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before

**United States Senate
Committee on the Judiciary**

on

**Securing America's Safety: Improving the Effectiveness of Anti-Terrorism
Tools and Inter-Agency Communication**

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Aviation Security Testimony

Chairman Leahy, Senator Sessions and members of the Committee: Thank you for this opportunity to testify on the attempted terrorist attack on Northwest Flight 253.

The attempted attack on December 25 was a powerful illustration that terrorists will go to great lengths to defeat the security measures that have been put in place since September 11, 2001. This Administration is determined to thwart those plans and disrupt, dismantle and defeat terrorist networks by employing multiple layers of defense that work in concert with one another to secure our country. This is an effort that involves not just DHS, but many other federal agencies and the international community as well.

As our part in this effort, DHS is a consumer of the U.S. Government's consolidated terrorist watchlist, which we use to help keep potential terrorists off flights within, over or bound for the United States and to identify travelers that require additional screening. We work with foreign governments, Interpol, and air carriers to strengthen global air travel security by advising them on security measures and on which passengers may prove a threat. We also work with air carriers and airport authorities to perform physical screening at TSA checkpoints and to provide security measures in flight.

Immediately following the December 25 attack, DHS took swift action at airports across the country and around the world. These steps included enhancing screening for individuals flying to the United States; increasing the presence of law enforcement and explosives detection canine teams at air ports, and of air marshals in flight; and directing the FAA to notify the 128 flights already inbound from Europe about the situation. Nonetheless, Umar Farouk Abdulmutallab should never have been able to board a U.S.-bound plane with the explosive

PETN on his person. As President Obama has made clear, this Administration is determined to find and fix the vulnerabilities in our systems that allowed this breach to occur.

Agencies across the federal government have worked quickly to address what went wrong in the Abdulmutallab case. The effort to solve these problems is well underway, with cooperation among DHS, the Department of State, the Department of Justice, the Intelligence Community, and our international allies, among others. As a consumer of terrorist watchlist information, the Department of Homeland Security welcomes the opportunity to contribute to the dialogue on improving the federal government's ability to connect and assimilate intelligence. We are also focused on improving aviation screening and expanding our international partnerships to guard against a similar type of attack occurring again. To those ends, today I want to describe the role that DHS currently performs in aviation security, how DHS responded in the immediate aftermath of the attempted Christmas Day attack, and how we are moving forward to further bolster aviation security.

DHS' Role in Multiple Layers of Defense

Since 9/11, the U.S. government has employed multiple layers of defense across several departments to secure the aviation sector and ensure the safety of the traveling public. Different federal agencies bear different responsibilities, while other countries and the private sector – especially the air carriers themselves – also have important roles to play.

DHS oversees several programs to prevent individuals with terrorist ties from boarding flights that are headed to, within, or traveling over the United States or, in appropriate cases, to identify them for additional screening. Specifically, DHS uses information held in the Terrorist Screening Database (TSDB), a resource managed by the Terrorist Screening Center (TSC), as

well as other information provided through the Intelligence Community to screen individuals; operates the travel authorization program for people who are traveling to the United States under the Visa Waiver Program (VWP)¹; and works with foreign governments, international and regional organizations, and airlines to design and implement improved security standards worldwide. This includes routine checks against Interpol databases on wanted persons and lost or stolen passports on all international travelers arriving in the United States. The Department also performs checkpoint screenings at airports in the United States.

To provide a sense of the scale of our operations, every day, U.S. Customs and Border Protection (CBP) processes 1.2 million travelers seeking to enter the United States by land, air or sea; the Transportation Security Administration (TSA) screens 1.8 million travelers at domestic airports; and DHS receives advanced passenger information from carriers operating in 245 international airports that are the last point of departure for flights to the United States, accounting for about 1,600 to 1,800 flights per day. Ensuring that DHS employees and all relevant federal officials are armed with intelligence and information is critical to the success of these efforts.

Safeguards for Visas and Travel

One of the first layers of defense in securing air travel consists of safeguards to prevent dangerous people from obtaining visas, travel authorizations and boarding passes. To apply for entry to the United States prior to boarding flights bound for the U.S. or arriving at a U.S. port of

¹ The 35 countries in the Visa Waiver Program are: Andorra, Australia, Austria, Belgium, Brunei, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, and the United Kingdom (for the U.K., only citizens with an unrestricted right of permanent abode in the U.K. are eligible for VWP travel authorizations).

entry, most foreign nationals need visas – issued by a U.S. embassy or consulate – or, if traveling under a Visa Waiver Program country, travel authorizations issued through the Electronic System for Travel Authorization (ESTA).²

Issuing visas is the responsibility of the Department of State. At embassies and consulates where it is operational, the Visa Security Program positions personnel of U.S. Immigration and Customs Enforcement (ICE) to assist State Department personnel in identifying visa applicants who may present a security threat. For individuals traveling under the VWP, DHS operates ESTA, a web-based system through which individuals must apply for travel authorization prior to traveling to the United States. These systems examine an individual's information to assess whether he or she could pose a risk to the United States or its citizens, including possible links to terrorism. Without presenting a valid authorization to travel to the United States at the airport of departure, a foreign national is not able to board a U.S.-bound flight.

