Statement of Lee Kair

Assistant Administrator, Security Operations

Transportation Security Administration

U.S. Department of Homeland Security

Before the

Subcommittee on Transportation Security and Infrastructure Protection

Committee on Homeland Security

United States House of Representatives

July 28, 2010

Good afternoon Chairwoman Jackson-Lee, Ranking Member Dent, and distinguished Members of the Subcommittee. Thank you for the opportunity to testify on the Transportation Security Administration's (TSA's) management and guidance of the surface transportation security inspection program authorized in section 1304 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act).

The Subcommittee's choice of this topic for the hearing today is timely for a number of reasons. The first reason is the need for TSA to continue to focus attention on surface transportation. Secretary Napolitano has demonstrated her commitment to improving surface transportation security, and in his confirmation hearings, our new TSA Administrator, Mr. John Pistole, stated a number of times that, if confirmed, he planned to "assess TSA's non-aviation surface transportation efforts in concert with state and local authorities." Administrator Pistole further noted the terrorist attacks on foreign rail and mass transit systems, the planned but thwarted attacks on U.S. mass transit systems that carry millions of people every day, the content of intelligence reporting that drives TSA efforts, and the challenge of hardening surface transportation systems as reasons for his plans to review TSA surface transportation security efforts. Because of Administrator Pistole's recent arrival at TSA, his review of this vital topic is not complete.

The second reason that this hearing is timely is because TSA has initiated a number of improvements to its surface transportation security inspection program. These changes address concerns expressed by Members of this Subcommittee, by members of the full Homeland Security Committee and others in the Congress, and by the Government Accountability Office (GAO). I will update you on the most significant of these changes in a few moments.

The third reason why this hearing is timely is that it provides us an opportunity to receive guidance from this Subcommittee as TSA moves forward to improve surface transportation security. While the statutes drafted and enacted by the Congress provide general guidance, hearings like this provide the opportunity for additional dialogue. During his confirmation hearings, Mr. Pistole heard from members of the Senate on this topic, and this hearing provides TSA with the opportunity to hear from you. Again, this is particularly relevant as Administrator Pistole begins his comprehensive review of TSA's surface transportation security program.

I would like to update you on four important and recent improvements involving the surface transportation security inspection program.

New RSI-S Positions Established

In an effort to provide more direct oversight of the surface transportation security program, a realignment of personnel devoted to surface transportation was accomplished in January 2010 pursuant to TSA Operational Directive (OD) 400-54-5. Six Assistant Federal Security Director-Surface (AFSD-Surface) positions that previously reported to Federal Security Directors (FSDs) were abolished, and six new Regional Security Inspectors-Surface (RSIs-S) positions were established. The RSIs-S report directly to the new TSA headquarters Surface Inspection Oversight Assistant General Manager, not to FSDs.

The Surface Inspection Oversight Assistant General Manager, Carl Ciccarello, has 31 years of surface transportation experience, including 17 years in military operations, seven years running the port of New York for the U.S. Coast Guard, and seven years with TSA running the Transportation Security Operations Center (TSOC) surface watch desk. Since then, he has been building, managing and leading the TSA Surface Transportation Security Inspection Program.

The six field RSIs-S are positioned throughout the country to more easily provide active on-site oversight of surface inspection, assessment, and operational activities. Each of these six RSIs-S are also assigned as TSA corporate liaisons to all Class One and large regional railroads, which promotes a nationally balanced approach to regulatory compliance activities and operational issues for large railroad corporate entities related to rail security.

The six regional RSIs-S average more than 25 years of surface transportation experience and are recognized as the surface security subject matter experts in the field. The RSIs-S quickly developed strong communication ties with each of the Rail Security Coordinators for Class One and large regional railroads to facilitate continuous dialogue. The work of the RSIs-S thus far has provided consistent application of security regulations across railroad entities. Issues discussed in recent months have included Rail Sensitive Security Materials (RSSM) chain of custody requirements, including location information, paperwork evidence, and U.S. border implications and jurisdiction.

