May 27, 2020

The Honorable Roger Wicker
Chairman, Senate Committee on Commerce, Science and Transportation
512 Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Wicker:

Thank you for seeking feedback from the American Association of Airport Executives (AAAE) on the Administration's fiscal year 2021 budget request for the Transportation Security Administration (TSA). As your May 11, 2020, letter states, the budget request was prepared and submitted to Congress for consideration before the U.S. government declared coronavirus a national pandemic. Over the past two months, the aviation industry has been turned upside down by the impacts of this virus. The number of people flying has dropped precipitously; both domestic and international passenger levels are 90 percent or more below the same time last year. With this unprecedented reduction in travel, airport revenues have experienced a similar nosedive, which makes it increasingly more difficult for airports large and small to bear any shift in responsibility from TSA as proposed by the Administration in FY 2021. As a result of COVID-19, TSA and airports now need additional assistance not contemplated in the budget for increased cleaning and sanitization, potential facility modifications, the deployment of touchless technologies, and to meet other emerging requirements.

While the current challenges are substantial, we believe there is a real opportunity with federal resources and clear and consistent federal guidance to not only improve security but also advance and accelerate the deployment of technology to support the new customer experience post pandemic. Airports, airlines, and their federal partners need to plan for long-term enhancements to the passenger travel experience. This includes moving toward a touchless travel experience as much as possible with improved and stand-off detection technology; biometric identity verification at check-in, bag drop locations and security checkpoints; and digital identification and payment methods. Airports, in partnership with their tenants and federal partners, are also looking to explore the use of automation and robotics to enhance the cleaning and sanitization of their facilities. We look forward to working with you and the Committee to make these promises a reality.

With these thoughts in mind, let me address your specific questions.

1. **The FY 2021 budget request proposes to eliminate the Visible Intermodal Prevention and Response (VIPR) teams. How would the Administration's proposed elimination of VIPR teams impact transportation security, especially when teams are using explosive detection canines?**

   Visible Intermodal Prevention and Response (VIPR) teams are an important security layer, particularly in airport public areas. VIPR teams, especially when they are utilizing explosive detection canines, provide valuable detection and deterrence security value. Although primarily deployed and focused on surface transportation assets, VIPR teams are often utilized in specific areas in the airport environment during

periods of heightened vigilance, such as after the Brussels bombing in the public area and the Fort Lauderdale active shooter in the baggage claim area.

VIPR teams provide an added complement to local airport law enforcement officers and their canine teams (known as legacy canine teams). Airport law enforcement have a multitude of growing responsibilities throughout the airport environment, only a fraction of which are eligible for reimbursement under TSA's LEO reimbursement program, which is also facing proposed elimination. In addition, funding and availability for legacy law enforcement canines has been severely restricted in recent years as TSA has focused on growing its own passenger screening canine capability. VIPR team assistance provides additional value to local law enforcement, especially at times when resources must shift quickly to address an evolving risk or during high-volume special events.

Finally, we understand that TSA is currently considering using VIPR teams to support its Advanced Threat Local Asset Strategy (ATLAS) efforts, which focus primarily on employee inspections. TSA's ATLAS operations provide a significant security layer in mitigating the insider threat. Adding explosive detection canine capability to TSA's current employee inspection efforts would significantly bolster their security value. It would also address an outstanding May 2019 recommendation from the Aviation Security Advisory Committee's Subcommittee on Insider Threat aimed at improving the effectiveness of the ATLAS program's capability to detect potential threats.

Given the current and potential security value of VIPR teams in the airport environment, especially when using explosive detection canines, we do not support the proposed elimination of this program which provides an important layer of transportation security.

2. Last year, Congress provided $46.3 million for the Law Enforcement Officer (LEO) reimbursement program. Airport operators are required by statute to have a law enforcement presence at or near security checkpoints to respond to threats that may be discovered during the TSA screening process, as TSA's frontline personnel do not have the authority to detain individuals or make arrests. Currently, 300 airports have agreements with TSA that partially reimburse airports for LEOs who respond to possible threats discovered during the TSA screening process. How would the FY 2021 request to eliminate funding for TSA's LEO reimbursement program impact the security of the traveling public?

By law, airport operators are required to have a security program that includes a law enforcement presence at the airport. The LEO reimbursement program was established to pay all "reasonable, allowable and allocable costs" for State and local law enforcement officers, who are deputized by TSA to carry out Federal airport security duties. Among many other duties, local officers respond to possible threats that may be discovered during the TSA screening process because TSA personnel do not have the authority to detain or make arrests.

