

**United States Department of Homeland Security  
Transportation Security Administration**

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**Before the**

**Committee on Transportation and Infrastructure  
United States House of Representatives  
Subcommittee on Aviation**

**May 3, 2006**

Good morning Mr. Chairman, Congressman Costello, and distinguished Members of the Subcommittee. I am pleased to have the opportunity to appear before you today on behalf of the Transportation Security Administration (TSA) to discuss the problems of mishandled baggage in our aviation system and TSA's efforts to reduce them.

Created in the aftermath of the 9/11 terrorist attacks, the Transportation Security Administration continues to pursue its vital mission of protecting our Nation's transportation systems. With the Aviation and Transportation Security Act (ATSA) (P.L. 107-71) as our statutory foundation, TSA has worked with the airlines, airports, shipping industry, flight crews, law enforcement, and passengers to take aviation security orders of magnitude beyond where it stood on 9/11. Today, our challenge is to keep it fresh, to make our security regime as flexible, dynamic, adaptable, and unpredictable as the enemy we face.

Since TSA's creation, our aviation security system has grown substantially. It is now comprised of fifteen interlocking and reinforcing layers of security working together to protect passengers by providing a formidable deterrent to terrorists. Passenger and baggage screening at the airport is only one of these layers. Security begins well before a passenger arrives at the airport and continues until a passenger is securely on the ground.

1. U.S. government agencies work with others around the globe to detect and disrupt terrorist activities at their source.
2. Customs and Border Protection activities identify potential terrorists and bar their entry into the United States.
3. Federal, State, and local law enforcement work together with the FBI in Joint Terrorism Task Forces across the United States to detect and disrupt terrorist activities within the United States.

4. A No-Fly system is used to prevent anyone known to an agency of the U.S. Government to be a threat to commit a terrorist act from flying into or within the United States.
5. Airline flight crews and airport employees who have access to an aircraft are subject to an even stricter vetting standard than the No-Fly analysis.

These first five security elements mean that anyone known to U.S. intelligence or law enforcement agencies as a terrorist or a close terrorist associate never gets close to an airplane. But there is much more.

6. An additional, risk-based computer-assisted pre-screening of passengers is conducted before a boarding pass is issued.
7. Hundreds of canine teams and local law enforcement officers are working at airports across the country to identify suspicious articles or people.
8. Surveillance activities take place in and around the airport environment on a daily basis.

All of this happens before a passenger even shows up at a TSA checkpoint.

9. At the checkpoint, a professional, well-trained, experienced team of Transportation Security Officers (TSO), assisted by multiple technologies, screens passengers and their carry-on bags for weapons and explosives.
10. In the baggage area, similarly well-trained, experienced Transportation Security Officers use a variety of technologies to screen baggage, and, when necessary, they physically search baggage.

Then, on the aircraft:

11. Thousands of Federal Air Marshals fly undercover on a very significant number of flights, both domestic and international.
12. Thousands of pilots who undergo special training and become Federal Flight Deck Officers are authorized and ready to protect the cockpit with firearms.
13. Other local, State, and Federal law enforcement officers travel armed as part of their normal duties and are prepared to intervene.
14. Hardened cockpit doors prevent unauthorized access to the flight deck.
15. And sitting on every airplane are passengers who, experience has shown, are prepared to act, if necessary.

Each and every one of these 15 security layers is important.

### **TSA's Baggage Screening Role**

As you know, the Aviation and Transportation Security Act, which created TSA, requires us to screen for explosives all checked baggage placed on TSA-regulated commercial flights. Under this requirement, we screen approximately 1.3 billion pieces of checked baggage each year using a variety of solutions, many custom tailored to suit the needs of particular airport environments.

TSA assumes a very limited role with respect to checked baggage handling. We are only responsible for checked baggage from the time it is presented for screening until the time it has been cleared after screening. Once checked baggage has been screened and cleared, air carriers are responsible for transporting it to its final destination. TSA generally has no role in prioritizing, sorting, or transporting checked baggage. As a result, the amount of time checked baggage is under TSA control is relatively short, though it will vary depending upon the operational conditions of the airport. However, in many cases passengers have the opportunity to deliver checked baggage directly to TSA and observe as their checked baggage is cleared and delivered to the airline.