The Department also works with other federal agencies and our foreign partners to try to prevent possible terrorists from obtaining boarding passes. These include the application of the No-Fly List and the implementation of Secure Flight program, which I explain below.

Pre-departure screening

As another layer of defense, DHS conducts pre-departure passenger screening in partnership with the airline industry and foreign governments in order to prevent known or suspected terrorists from boarding a plane bound for the United States or, as appropriate, to identify them for additional screening. DHS uses TSDB data, managed by the Terrorist Screening Center that is administered by the FBI, to determine who may board, who requires

² Exceptions would be citizens of countries under other visa waiver authority such as the Western Hemisphere Travel Initiative or the separate visa waiver program for Guam and the Commonwealth of the Northern Mariana Islands, or those granted individual waivers of the visa requirement under the immigration laws.

further screening and investigation, who should not be admitted, or who should be referred to appropriate law enforcement personnel.

Specifically, to help make these determinations, DHS uses the No-Fly List and the Selectee List, two important subsets within the TSDB. Individuals on the No-Fly List should not receive a boarding pass for a flight to, from, over, or within the United States. Individuals on the Selectee List must go through additional security measures, including a full-body pat-down and a full physical examination of personal effects.

Through the Secure Flight Program, the Department is making an important change to the process of matching passenger identities against the No-Fly List and Selectee List, and fulfilling an important recommendation of the 9/11 Commission. Previously, responsibility for checking passenger manifests against these lists rested with the air carriers themselves. Under the Secure Flight program, DHS began to transfer this responsibility to TSA in 2009, and the transition is targeted for completion by the end of this year. In addition to creating a more consistent matching process for all domestic and international travel to the United States and strengthening the effectiveness of redress in preventing misidentifications, Secure Flight will flag potential watchlist matches and immediately trigger law enforcement notification and coordination.

As an additional layer of security, DHS also uses the Passenger Name Record (PNR), the Advanced Passenger Information System (APIS), and the Immigration Advisory Program (IAP) to assess a passenger's level of risk and, when necessary, flag them for further inspection. PNR data, obtained from the airline reservations systems, contains various elements, which may include optional information on itinerary, co-travelers, changes to the reservation, and payment information. PNR data is evaluated against "targeting rules" that are based on law enforcement data, intelligence and past case experience. APIS data, which carriers are required to provide to

DHS at least 30 minutes before a flight, contains important identifying information that may not be included in PNR data, including verified identity and travel document information such as a traveler's date of birth, citizenship, and travel document number. DHS screens APIS information on international flights to or from the United States against the TSDB, as well as against criminal history information, records of lost or stolen passports, and prior immigration or customs violations. APIS is also connected to Interpol's lost and stolen passport database for routine queries on all inbound international travelers.

Another layer in the screening process is the Immigration Advisory Program (IAP). The CBP officers stationed overseas under the IAP program at nine airports in seven countries receive referrals from CBP screening against the TSDB, of which the No Fly list is a subset. IAP officers can make "no board" recommendations to carriers and host governments regarding passengers bound for the United States who may constitute security risks, but do not have the authority to arrest, detain, or prevent passengers from boarding planes.

Checkpoint screenings and in-flight security

The third layer of defense for air travel in which DHS plays a role is the screening of passengers and their baggage. TSA screens passengers and baggage at airports in the United States, but not in other countries. When a traveler at a foreign airport is physically screened, that screening is conducted by the foreign government, air carriers, or the respective airport authority.

Domestically, TSA employs a layered approach to security, which includes measures both seen and unseen by travelers. The 48,000 Transportation Security Officers at hundreds of airports across the country screen passengers and their baggage using advanced technology x-ray systems, walk-through metal detectors, explosive trace detection equipment, trained canines,

vapor trace machines that detect liquid explosives, Advanced Imaging Technology, full-body pat-downs, explosives detection systems, Bomb Appraisal Officers, and Behavior Detection Officers – both at the checkpoint and throughout the airport. Through programs such as the Aviation Direct Access Screening Program, TSA also uses random and unpredictable measures to enhance security throughout the airport perimeter and in limited access areas of airports. The \$1 billion in Recovery Act funds provided to TSA for checkpoint and checked baggage screening technology have enabled TSA to greatly accelerate deployment of these critical tools to keep passengers safe.