If Congress were to approve the Administration's request to eliminate funding for TSA's LEO reimbursement program in FY 2021, these costs would shift to airport operators. This would be a significant financial burden for many airports, particularly smaller facilities, that operate under constrained and inflexible budgets. Based on a survey of our members that receive LEO reimbursement grants, these reimbursements account for between 25 to 40 percent of their annual LEO salaries.

As you know, the current LEO grants only <u>partially</u> reimburse airports for their law enforcement officers who assist TSA in ensuring the safety and security of persons and property at TSA-passenger security checkpoints. Local law enforcement officers perform many other critical duties, including but not limited to:

patrolling the airport's perimeter; undertaking security sweeps in front of screening checkpoints, throughout baggage drop areas, near retail and food concessions, and in other public areas; conducting airport employee and vehicle inspections to ward off insider threats; conducting canine operations; and serving as a visible deterrence against terrorism or other security threats in public areas. These efforts are done at the expense of individual airports; the LEO reimbursement program does not fund airports for their law enforcement presence outside of the security screening checkpoint.

TSA Acting Deputy Administrator Patty Cogswell testified before your Committee about the importance of the LEO reimbursement program last September. At that time, she remarked that "TSA's ability to reimburse law enforcement departments through the LEO program allows for an increased focus on aviation security." She added that the "LEO reimbursement program can be especially beneficial for more rural regions where the number of law enforcement officers can be limited and, at the same time, they have to cover a large geographic area."

If Congress were to adopt the Administration's request to eliminate TSA funding for LEO reimbursements, this misguided proposal would represent a significant unfunded mandate for airports across the nation. Many airports may have to divert scarce operating resources allocated for other security purposes, such as patrolling public areas, to continue providing TSA law enforcement resources at their checkpoints. In addition, smaller airports could be faced with losing their law enforcement presence entirely if federal funding is not provided. For these reasons, AAAE believes it is absolutely vital to maintain funding at a minimum of $46.3 million for this critical program in FY 2021.

3. The FY 2021 budget request assumes Congress will permit TSA to shift exit lane access control responsibilities to airport authorities, as the Administration has proposed for the past three fiscal years. Why is it important that TSA remain responsible for exit lane staffing at airports?

AAAE and our members across the country strongly oppose the shifting of responsibilities and costs for exit lane staffing from TSA to airports as proposed in the FY 2021 budget request. The Bipartisan Budget Act of 2013 requires TSA to permanently monitor passenger exit points from the sterile areas at all airports where the agency performed those duties on December 1, 2013. Currently, TSA staffs exit lanes at over 115 airports nationwide.

Ensuring that only screened passengers and no prohibited items pass from the public side of the airport to the sterile side is a critical screening function and part of TSA's core mission. Nationwide, industry data suggests that added costs for commercial use airports to assume this responsibility could reach $200 million annually, an amount that vastly exceeds the costs to TSA for performing this screening function. As an example, one small hub airport estimates that it will cost about $100,000 per year for lower wage personnel to replace TSA officers. These costs could be higher if TSA requires a higher level of experience and training for these exit lane monitors. Such a massive cost-shift would force airports to divert scarce resources from other important security priorities at a time when the threat to aviation is at its highest and our adversaries are expanding their targets and tactics in the airport environment. These costs would be particularly difficult for airports to absorb now as they continue to deal with the impacts of COVID-19 on their operating budgets.

Annual spending bills have provided funds to TSA to staff the exit lanes every year since this requirement became law in 2013, including $83.5 million in FY 2020. Congress has also repeatedly approved statutory language in annual funding measures prohibiting TSA from abrogating this responsibility. In addition, the 2018 TSA Modernization Act included provisions that reaffirmed TSA's legal responsibility for exit lane staffing and authorized the agency to fund exit lane staffing through 2021.

We strongly urge Congress to provide $83.5 million in funding and reaffirm TSA's responsibility again in FY 2021. Funding at this level will ensure that the agency continues to monitor exit lanes and retain TSA positions that can be rotated throughout the security checkpoint to keep wait times low and enhance overall security.

4. The CARES Act provided $100 million to airports for janitorial services. How do these support services enhance passenger and TSO safety?

AAAE is grateful that Congress provided a $100 million supplemental appropriation to TSA as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020 to spend, in part, on "cleaning and sanitation at checkpoints and airport common areas" as well as on other areas. Of this amount, it is our understanding that TSA has allocated $54 million to cover the additional costs to clean and sanitize TSA checkpoint and baggage claim areas as required by local/state health departments and CDC guidelines for COVID-19.

