



May 18, 2020

The Honorable Roger F. Wicker
Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Chairman Wicker:

On behalf of Airports Council International—North America (ACI-NA) – which represents local, regional, and state governing bodies that own and operate commercial airports throughout the United States and Canada – thank you for the opportunity to share our perspective on the Transportation Security Administration (TSA) programs, policies, and funding priorities important to the airport industry.

We know you and your staff have been working hard through the COVID-19 emergency to ensure TSA has the ability to adapt airport checkpoints to preserve security and support the health of the traveling public. We appreciate your team's ongoing work and engagement with ACI-NA and our member airports.

During the COVID-19 national emergency ACI-NA and its members remain committed to ensuring that our nation's aviation system remains safe, secure, and efficient for all users. U.S. airports are working with the stakeholders in their facilities – including federal agencies, airlines, and tenants – to develop and implement new measures to protect public health and instill public confidence in air travel. A major facet of those plans is developing “touchless” aviation security screening processes for passengers and baggage moving through TSA checkpoints and Customs and Border Protection (CBP) ports-of-entry. This urgently needed step requires immediate funding for technology, infrastructure, and programming updates throughout the aviation system. As such, we offer the following policy recommendations to achieve this goal:

First, we call on Congress to fund TSA to implement the following important security upgrades at U.S. airports:

- Deploy technology at TSA security checkpoints that reduces touch points and maintains physical distancing while increasing security effectiveness, like enhanced Advanced Imaging Technology (AIT), Credential Authentication Technology (CAT) with opt-in Biometric Authentication Technology, and Computed Tomography (CT) integrated with Automated Screening Lanes (ASLs).
- Establish a new airport security grant program to fund activities like security checkpoint redesigns, pandemic planning, new airport emergency operations centers, and enhanced closed-circuit TV.
- Boost funding for existing TSA programs like reimbursement for cleaning and sanitization, Law Enforcement Officer (LEO) Reimbursement, and Explosive Detection Systems (EDS).

Second, we call on Congress to fund CBP to put additional resources towards retaining and hiring additional CBP officers at the ports-of-entry and fully implementing a biometric entry-exit program.

Third, we call on Congress to end the diversion of user fees designed to enhance security. Each year billions of dollars in TSA and CBP user fees are diverted from their intended purpose to subsidize other federal programs. In this time of national emergency, it is critical to stop these budgetary gimmicks, end the fee diversion, and ensure the revenue is restored to its proper use of funding and enhancing crucial transportation security programs. In so doing, it is critical to ensure the agencies are fully funded to support new and existing programs.

Finally, we call on Congress to establish a joint advisory panel involving the U.S. Department of Homeland Security, the U.S. Department of Transportation, the U.S. Department of Health and Human Services, the U.S. Department of State, other federal agencies, and industry to develop recommendations for the operational and infrastructure issues related to pandemic planning. We appreciate Senators Markey and Blumenthal taking the lead in proposing such a joint task force – in S. 3681 – to prepare meaningful guidelines and recommendations about the challenging operational and infrastructure issues related to pandemic planning and recovering from COVID-19.

In response to your specific questions, we strongly support all of the programs you outlined that bolster TSA's responsibility to assist airports and local law enforcement, to provide checkpoint security screening, and to deploy new technologies.

1. ***Visible Intermodal Prevention and Response (VIPR) teams are an important component of TSA's multi-layered approach to providing for the security of the travelers at airports.***
Deploying VIPR teams provides an effective and visible deterrent to anyone planning an attack, especially against potential high-profile and highly visible targets like airports. Following the Madrid train bombings in 2004, which killed 191 people and wounded 1,800 more, TSA developed the VIPR program to help law enforcement when needed. Since then VIPR teams have been deployed at the request of federal, state, and local law enforcement to support their efforts and enhance the security presence during specific alert periods or major high-profile events. In today's environment of evolving threats, deploying VIPR teams provides an effective

and visible deterrent to anyone planning an attack, especially against potential high-profile and highly visible targets like airports.