TSA has an excellent track record when it comes to appropriately handling all forms of passenger property, including checked baggage. Since we assumed control over aviation security, over 2 billion passengers have been screened, and we have recorded approximately 84,000 claims alleging lost or damaged property. The incidence of damage or loss attributable to TSA security operations is well below one tenth of one percent of passengers traveling through the system. Nevertheless, TSA screening has occasionally resulted in some delay, damage, and loss to checked baggage, and we are working diligently to prevent even these anomalies.

### *Flight Delays*

There have been isolated incidents in which flights departing during certain peak times have been delayed because baggage screening had not yet been completed. These events occur when the volume of checked baggage to be screened before a flight departs exceeds the capacity of our screening equipment and personnel. Further complicating the matter is that TSA is not in a position to prioritize screening by flight departure time. Our TSOs screen checked baggage as it is received from the air carriers. TSA is working to mitigate the possibility of delays by increasing checked baggage screening capacity where necessary through additional equipment and personnel deployments, and by working with stakeholders to encourage better cooperation on scheduling matters. Although ATSA permits us to use certain alternative screening measures when electronic screening methods are unavailable, it is our preference to require all checked baggage be screened electronically. The decision to use alternative measures rests with the Federal Security Director at the airport.

## *Damage*

TSA screens every piece of checked baggage being placed on commercial flights in the United States. As a result, a certain amount of damage to bags and their contents, unfortunately, occurs because accidents happen and equipment malfunctions. TSA encourages passengers to pack valuables, laptops, cash, and jewelry in their carry-on luggage. This is the safest means to transport these items, and airlines will not pay for them if they are lost or damaged because they are excluded under the contract of carriage. In an effort to reduce the number of items damaged during the screening process, TSA engages in trends analysis to develop new training and handling techniques. I want to reemphasize that from the time the passenger presents his or her checked baggage to either curbside check-in or to the air carrier's check-in counter to the time that the passenger retrieves their checked baggage at their final destination, TSA personnel are in physical possession of the checked baggage for only a very small portion of that time.

Moreover, while TSA certainly regrets that occasionally checked baggage and locks are damaged by secondary screening, TSA is not responsible for certain damage caused by secondary screening. Should checked baggage generate an alarm for the presence of explosives during the screening process, TSA must resolve the alarm for the safety and security of the aircraft and its passengers. Access to the interior of the bag is often required to resolve the alarm, even if it must be forced. In the event that access to a bag must be forced, TSA will not be responsible for broken locks or unavoidable damage in opening a locked bag. Passengers can avoid this type of possible damage by either not locking their bags or using a TSA recognized lock that can be opened by TSA without damage.

TSA goes to great lengths to educate the traveling public about how to pack and secure checked baggage. TSA's public website ([www.tsa.gov](http://www.tsa.gov)) provides travelers with tips on packing for air travel, including a recommendation to use a TSA recognized lock if the traveler wishes to lock their checked baggage. The site provides links to the TSA accepted and recognized locks. Virtually all air carrier and internet travel websites contain links to TSA's Travel Tips website containing this information.

## *Theft*

Theft from passengers is a problem that affects all key players in the aviation industry, and unfortunately, TSA is not immune. Our policy regarding theft is to take action to deter it, and react aggressively when we become aware of it. Our Transportation Security Officers are held to the highest professional and ethical standards. As a result, we have a zero-tolerance policy for theft in the workplace. Allegations of misconduct are aggressively investigated, and when infractions are discovered, offenders are swiftly removed from the agency's employment. Since August 2002, 87 TSOs have been removed from employment for theft from passengers' checked or carry-on baggage. Many of the offending screeners were turned in by their fellow employees. TSA also works with State and local law enforcement to ensure that offenders are prosecuted.

In an effort to further deter theft generally, TSA is working to expand its use of closed-circuit television (CCTV) surveillance of non-public areas where checked baggage is screened. Using \$10 million in available funds, we are expanding a partnership program with airports, where, in exchange for installation funds, airports agree to install and operate shared CCTV cameras covering all areas of the airport, including checkpoints and baggage screening areas. The system provides for access to both TSA and the airport and is an additional security measure in addition to a theft deterrent.

