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Good morning Chairman Rogers, Ranking Member Jackson Lee, and distinguished members of the Subcommittee. Thank you for the opportunity to testify today about the Transportation Security Administration's (TSA) effort to harmonize security threat assessments (STA) across all modes of transportation.

We share the goal of Congress and stakeholders that STA programs be harmonized to alleviate the burden and inconvenience placed on individuals by the need to obtain multiple STAs, to the extent legally possible. TSA currently administers STA programs for 28 transportation worker populations, covering approximately 15 million individuals across the transportation sectors. Differing statutory specifications for what constitutes an STA and a lack of uniformity among user fees account for part of the current incompatibility between STAs.

TSA has already established comparability standards and identified comparable STAs to reduce the burden on individuals that are required to have multiple STAs because of the nature of their work. For example, individuals who have had successful background checks for purposes of the U.S. Coast Guard Merchant Mariner Credential, U.S. Customs and Border Protection Free and Secure Trade (FAST) card, or state commercial drivers license hazardous materials endorsements (HMEs) are entitled to a reduced fee when applying for a Transportation Worker Identification Credential (TWIC). Also, the TWIC and HME background checks may be utilized for many workers in the air cargo sector. However, statutory, regulatory and infrastructure

changes are necessary to implement comparability across a wider number of background checks and provide ease of use for the individual transportation worker.

To implement comparability across a wider spectrum, TSA is working on a rulemaking that will further harmonize STAs, redress, and user fees for individuals across modes of transportation in which TSA conducts vetting, to the extent possible under current law. In addition to addressing individuals who are already subject to STA rules, such as those in the aviation and maritime sectors and commercial drivers transporting hazardous materials, the rule will implement requirements of the Implementing Recommendations of the 9/11 Commission Act of 2007 to conduct STAs on additional populations including certain freight rail, passenger rail and public transportation, and over-the-road-bus workers—totaling an estimated 12 million workers over five years.

This rule will enhance the STA process in several ways. It will improve the quality of data that TSA uses to conduct vetting, thereby reducing applicant processing time; eliminate redundancy by reducing the need for multiple background checks; facilitate STA “portability” for individuals who work in several modes of transportation or change jobs by permitting workers to use a single STA for multiple purposes; offset the costs of STAs through user fees as directed by Congress; more equitably apportion the costs of STAs across all users by including populations that are currently not required to pay a fee for vetting; and provide more robust redress for many workers who do not currently have access to appeals, waivers, and/or an administrative law judge’s review. The rule will also establish standardized enrollment procedures and improve identity verification through new standards.

For example, a driver transporting cargo destined for an aircraft and screened in accordance with TSA security requirements must have an STA. That driver may also transport cargo from secure areas of a regulated maritime facility, or transport hazardous materials, which also require that he or she have an STA. Instead of applying for multiple STAs, each of which is subject to particular, and possibly conflicting, statutory and regulatory standards and procedures, as is the case today, this individual would only require a single STA to meet the TSA background check requirement for all of these activities.

However, TSA cannot fully implement these improvements and efficiencies in the credentialing process through regulatory change alone. New legislation is needed to amend statutory STA requirements for aviation workers to mirror the statutory STA requirements for other populations. The current law governing aviation workers was enacted prior to 9/11 and contains procedures that differ from the newer standards for other programs. These statutory differences prevent harmonization and cannot be changed through rulemaking. We believe the standards Congress subsequently enacted for the TWIC program in the Maritime Transportation Security Act of 2002 support a more thorough STA, thereby enhancing security, and increasing fairness through the waiver process. For example, in the TWIC program, certain felony convictions are disqualifying if the conviction occurred within seven years, or if release from prison occurred within five years, of the date of application. In the aviation sector, certain misdemeanors and felonies are disqualifying if the conviction occurred within the preceding 10 years, and there is no consideration of when the applicant was released from incarceration. These types of incongruities need to be harmonized.

TSA is also updating its information technology infrastructure in order to improve the services provided to transportation sector workers. Whereas the current infrastructure is not structured to support portable and reusable STAs absent substantial investment and costs, the TTAC Infrastructure Modernization (TIM) system will provide an integrated, end-to-end solution to manage identities, credentials, and assessment results for millions of transportation sector workers. TIM will align, integrate, and modernize current TTAC processes, services and infrastructure allowing TSA to conduct mission capabilities in a more effective and efficient manner. TIM will be implemented on an incremental basis, allowing TSA to benefit from modernization's capabilities as they become available.

The harmonization rule will have little effect on who issues physical credentials required for certain privileges or access to areas of transportation facilities. TSA believes that the regulated entity is in the best position to determine credentialing and access control requirements. Although TSA currently conducts background checks on 28 populations with varying degrees of overlap, TSA issues a physical credential, the TWIC, only for workers on certain maritime

vessels and facilities and is required by law to do so. With respect to other populations subject to vetting, TSA provides the results of the STA to the entity that actually grants the access or privilege. In many cases, these entities issue their own credential, generally after the individual meets additional competency and suitability requirements. For example, while TSA conducts STAs on Federal Aviation Administration (FAA) certificate holders, it is the FAA that issues the certificate. Similarly, airport authorities that credential airport workers and states that license commercial hazmat drivers rely on TSA only for the STA and not for issuing the credential or license. Under the new rule, these responsibilities would not change since transportation facilities need to have their own standards for suitability and access control based on their specific operational needs, business and statutory requirements, and availability of resources.

One of TSA's critical missions is to apply risk-based threat assessment methodologies in order to identify known or suspected terrorist threats working in, or seeking access to, the nation's transportation system and critical infrastructure to prevent terrorism or criminal acts. To enable TSA to fulfill this transportation security vetting in a consistent, comparable way, TSA plans to assume the adjudication of criminal background checks for airport and aircraft operator workers, which are currently performed by the airports and airlines. This will allow TSA to assure standardized processes and criteria for conducting and adjudicating STAs, including criminal history record information. TSA does not, however, intend to assume responsibility for worker suitability or access control decisions from airports and airlines and will continue to send criminal history record information to any airport that requests it for purposes of making its own suitability or access control determinations.

Mr. Chairman, Ranking Member Jackson Lee, I thank you for the opportunity to appear before you today. The harmonization of STAs through regulatory and statutory changes will allow TSA to fulfill its mission with greater efficiency and effectiveness. I look forward to working with you toward this goal and answering your questions.