Since the onset of this national emergency, airports have been thoroughly cleaning, disinfecting and sanitizing their facilities to a higher public health standard, including all high-touch surfaces like toilets, faucets, sinks, tables, doorknobs, light switches, countertops, and handles; all TSA checkpoints; baggage areas; and other common use locations using EPA-approved disinfectants or alternative disinfection methods, such as ultrasonic waves, high intensity UV radiation, and foggers, to mitigate the transmission of COVID-19 virus. In addition, airports have developed new worker protection policies, are trained on the new cleaning guidelines, and have ensured that staff cleaning their facilities have the necessary protective equipment to avoid contacting or spreading this virus. All these enhanced efforts are designed to better protect travelers, airport employees, and federal partners like TSA and CBP who operate in airport facilities from catching or spreading the COVID-19 virus. Airport operators are working diligently to create and maintain a clean, safe, and secure environment to welcome back passengers in conjunction with airlines, tenants, and their federal partners.

AAAE requests Congress consider additional funding to reimburse airports for their enhanced cleaning and sanitization efforts in future COVID-19 funding bills or in the FY 2021 DHS appropriations bill. This funding is necessary for as long as these additional health and protective measures are required.

5. The TSA Modernization Act required the development of standards that allow for the use of third-party explosives detection canines in the screening of passengers, property, and air cargo in order to increase the supply and deployment of canines at airports. On December 21, 2018, the first third-party canine team conducted an air cargo inspection under the certified cargo screening facility canine program (CCSF-K9). Currently, 13 certifying organizations are permitted to designate a team under the CCSF-K9 program. What opportunities do you see for TSA to increase the use of third-party canines?

Third-party canines can provide an opportunity to address the challenges of the TSA's canine program. TSA's National Explosives Detection Canine Program struggles with lengthy acquisition cycles, limited training facilities and extended training processes, which currently limits the supply and deployment of canines at airports. Like cargo screening, TSA could examine screening responsibilities of regulated entities to determine if additional third-party canine programs can accelerate the acquisition and deployment of canines. Additional third-party canine options for regulated entities could reduce the demand on the oversubscribed TSA National Explosives Detection Canine Program. Legacy canine teams for airport law

enforcement could either benefit from a third-party option or take advantage of additional resources being available within the current the program if additional third-party options are implemented.

6. The FY 2021 budget request seeks $28.9 million for the procurement and deployment of Checkpoint Property Screening Systems, particularly computed tomography (CT) technology. CT units are arguably the most effective property screening technology currently available. However, CT deployment may cause increased passenger wait times and staffing needs at checkpoints when configured without proper support equipment. What options should TSA consider to optimize checkpoint flow and nationwide CT deployment without requiring a net increase in checkpoint staffing or increasing passenger wait times?

TSA is in the process of replacing its x-ray equipment at security checkpoints with 2,400 CT units over a five-year period. CT technology permits Transportation Security Officers (TSOs) to better detect evolving threats in carry-on baggage and spend less time opening baggage for further inspection, which would limit Transportation Security Officers' exposure to COVID-19. TSA originally planned to procure between 300-400 units per year; however, the FY 2021 request only included funding to support 30 full-size systems. TSA's reduced request for CT assumed, in part, that airports and airlines would take advantage of the Capability Acceptance Process to "gift" or donate equipment to the agency to accelerate deployment. Given the current economic climate, this assumption – which was already overly optimistic – is significantly flawed. Ideally, an additional $600 million above the amount in the FY 2021 request would be provided to allow TSA to procure and deploy this enhanced security equipment faster. At a minimum, Congress should retain the FY 2020 funding level of $197.6 million for new CTs instead of the FY 2021 requested level.

In regard to staffing efficiency for CT, we understand that remote screening allows for more efficient use of personnel as TSOs can screen images from multiple security lanes. Remote screening also adds another layer of protection for TSOs from COVID-19 exposure. As part of its iterative approach to CT deployment, TSA is currently developing Checkpoint Property Screening Systems detection standards that will allow liquids and laptops to remain in carry-on baggage. Reducing divesture requirements for passengers will likely alleviate any increased wait times, especially as demand recovers in the future.

7. The FY 2021 President's Budget proposes $2.3 million to finalize the procurement and deployment of 1,520 Credential Authentication Technology (CAT) units to airports nationwide. These CAT units are a significant technological advancement from the equipment currently used for identity verification. Are TSA's deployment timeline and funding request sufficient to meet its aviation security mission?