The RSIs-S organizational change, providing direct headquarters surface transportation oversight, already is bearing fruit. Prior to the change in organization, TSA surface transportation inspection programs in both Los Angeles and St. Louis were struggling to meet TSA work plan mandates. The RSIs-S provided audit reviews of each operation's work products, and then worked with and provided on-site assistance and leadership to local TSA staff, who took corrective actions. TSA staff in both of those cities now are meeting or exceeding the work plan requirements for FY 2010.

A Collaborative Security-Based Workforce

The Regional Security Inspectors (RSIs) provide day-to-day support to the Area Directors (AD) with overall program direction and supervision being provided by the Office of Compliance Programs at headquarters within the OSO. In addition to other assigned surface transportation duties, RSIs serve as liaisons between TSA OSO and large freight rail corporations whose operations are multi-regional or national in scope and will support regional activity as directed by the AD. RSIs focus on national/corporate level compliance issues, and generally do not have a role in compliance activity that is local in nature (that is, routine compliance and enforcement activity); rather, such compliance activity will fall within the purview of the FSDs. Transportation Security Inspectors-Surface (TSIs-Surface) report to Assistant Federal Security Directors for Inspections (AFSD-Is), who in turn report to the FSD and are responsible for, at a minimum, all inspection, compliance, and enforcement activity within the areas of responsibility of the FSD offices in which they reside.

TSA is currently building a workforce of 404 TSIs-Surface to be employed throughout the nation. The TSI-Surface workforce conducts comprehensive assessments, inspections, and investigations of surface transportation systems; oversees compliance with applicable transportation security policies, directives, standards, and agreements; identifies potential problem areas or deviations from prescribed standards; and ensures overall adequacy, effectiveness, and efficiency of the security posture of surface transportation systems.

The FSDs are the operational field component of OSO and are charged with the implementation of all field operational activities across all modes of transportation. TSA uses this command structure because FSDs are equipped to leverage the security network in their area. FSDs frequently interact with state and local law enforcement and surface transportation system operators and understand the vulnerabilities and challenges of the surface transportation modes in their backyard, some of which also feed into airports.

TSA has adopted this network decision-making model in all modes of transportation, including its other inspection divisions in aviation and cargo. This approach recognizes the need for regional and localized strategies to enhance cross-modal prevention, detection, response, and recovery efforts based on accurate and thorough domain awareness, strong professional networks

and relationships with local security officials and transportation mode operators, and consistent and clear reporting lines to the local FSD.

Expanded Role of TSI-Surface in the Visible Intermodal Prevention and Response (VIPR) Program

With the expansion of the FAMS VIPR program from 15 to 25 dedicated teams, TSA has assigned one primary senior TSI-Surface official to each team. Their role is to provide surface transportation expertise to the teams that did not previously exist. The TSI-Surface involvement varies by location, from acting as the designated VIPR coordinator for non-aviation VIPR activity to actively participating in the planning and/or execution of VIPR operations. The TSI-Surface assignments will be rotated among the surface inspectors at each of the 25 TSA dedicated VIPR team locations on a 60- to 90-day schedule. This provides for work role expansion for each of the TSIs while allowing for practical application of inspector skills and training when not assigned to the dedicated VIPR team.

TSA also has expanded the full-time representation of TSI-Surface officials for national level VIPR planning, coordination, and deployment. The full-time TSI-Surface staff is located in the VIPR Joint Coordination Center, and includes two TSI-Surface staff and one Supervisory TSI-Surface official. These officials join the Office of Security Operations VIPR Branch Chief, who was added to the Joint Coordination Center in January 2010.