2. ***The TSA Law Enforcement Officer Reimbursement Program is essential in helping to ensure law enforcement coverage at security checkpoints and public areas.*** Through the TSA Modernization Act, Congress clearly recognized the significant security value of and required the TSA LEO Reimbursement Program to be expanded. Section 1935 of the Act directs the TSA Administrator to increase the number of awards under the LEO Reimbursement Program “to increase the presence of law enforcement officers in the public areas of airports, including baggage claim, ticket counters, and nearby roads,” not just at security checkpoints. Since TSA has taken a more restrictive approach to approving applications and limited reimbursement to law enforcement officers stationed in the immediate vicinity of security checkpoints, the expansion envisioned by Congress to increase the presence of law enforcement officers in other critical airport areas has not occurred.

Congress should ensure that TSA has the funds necessary to fulfill its obligation to reimburse airports under the LEO Reimbursement Program, rejecting the administration’s budget request to eliminate the program and shift the full burden to airports. TSA created the LEO Reimbursement Program to partially reimburse airports for providing law enforcement officer staffing at screening checkpoints, as required in federal law, because the agency did not have the funding to do so. Over time many airports have entered into reimbursable agreements with TSA to provide law enforcement officers to support TSA screening operations. As security threats in the public areas of airports continue to evolve – and TSA imposes additional requirements on airport law enforcement officers – it is essential for Congress to provide TSA adequate funding to fully support the LEO Reimbursement Program.

3. ***TSA Transportation Security Officers (TSOs) provide a consistent level of security at airport exit lanes.*** We appreciate the continued effort of Congress to ensure that TSA abides by the provision in the Bipartisan Budget Act of 2013, which specifically directs the agency to monitor those exit lanes where it performed the function on December 1, 2013. Airports remain concerned about potential security issues and the significant costs associated with TSA instituting an unfunded mandate for airport operators to provide staff to monitor these exit lanes. In addition, we support efforts of TSA to install appropriate exit-lane monitoring technology where feasible and appropriate. Congress should ensure TSA continues to provide TSOs to staff airport exit lanes, rejecting the administration’s budget request to eliminate the program and shift the full burden to airports.
4. ***Funding for cleaning, sanitization, and janitorial services at checkpoints and other areas helps airports provide for the health and safety of TSOs, passengers, and aviation workers.*** Last year’s final appropriations measure included an administration request to eliminate a TSA program that reimbursed airports for janitorial services at security checkpoints, effectively shifting the full burden to airports. Despite the administration’s assertions to the contrary, there is no federal requirement that airports provide janitorial services at TSA checkpoints. Airport operators should not be forced to assume the costs of janitorial services at tenant locations outside of their control, particularly when they are required by law to provide the

space to TSA free of charge. Now that TSA has restored the cleaning, sanitization, and janitorial reimbursement program, airports are better positioned to support increased cleaning and sanitization in response to the COVID-19 national emergency. Congress should fully authorize and appropriately fund this program.

5. ***The Third-Party Canine-Cargo (3PK9-C) Program for cargo screening should be expanded.*** This important program has helped provide consistent security and expanded screening capacity for air cargo. However, airports believe reimbursement for legacy canine teams handled by airport law enforcement officers should be increased to support screening of passengers and property.
6. ***CT systems integrated with ALSs will help enhance security, reduce staffing, and reduce wait times at security checkpoints.*** Congress should provide funding to support the procurement and deployment of integrated CT/ASL systems, as well as for enhanced Advanced Imaging Technology (AIT). ACI-NA supports enhancing the security of the aviation system through research, development, testing, and deployment of cutting-edge screening technology capable of detecting new threats to aviation and increasing efficiency. For instance, TSA needs additional funding to accelerate the ongoing testing, evaluation, and procurement of CT integrated with ALSs for use at passenger checkpoints. At the same time enhanced AIT systems could help with new physical distancing measures by reducing false alarm rates and the need for passenger pat downs. Deploying and installing enhanced screening technology will increase security, produce significant budget savings, and reduce touch points.

It is important to note that over the years airports have had to constantly reconfigure their security checkpoints in order to accommodate new screening technology. While TSA is doing a better job coordinating with airports in advance of deploying new screening technology, with competing infrastructure projects at their facilities many airports do not have the funding they need to support checkpoint modifications. Ultimately additional resources – through a long-overdue modernization of the Passenger Facility Charge – are urgently needed to fund needed infrastructure projects, such as checkpoint expansions to bolster security and passenger flows at their facilities.