## **Handling Administrative Claims**

If a passenger believes that his or her property has been lost, damaged, or stolen due to TSA actions, they are encouraged to contact TSA as soon as possible. Although a claim may be filed within two years of the event, the earlier a claimant contacts TSA, the easier it will be to investigate and make a determination on the claim. Potential claimants can get information about filing claims from a number of sources, including the TSA Customer Contact Center (866-289-9673), TSA's public website ([www.tsa.gov](http://www.tsa.gov)), and TSA's Claims Management website ([www.tsaclaims.org](http://www.tsaclaims.org)). These resources can provide potential claimants with the information and forms necessary to file a claim.

Claims may be filed with TSA either by mail or by facsimile. To assist the public in filing a claim, TSA is developing an online claim submission option. Once a claim is received by TSA, it is entered into our Claims Management System and assigned to a claims examiner for investigation. The claimant will receive an acknowledgement letter with a control number once the claim has been entered. Claims are generally resolved within 90 days, although some complex claims may take longer to resolve. Allegations of wrongdoing by TSA employees are referred to TSA's Office of Inspection for appropriate handling. Claim status information is available from the TSA Claims Management website or by calling the Customer Contact Center.

TSA investigates and evaluates claims by verifying the underlying facts and contacting the claimant and other parties in possession of relevant information including airlines, origin-of-receipt stores, and airport personnel. TSA also inquires as to whether a police report has been filed. When an investigation is complete, TSA will approve the claim for full value, offer to settle the claim for reduced value, or deny the claim in its entirety. TSA's determination is made by a Delegated Authority Official (DAO), a TSA employee specially authorized to approve and pay claims, and determinations of negligence are based upon a preponderance of the evidence. A letter will be sent to the claimant informing them of TSA's decision.

If the claim has been approved or an offer of settlement has been made, the letter includes the additional forms necessary to settle and pay the claim. TSA has historically accepted or settled 47% of claims. When the necessary paperwork is returned, TSA pays the claim through the Department of Homeland Security. If a claim is denied in full, the passenger can seek reconsideration of the claim with TSA by providing additional

information, or the claimant can file a lawsuit in the appropriate United States District Court within six months of the date a denial letter was mailed. State and local small claims courts have no jurisdiction over claims against the Federal Government. To date, only 35 claims have resulted in Federal litigation. TSA also encourages passengers to contact their air carriers and review any applicable insurance coverage they may have.

TSA has been accepting claims for items lost or damaged in the screening process since we assumed responsibility for aviation security in February 2002. In that time, we have received approximately 84,000 claims, an average of approximately 25,600 claims per year or 2,100 new claims per month through calendar year 2005. In 2006, claims have fallen dramatically, with the number of claims during the first quarter of 2006 down by approximately 30% from the same time period a year ago to an average of approximately 1,800 claims per month. Checked baggage accounts for approximately 85% of claims volume. To date in Fiscal Year 2006, we have spent approximately \$1.1 million to settle administrative claims. The average claim is settled for approximately \$150.

Claims handling has also significantly improved. In March 2005, TSA initiated a push to eliminate a significant backlog of almost 20,000 claims filed with the agency. The backlog of claims was eliminated in July 2005, and claims are now generally resolved within 90 days.

Despite these improvements in claims handling, TSA remains concerned that the current system of separate airline and TSA claims can be confusing to passengers. While TSA and air carriers have cooperated to educate the public and by referring potential claimants to the proper process, TSA continues to encourage our air carrier partners to enter into a comprehensive agreement with us on checked baggage claims handling. Further simplification of the claims system would greatly improve the passenger experience.

## **Conclusion**

Consistent with our mission to protect the Nation's transportation systems while facilitating the movement of people and commerce, TSA is working to ensure that our checked baggage screening measures leave as little footprint as possible. Reducing delay, damage, and losses remains a key goal in aviation security and customer service.

Thank you for the opportunity to testify today. I will be pleased to respond to questions.