The FY 2021 budget request for CAT is insufficient to address the need for more contactless technology throughout the entire screening process. Due to COVID-19, additional funding for CAT procurements and upgrades would expedite TSA's goal of achieving a secure, automated, and touchless checkpoint as rapidly as possible. AAAE believes that an additional $50 million, above the budget request, is required for FY 2021. This additional funding would allow TSA to buy additional CAT units earlier, which would allow the agency to provide equipment to small and medium sized airports; remediate airport checkpoint infrastructure (cabling, electrical) to accommodate CAT machines; upgrade current CAT technology to accept mobile drivers' licenses that states will begin issuing this summer (in lieu of inserting a physical credential into the reader); eliminate the need for a TSO to touch the credential and instead move to a self-service technology that passenger can either physically insert credential into the reader or present a digital form; and begin to roll out a facial match feature that would automate facial comparison between the live passenger and the photo on their physical ID.

8. What would be the benefits to aviation security and passenger/TSO safety if TSA introduced self-service and automated biometrics verification into checkpoints?

One of the primary benefits of TSA deploying biometric technology to the passenger security checkpoints would be a reduction the number of touch points between travelers and TSOs. For example, if biometrics were deployed at the traveler document checker podiums located at each security checkpoints, TSOs would not need to touch travelers' documents (identifications, boarding passes), thereby reducing the spread of germs.

Combining biometrics (facial recognition) with the existing CAT units at the travel document checker podium would also enhance security. Last August, TSA conducted a 30-day trial at McCarran International Airport in Las Vegas to authenticate a traveler's identity using both the credential authentication technology and cameras. During this pilot, CAT scanned the image on a passenger's driver's license (or other identification documents) and compared it to a photograph taken voluntarily at the security checkpoint. Algorithms were applied to determine whether there was a match between the two images. Recently, TSA has begun testing this facial matching technology (known as CAT-C) at Detroit Metropolitan airport. The plan is to combine the credential authentication technology and cameras to automate much of the travel document checker function so that TSA can better determine what level of screening each passenger and baggage must receive based on threat or known risks. The TSO checking documents would then become a resolution officer, only verifying a traveler and their flight data when a match does not occur.

There would be health safety benefits for travelers, airline employees, and TSA if contactless bag drop technologies were deployed more broadly at airports because the traveler could tag their own luggage and move it to where the checked bag undergoes a security review. This biometric option would reduce number of contact points related to baggage handling, helping prevent the spread of germs.

Finally, AAAE supports exploring the expansion of TSA's passenger-centric facial recognition solutions to aviation workers, law enforcement officers or air marshals, crew members, and airport vendors. This type of verification would reduce the number of contacts these groups have with various technologies (e.g. access control systems, keypads, badge readers) that currently allow them to access secured areas within the airport.

AAAE supports Congressional authorization and funding of a new grant program to reimburse airports that procure the latest biometric technologies to make the travel process more seamless and to reduce contact points between travelers, airline employees, TSA, CBP, and aviation workers in a post COVID-19 world.

There is a clear value to using biometrics to improve the passenger and aviation worker experience, to enhance security and efficiency, and to reduce the spread of contagions. However, proper guardrails must be in place to protect users' civil liberties, to safeguard against discrimination, and to assure robust privacy and data protections. AAAE supports providing American citizens the ability to opt out of using biometric technology in favor of the traditional screening process at an airport each time they travel.

9. The Government Accountability Office, Department of Homeland Security Inspector General, and other independent testers have found canine teams to be one of the most effective means of detecting explosive substances. However, TSA's ability to procure and deploy canines is currently hampered by a limited supply of canines, a lengthy training process, and a limited number of training locations. How would eliminating VIPR teams, as the FY 2021 budget request proposes, impact transportation security?

Eliminating VIPR teams as the FY2021 budget request proposes would remove a valuable layer of transportation security, specifically the detection and deterrence value of VIPR teams using explosive

detection canines. As the question states, canine teams are one of the most effective means of detecting explosive substances. AAAE has been a long-time supporter of TSA's National Explosives Detection Canine Program, despite its challenges. Additional resources devoted to the TSA canine program, such as those allotted through the VIPR program, could help to address the challenges, which include a limited supply of canines, oversubscribed training facilities, and a lengthy training process. A robust National Explosive Detection Canine Program should be able to adequately support TSA's passenger screening canines, airport law enforcement legacy canine teams, and VIPR teams.

Thank you for the opportunity to provide comments on TSA's FY 2021 budget request and suggested enhancements. We look forward to working with you and your staff further on this topic and stand ready to answer any additional questions that you may have.

Sincerely,

Todd Hauptli
President and CEO