The addition of these personnel has greatly increased the level of surface transportation experience for VIPR operations, and also adds important surface transportation perspectives into the planning and coordinating VIPR deployments. For example, TSI-Surface staffers assigned to dedicated VIPR teams carry out comprehensive security surveys of rail stations and verify physical security measures already in place. The station profile data are an integral part of an initiative currently underway to enhance and improve the VIPR deployment planning, operations, and reporting processes.

Risk-Based TSI-Surface Deployment Methodology

As the TSA surface transportation security inspection program has expanded and matured, TSA has used a risk-based approach to allocate TSI-Surface staff and to open new surface offices. Other qualitative data also are considered to better serve surface transportation security based on the division of geographic areas of responsibility. While TSI-Surface staff are not assigned to every major city in America, defining geographic areas of responsibility helps ensure both complete coverage of regulated parties as well as comprehensive VIPR coverage.

The risk-based approach considers four key factors before assigning a final risk based score to a city, including:

- location within a high threat urban area;
- location of a top 100 mass transit/passenger rail system within the home city;
- toxic inhalation hazardous (TIH) materials flow within that city; and
- whether the city is located in the northeast corridor (NEC).

Currently, a total of 54 cities have TSI-Surface staff, including robust coverage in the NEC. Over the coming months, TSA plans to add surface offices and TSI-Surface staff in:

- Austin, TX,
- Baton Rouge, LA,
- El Paso, TX,
- Fresno, CA,
- Honolulu, HI,
- Mobile, AL,
- Nashville, TN,
- Ontario, CA,
- Tulsa, OK,
- Queens, NY,
- Moline, IL, and
- Tucson, AZ.

All surface offices are staffed with at least two persons. Through the use of a new standing national register, TSA has received tens of thousands of applicants for inspector positions, greatly increasing the pool of qualified applicants and reducing the time needed to fill vacancies.

The large number of Risk Reduction Survey (RRS) assessments and inspections that have been conducted by TSIs-Surface since 2006 has provided TSA with additional data on the cities that are the best candidates for new surface offices. The RRS survey program also has been successful in reducing surface transportation risks: freight rail systems have reduced the percentage of Rail Sensitive Security Materials that pose a toxic inhalation hazard and that are unattended while at rest from over 80 percent in 2006 to approximately 7 percent in 2010.

Building the TSI-Surface Training Infrastructure at Pueblo, Colorado

In anticipation of the need to train new TSIs-Surface on railroad-specific safety and security issues, TSA began training the workforce at the Transportation Technology Center in Pueblo, CO in 2006. After realizing the value and potential of this site, TSA entered into Memorandum of Agreement (MOA) with the Federal Railroad Administration to build out a portion of the facility in Pueblo to allow for more advanced training capabilities. TSA also has partnered with other federal agencies and stakeholders to obtain rail cars for practical training purposes and to

build infrastructure at the site. Administrator Pistole visited the facility earlier this week as part of the significant outreach he has been performing since being sworn-in as our new Administrator this month.

The development of consistent, thorough training for TSIs-Surface is key to ensuring that TSA has a technically proficient and agile workforce, and to ensure that its inspectors operate safely and appropriately in the surface transportation environment. To further deliver on our commitment to improve surface transportation security training, TSA has assigned personnel to develop the TSI-Surface curriculum and to deliver training material. This team is also responsible for the future expansion of the Pueblo site, and the development of expanded training courses that will cross all surface modes of transportation.

Current training at the Transportation Technology Center for TSI-Surface staff includes coursework focused on orienting inspectors to the specific railroad operating environment and providing safety awareness. Future courses at the facility will provide TSI-Surface staff with an advanced railroad operating course, VIPR training, and a highway motor carrier/over-the-road bus course. All courses will include both classroom instruction and on-site practical application and exercises. TSA is very excited about the future potential of the Surface Transportation Security Training Center.

* * * * *

In conclusion, I want to thank you for the opportunity to provide this update on TSA's ongoing improvements to its surface transportation security inspection program, and I would be happy to answer your questions.