7. ***The accelerated deployment of CAT units to airports nationwide will help reduce touch points and maintain social distancing.*** New CAT units should be multifunctional, with the ability to rotate for self-service by passengers and equipped with cameras to provide a means of voluntary personal verification, to help reduce touch points and maintain physical distancing.
8. ***The deployment of opt-in Biometric Authentication Technology will increase security, reduce touch points, and help passengers maintain social distancing at security checkpoints.*** We believe opt-in Biometric Authentication Technology would increase operational efficiency, bolster security, and enhance the passenger experience. To make the rollout of such technology as smooth as possible we recommend Congress and the administration include the following principles in any biometric verification program: provide federal preemption of any state and/or local bans on both federal use and federally directed use of biometrics; ensure federal programs are ready for large-scale, nationwide launch before full implementation; address all NIST recommendations to improve federal programs; align DHS/CBP/TSA biometric programs,

including trusted traveler programs piloting biometrics; stipulate that federal programs and standards be vendor agnostic and utilize interoperable technology; launch communications plan to travelers about federal programs; and clarify opt-out option for U.S. citizens' participation in federal programs.

9. ***VIPR teams are an important component of TSA's multi-layered approach to providing for the security of the travelers at airports.*** VIPR teams play an important role in helping to enhance security in the public areas of airports.

In addition, we would like to make you aware of other security programs and initiatives important to airports:

- ***Provide funding for the number of TSOs and screening technology necessary to effectively and efficiently screen passengers and baggage.*** Due to COVID-19 it is essential to ensure the efficient flow of passengers through security checkpoints to maintain physical distancing. In addition, airports remain concerned about the vulnerability associated with large groups of passengers waiting at TSA passenger screening checkpoints, as well as the potential for misconnecting checked baggage and passengers who miss their intended flights. We encourage Congress to provide TSA with adequate resources for screening checkpoint operations remain open, operational, and safe.
- ***Ensure TSA has the funds necessary to purchase new Explosive Detection Systems (EDS) to replace outdated systems, and to continue to fulfill its obligation to reimburse eligible airports for the installation of past EDS.*** As many EDS have or are rapidly reaching the end of their useful lives, TSA needs funding to purchase replacement systems. Absent necessary funding, TSA will incur increasing costs to operate and maintain old systems that routinely break down and adversely impact security and airport operations. We appreciate Congress providing funding in the past two fiscal years for TSA to reimburse airports for previously incurred costs associated with the construction and deployment of in-line checked baggage screening systems. Since these airports diverted significant amounts of money from other important aviation security projects in order to purchase and install EDS, we encourage Congress to continue to follow through on this commitment with additional funding, and to prohibit TSA from redirecting any unused EDS funds to other TSA programs until all eligible airports receive full reimbursement.
- ***In accordance with an Aviation Security Advisory Committee recommendation, Congress should establish an airport security-focused grant program at TSA to support the deployment of perimeter, access control, automated screening lanes, and other security technology at airports.*** Airport operators have limited funding available that must be prioritized across a multitude of safety, security, and operational projects. While DHS's existing grant programs have dispensed billions of dollars for systems and technology to bolster state, tribal, and local security, very little, if any, has been allocated to airports.
- ***The implementation deadline for full implementation of REAL ID should be extended to a future date that ensures significant nationwide penetration of REAL ID compliance in order to***

minimize unnecessary impacts on air travelers and operations during what is expected to be a prolonged economic recovery. Earlier this year, before state DMVs shut down due to COVID-19, DHS data indicated that states had issued little more than 95 million REAL ID-compliant driver's licenses and identification cards, and more than two-thirds of driver's licenses and identification cards held by Americans were not REAL ID compliant. Although DHS streamlined the process by allowing states to accept the required documents submitted electronically, applicants must still come in person to a DMV location with the required documentation for the purpose of obtaining a REAL ID. Given the likelihood that DMVs – when they do reopen – will be faced with a backlog of other service requests, REAL ID applications may be delayed even further. The health of the aviation industry must be considered when establishing the deadline for the implementation of REAL ID, and it must not depress air travel during a recovery period that is expected to be slow and prolonged.

Thank you for the opportunity to respond to these important questions and for your consideration of our feedback. ACI-NA looks forward to working with you and the committee in the development of policy and legislation on all of these important issues. Please let me know if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Kevin M. Burke". The signature is fluid and cursive, with the first name "Kevin" and last name "Burke" clearly legible.

Kevin M. Burke
President and CEO
Airports Council International – North America