA has taken several immediate measures to ensure appropriate staffing and resources are available for airport security at DEN. First, we have implemented an aggressive recruitment and retention plan for employees with several financial incentives in place for new and existing employees. DEN is also part of a nationwide pilot program approved to hire Security Support Assistants (SSAs) to perform non-screening functions, such as divestiture, and provide logistical support within the checkpoint. TSA provides SSAs with the opportunity to convert non-competitively to Transportation Security Officers (TSO) to increase our staffing levels for certified positions. Several SSAs have already converted to TSOs at DEN.**

**TSA is committed to ensuring DEN has the staffing needed to support operations through the summer travel season. TSA constantly shifts voluntary resources, through the use of the National Deployment Force (NDF), to support events and staffing limitations across the**

**country. The NDF is comprised of approximately 1,000 volunteer TSOs from airports across the country who deploy to other airports close staffing shortages. A team of 57 NDF officers have been assigned to support DEN throughout the summer. For the busy July 4th holiday travel period, TSA temporarily increased NDF support to 72 officers.**

**To maximize the use of the officers already present at DEN, dual-function officers previously used for baggage are now regularly scheduled to work on the checkpoint. In addition, baggage-only officers are trained in a few checkpoint specific positions to create more flexibility when moving the necessary resources to the checkpoint.**

**Additionally, TSA will continue to use our canine assets at DEN to conduct screening at the checkpoint during peak travel times. There are currently 16 teams allocated to DEN.**

**Finally, DEN is in the midst of a major construction project, which has limited checkpoint capacity. We believe that this capacity constraint will be alleviated when the construction is completed in 2024.**

**From a longer term and broader agency perspective, I believe ensuring TSA's personnel are paid at a level commensurate with other federal employees is critically important. Through support of the President's FY2023 budget proposal to provide pay equity for TSA personnel, longstanding recruitment and retention challenges that impact morale, staffing, and performance will be alleviated.**

## Questions for the Record from Senator Warnock to Administrator Pekoske

***Airport Technology and Security.*** As you know, Georgia is home to Hartsfield-Jackson Atlanta International Airport—the busiest airport in the world. With tens of millions of passengers traveling through the airport every year, the close partnership between the airport and the Transportation Security Administration (TSA) has been critical to ensuring the safety and security of airport and airline workers and air passengers making their way from security checkpoints to their gates. As the Atlanta airport and others throughout Georgia recover economically and reach pre-pandemic levels, surges in air passenger volumes are straining TSA’s and the airports’ capacity to safely and efficiently facilitate passenger movement.

*Question 1.* If confirmed to continue serving as TSA Administrator, what specific steps will you take to improve airports’ abilities to meet the increased demand and securely process passengers through checkpoints with greater efficiency?

***Answer:*** Within the first year of my five-year term as Administrator, I issued the 2018-2026 TSA Strategy and established three strategic priorities to guide the agency’s workforce through its 25<sup>th</sup> Anniversary in 2026: Improve Security and Safeguard the Transportation System; Accelerate Action; and Commit to Our People. If confirmed for a second term, I will ensure TSA continues to accelerate technology implementation across airports nationwide.

To that end, the Agency provided acceleration plans for Credential Authentication Technology and Computed Tomography technology. These plans include year over year resource requirements, assumptions and operational constraints to fully field the capabilities as quickly as possible while minimizing operational impacts. While the initial benefit with each technology is focused on significantly enhancing security, future increments to each technology will facilitate related efficiencies and passenger experience improvements.

TSA is making robust investments across the checkpoint screening experience to ensure continued improvement in screening performance and meet the increased demand. For instance, at the very first point of screening, the Travel Document Checker (TDC), TSA is focused on automation to allow for improved efficiency and higher confidence in the identity verification process. These efforts include working with industry partners and states on digital IDs so a passenger no longer needs to present a physical ID. Additionally, TSA is investigating expansions in the biometric facial recognition space to provide trusted passengers a completely touchless experience.

With regard to on-person screening, TSA is prioritizing short-term and long-term solutions to provide enhanced detection and support increased throughput. One solution is the Low Probability of False Alarm (Pfa) Algorithm. This algorithm will play a critical role in increasing Advanced Imaging Technology (AIT) utilization rates by increasing the probability of detection while reducing false alarm rates by 50 percent. Lowering false alarms will reduce the need for the TSO to conduct a pat down, minimize the time passengers spend at screening and improve the passenger experience. TSA is also



currently developing High Definition Advanced Imaging Technology (HD-AIT) which combines software (enhanced algorithms) and hardware (wideband kit technology) enhancements for the current AIT fleet. This effort will effectively extend the life of the current fleet while enhancing detection performance. We are also investing in Next-Generation technologies to further reduce divesture requirements, facilitate screening passengers in motion, and replace the Walk-Through Metal Detectors. These efforts will all play a critical role in continuously improving throughput to reduce checkpoint bottlenecks and enhance detection.