In an effort to enhance international screening standards, TSA conducts security assessments in accordance with security standards established by the International Civil Aviation Organization (ICAO) at more than 300 foreign airports, which include foreign airports from which flights operate directly to the United States and all airports from which U.S. air carriers operate. If an airport does not meet these standards, TSA works with the host government to rectify the deficiencies and raise airport security to an acceptable level. Ultimately, it is the foreign government that must work to address these security issues. In long-term circumstances of non-compliance with international standards, TSA may recommend suspension of flight service from these airports to the United States. In addition, TSA inspects all U.S. and foreign air carriers that fly to the United States from each airport to ensure compliance with TSA standards and directives. Should air carrier security deficiencies exist, TSA works with the air carrier to raise compliance to an acceptable level. If an airport is located within one of the 35 VWP countries, DHS conducts additional audits and inspections as part of the statutorily mandated VWP designation and review process.

In terms of in-flight security, Federal Air Marshals (FAM) are deployed on high-risk domestic and international flights where international partners allow FAMs to enter their country on U.S.-flagged carriers. Thousands more volunteer pilots serve as armed, deputized Federal Flight Deck Officers. Additionally, armed law enforcement officers from federal, state, local, and tribal law enforcement agencies that have a need to fly armed provide a force multiplier on many flights.

DHS Response to the Christmas Day Attack

The facts of the Christmas Day attempted bombing are well established and were relayed in the report on the incident that the President released on January 7, 2010. On December 16, 2009, Umar Farouk Abdulmutallab, a Nigerian national, purchased a round-trip ticket from Lagos, Nigeria to Detroit. Abdulmutallab went through physical security screening conducted by foreign airport personnel at Murtala Muhammed International Airport in Lagos on December 24 prior to boarding a flight to Amsterdam Airport Schiphol. This physical screening included an x-ray of his carry-on luggage and his passing through a walk-through metal detector.

Abdulmutallab went through additional physical screening, conducted by Dutch authorities, when transiting through Amsterdam to Northwest Flight 253 to Detroit, and presented a valid U.S. visa. Abdulmutallab was not on the No Fly or Selectee Lists. Accordingly, the carrier was not alerted to prevent him from boarding the flight or additional physical screening, nor did the IAP officer advise Dutch authorities of any concerns. As with all passengers traveling on that flight, and similar to all other international flights arriving in the United States, CBP evaluated Abdulmutallab's information while the flight was en route to conduct a preliminary assessment of his admissibility and to determine whether there were requirements for additional inspection.

During this assessment, CBP noted that there was a record that had been received from the Department of State, which indicated possible extremist ties. It did not indicate that he had been found to be a threat, or that his visa had been revoked. CBP officers in Detroit were prepared to meet Abdulmutallab upon his arrival for further interview and inspection. The attack on board the flight failed in no small part due to the brave actions of the crew and passengers aboard the plane.

Immediate DHS response

Following the first reports of an attempted terrorist attack on Northwest Flight 253 on December 25, DHS immediately put in place additional security measures. TSA directed the Federal Aviation Administration to apprise 128 U.S.-bound international flights from Europe of the attempted attack and to ask them to maintain heightened vigilance on their flights. Increased security measures were put in place at domestic airports, including additional explosive detection canine teams, state and local law enforcement, expanded presence of Behavior Detection Officers, and enhanced screening. That evening, DHS issued a security directive for all international flights to the U.S., which mandated enhanced screening prior to departure and additional security measures during flight.

From the first hours following the attempted attack, Secretary Napolitano worked closely with the President, Assistant to the President for Homeland Security and Counterterrorism John Brennan, senior Department leadership, and agencies across the federal government. She communicated with international partners, members of Congress, state and local leadership and the aviation industry and met with national security experts on counterterrorism and aviation

security. The results of these communications culminated in two reports to the President: one on New Year's Eve and the second on January 2, 2010.

One of our most important conclusions was that it is now clearer than ever that air travel security is an international responsibility. Indeed, passengers from 17 countries were aboard Flight 253. Accordingly, DHS has embarked upon an aggressive international program designed to raise international standards for airports and air safety. On January 3, 2010, at the direction of Secretary Napolitano, I was dispatched with Deputy Secretary Jane Holl Lute to Africa, Asia, Europe, the Middle East, Australia, and South America to meet with international leadership on aviation security. In these meetings, we reviewed security procedures and technology being used to screen passengers on U.S.-bound flights and worked on ways to bolster our collective tactics for defeating terrorists. This afternoon, Secretary Napolitano is traveling to Spain to meet with her European Union counterparts in the first of a series of global meetings intended to bring about broad consensus on new, stronger, and more consistent international aviation security standards and procedures.