With regard to alarm resolution, TSA is conducting R&D for enhancing countermeasures, focusing on resolution technology to support ongoing Computed Tomography (CT) deployment in Accessible Property Screening (APS). Future Alarm Resolution solutions will close the threat detection capability gap by identifying more materials and resolving more complex alarms generated by CT. The goal is to quickly and efficiently resolve alarms on a wider variety of common container types, and confiscate fewer benign items from passengers. New resolution technology will allow TSOs to resolve alarms with less invasive methods, particularly on sensitive passenger items such as breast milk bottle/pouches and other medically-exempt liquids. These new technologies are projected to decrease the time needed to resolve alarms, which increases passenger checkpoint throughput and supports TSA meet increasing air travel demands.

With regard to accessible property screening, TSA is working to further improve detection algorithms to both reduce the burden on the TSO to review images from every bag and divesture requirements on the traveling public. This includes the development of algorithms that detect non-explosives prohibited items (i.e., guns, knives, etc.). Efforts are also underway to look at ways to increase the utilization of the checkpoint CT by allowing multiple TSOs to review images from the same checkpoint CT. These approaches present opportunities to not only improve detection performance but also to gain staffing efficiencies and improve the passenger experience.

Beyond technology investments, TSA applies a continuous process improvement approach to assess how TSA conducts the checkpoint screening process and ensure screening is conducted in a way that supports optimal detection, throughput, and passenger experience. These assessments help identify immediate “quick wins” and best practices that are implemented agency wide. Additionally, these assessments help inform technology partners on potential modification to improve overall performance of the checkpoint.

We have very strong partnerships with the ATL airport leadership and the carriers who operate out of ATL. These partnerships have allowed us to ensure passengers have a safe, secure and positive travel experience at our busiest airport and will ensure our continued success in meeting the demands of increased passenger travel over the coming years.

*Question 2.* What programs and strategies does TSA have in place to use the \$8.5 billion provided to the agency in the fiscal year 2022 omnibus to improve security at airports, recruit and train transportation security officers, and disseminate new security technologies to airports as efficiently as possible?

*Answer:* TSA has a robust training program, aimed at both effectively equipping its workforce with the practical skills to effectively perform TSA's security mission, as well as providing opportunities for professional growth and development. In fiscal year 2022, TSA training focused on the following priorities:

- Enhance training programs by including lessons tailored specifically to the concept of the DHS Professional - Public Service Ethos. Elevate awareness of the guiding principles of public service and professionalism by incorporating additional content to highlight TSA's mission, values, and culture.
- Continue to improve capacity, access, and flexibility for the agency's training programs while identifying efficiencies through streamlined resources and next generation training capabilities.
- Provide employees with the tools necessary to perform their jobs safely and effectively through additional training opportunities.
- Continue to expand academic and leadership development opportunities for TSA employees to encourage professional growth and broaden and diversify the leadership cadre for the agency.

Approximately \$900M of the Agency's budget is dedicated to the demonstration, development, procurement, deployment, and sustainment of both existing and next generation security technology across all federalized airports. Significant technology programs include, but are not limited to: Computed Tomography, Electronic Baggage Screening Program, Credential Authentication Technology and Advanced Imaging Technology.

*Cybersecurity.* In May 2021, Georgians experienced firsthand the damage that cyber threats can cause after a criminal hacking group launched a ransomware attack on the Colonial Pipeline. This incident was the biggest cyberattack ever on the nation's energy infrastructure and left far too many Georgians without gas for weeks. Shortly after, President Biden signed an executive order to support our nation's cybersecurity and protect the critical infrastructure, which placed TSA at the center of security directives for the transportation sector, including energy pipelines, aviation, and rail roads.

*Question 1.* What actions did TSA take under your leadership as Administrator to carry out the executive order, reinforce cybersecurity of critical infrastructure, and prevent an event like the Colonial Pipeline cyberattack from happening again?

*Answer:* TSA's regulatory authorities, provided by Congress, were critical to the agency's ability to respond to the Colonial Pipeline cyberattack and quickly establish key measures to prevent similar incidents from impacting critical infrastructure owners, operators, and the citizens that rely on them each day. TSA has taken a number of actions to improve cybersecurity measures and promote a more secure, resilient transportation sector.