In addition to these efforts, the Department has been in close contact with Congress, our international partners, the aviation industry and state and local officials across the country since the afternoon of the attempted attack. On December 25, the Department issued a joint bulletin with the FBI to state and local law enforcement throughout the nation; conducted calls with major airlines and the Air Transport Association; distributed the FBI-DHS joint bulletin to all Homeland Security Advisors, regional fusion center directors and Major City Homeland Security Points of Contact in the country; and notified foreign air carriers with flights to and from the United States of the additional security requirements. DHS has maintained close contact with all of these partners since the attempted attack, and will continue to do so.

On January 3, TSA issued a new Security Directive, effective on January 4, which includes long-term, sustainable security measures developed in consultation with law enforcement officials and our domestic and international partners. Because effective aviation security must begin beyond our borders, this Security Directive mandates that every individual flying into the U.S. from anywhere in the world traveling from or through nations that are state sponsors of terrorism³ or other countries of interest will be required to go through enhanced screening. The directive also increases the use of enhanced screening technologies and mandates threat-based and random additional screening for passengers on U.S. bound international flights. These measures are being implemented with extraordinary cooperation from our global aviation partners.

Steps Forward to Improve Aviation Security

While these immediate steps helped strengthen our security posture to face current threats to our country, as President Obama has made clear, we need to take additional actions to address the systemic vulnerabilities highlighted by this failed attack. On January 7, Secretary Napolitano joined Assistant to the President for Counterterrorism and Homeland Security John Brennan to announce five recommendations DHS made to the President as a result of the security reviews ordered by President Obama. At the President's direction, DHS will pursue these five objectives to enhance the protection of air travel from acts of terrorism.

First, DHS will work with our interagency partners to re-evaluate and modify the criteria and process used to create terrorist watchlist, including adjusting the process by which names are added to the No-Fly and Selectee Lists. The Department's ability to prevent terrorists from boarding flights to the United States depends upon these lists and the criteria used to create them.

³ The State Department currently lists Cuba, Iran, Sudan, and Syria as state sponsors of terrorism.

As an entity that is primarily a consumer of this intelligence and the operator of programs that rely on these lists, the Department will work closely with our partners in the Intelligence Community to make clear the kind of information DHS needs from the watchlist system.

Second, DHS will establish a partnership on aviation security with the Department of Energy and its National Laboratories in order to use their expertise to bolster our security. This new partnership will work to develop new and more effective technologies that deter and disrupt known threats, as well as anticipate and protect against new ways that terrorists could seek to board an aircraft with dangerous materials.

Third, DHS will accelerate deployment of Advanced Imaging Technology to provide capabilities to identify materials such as those used in the attempted December 25 attack, and we will encourage foreign aviation security authorities to do the same. TSA currently has 40 machines deployed at nineteen airports throughout the United States, and plans to deploy at least 450 additional units in 2010. DHS will also seek to increase our assets in the area of explosives-trained canines, explosives detection equipment, and other security personnel.

Fourth, DHS will strengthen the presence and capacity of aviation law enforcement. As an interim measure, we will deploy law enforcement officers from across DHS to serve as Federal Air Marshals to increase security aboard U.S.-flag carriers' international flights. At the same time, we will maintain the current tempo of operations to support high-risk domestic flights, as we look to longer-term solutions to enhance the training and workforce of the Federal Air Marshal Service.

Fifth, as mentioned earlier, DHS will work with international partners to strengthen international security measures and standards for aviation security. Much of our success in ensuring that terrorists do not board flights to the United States is dependent on what happens in

foreign airports and the commitments of our foreign partners to enhance security – not just for Americans, but also for their nationals traveling to this country.

In all of these action areas to bolster aviation security, we are moving forward with a dedication to safeguard the privacy and rights of travelers.

Conclusion

The attempted attack on Christmas Day serves as a stark reminder that terrorists motivated by violent extremist beliefs are determined to attack the United States. President Obama has made clear that we will be unrelenting in using every element of our national power in our efforts around the world to disrupt, dismantle, and defeat al-Qaeda and other violent extremists.

While we address the circumstances behind this specific incident, we must also recognize the evolving threats posed by terrorists, and take action to ensure that our defenses continue to evolve in order to defeat them. We live in a world of ever-changing risks, and we must move as aggressively as possible both to find and fix security flaws and anticipate future vulnerabilities in all sectors. President Obama has clearly communicated the urgency of this task, and the American people rightfully expect swift action. DHS and our federal partners are moving quickly to provide just that.

I wish I could close by giving you a 100 percent guarantee that no terrorist, ever, will try to take down a plane or attack us in some other fashion. I cannot give you such a guarantee; that is not the nature of the world we live in, nor of the threats that we face. What I can give you, however, is the 100 percent commitment of Secretary Napolitano, DHS leadership, and the entire DHS enterprise to do everything we can to minimize the risk of terrorist attacks.

Chairman Leahy, Senator Sessions, and members of the Committee: Thank you for this opportunity to testify. I can now answer your questions.