Specifically, TSA has required critical pipeline owners / operators to report all cybersecurity incidents to the Cybersecurity and Infrastructure Security Agency (CISA), identify a Cybersecurity Coordinator, and submit a report on their cybersecurity

**vulnerabilities to TSA. Similar requirements have been placed on higher risk passenger rail systems, including mass transit systems.**

**Over the last year, TSA collaborated and engaged with industry to evolve this process into an iterative, outcome-focused approach by establishing flexible performance-based requirements.**

**To that end, TSA held a series of technical roundtables with industry experts to explore their challenges and existing gaps in cybersecurity resilience, and used the information gathered through those important engagements to re-evaluate and refine our cybersecurity regulations.**

**Beyond the pipeline sector, TSA issued additional aviation security program requirements for our largest airports and air carriers based on risk and size of operation. Similar to pipeline requirements, these entities are required to conduct cybersecurity self-assessments, remedy vulnerabilities, and develop cybersecurity incident response plans. Similar recommendations are being developed to share with smaller airports and air carriers to ensure the resilience of the aviation sector writ large to cybersecurity attacks.**

*Question 2.* What challenges has TSA faced in working with pipeline, rail, aviation, and other industries to develop security directives and ensure compliance with federal cybersecurity regulations and policies? What is TSA doing to overcome these challenges? How can Congress assist TSA in addressing these challenges?

*Answer:* **TSA has historically enhanced surface transportation security generally through cooperative and voluntary efforts with the industry to achieve our common goals. The transition to a regulatory environment does present challenges but the foundation of coordination and collaboration, and the professional relationships that underpin them, with transportation stakeholders has eased the transition for surface transportation.**

**Additionally, TSA has heard the feedback from industry on the economic impact of the current security directive (SD) requirements for owner/operators to have the capital and time to make the security enhancements. To address this, TSA has increased its industry outreach to create a common understanding of risk and hosted a number of classified threat briefings for stakeholders. TSA continues to learn from the SD pipeline cyber experience, and has improved its processes and approach for enhancing and applying pipeline cybersecurity standards. As part of these efforts, TSA has hosted multiple listening sessions to gain a better appreciation for the industry's concerns and challenges in implementing enhanced cybersecurity measures. On July 21, 2022, TSA announced a revised pipeline cybersecurity directive that was built upon the extensive feedback and input from industry gained from listening sessions and other outreach activities.**

**In aviation, TSA has a lengthy history of regulatory requirements imposed to enhance aviation security. These requirements are issued in an environment that enjoys a strong relationship and established record for working with the aviation industry. Under TSA's**

**aviation regulations, we manage about a dozen aviation security programs that apply to the aviation industry. Through the Aviation Security Advisory Committee and Aviation Cyber Initiative (ACI), TSA continues to provide outreach to the aviation sector to include specific training initiatives directed at airports. TSA is leveraging its relationship with aviation stakeholders to strengthen cyber protections by incorporating policies into their applicable aviation security programs. The policies will cover a wide range of requirements to protect systems than can disrupt both an airline's ability to operate and a passenger's ability to travel.**

*Question 3.* Does TSA have the resources, funding, and expertise it needs to effectively support federal cybersecurity efforts and meet the responsibility of protecting the cybersecurity of critical infrastructure?

*Answer:* **TSA anticipates cyber risks to evolve and cybersecurity threats to the transportation systems sector to increase over the next 10 years. TSA would benefit from continued congressional support contained in the annual President's budget request to build capacity—increasing staff, expertise and programs—to effectively support federal cybersecurity efforts and mitigate risks to the transportation system sector. Such needs may include hiring additional employees and contractors to support cybersecurity directives and security program amendments, conduct inspections and risk assessments, and provide facilitated exercises, trainings, threat intelligence, and legal support. Further, acquisition of the technology and tools needed to improve the quality of inspections and automate the process in order to keep up with the pace of the evolving cyber threat environment may be needed.**

**We look forward to working with Congress in fiscal year 2023 for the additional resources needed to strengthen our Nation's cyber regulations and compliance.**

*Question 4.* From your experience during the Colonial Pipeline attack, what do you believe is the most important way Congress can improve the executive branch's ability to coordinate and respond to large-scale cyber attacks on critical infrastructure?

*Answer:* **TSA's current authorities are sufficient, and in many ways a model, to coordinate and respond to large-scale cyber-attacks on the nation's critical infrastructure sector. I appreciate current and continued Congressional budgetary support to execute this mission. The ability to recruit, hire, and retain a highly skilled, workforce to prevent and if necessary, address and respond to large-scale cyber-attacks on critical infrastructure will best position TSA to mitigate the risk of this evolving threat and continue to build resiliency in the critical transportation sector.**