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Opening Statement

Rep. Elijah E. Cummings, Ranking Member

Joint Hearing with the Committee on Transportation and Infrastructure on “TSA Oversight Part IV: Is TSA Effectively Procuring, Deploying, and Storing Aviation Security Equipment and Technology?”

May 9, 2012

Earlier this week, the CIA reportedly thwarted an effort by an al Qaeda affiliate in Yemen to blow up an airliner headed for the United States using a new version of an “underwear bomb.” If these reports are accurate, they are yet another testament to the superb work of our intelligence and military officials and our entire nation’s ongoing vigilance against terrorism.

This conspiracy also underscores the very real threats that are still directed against our nation. We are engaged in an ongoing battle to stay one step ahead of the terrorists. Just because Osama bin Laden has been killed and al Qaeda’s leadership has been degraded does not mean we can rest.

As today’s hearing highlights, part of our core defenses includes efforts by TSA to procure and deploy effective security technology and equipment in our nation’s airports.

In recent years, however, the DHS Inspector General and GAO have documented shortcomings in TSA’s acquisition process and in individual procurements. In 2006, for example, TSA deployed Explosives Trace Portals—commonly known as “puffers”—even though initial tests suggested they might not perform in airports as they had in laboratory settings. TSA later ended the program and scrapped the machines when they failed to perform adequately in the field.

Similarly, after the attempted bombing of a Northwest Airlines flight on Christmas Day 2009, another passenger screening technology was rapidly deployed—the Advanced Imaging Technology. GAO raised concerns about the testing and performance of these machines before they were deployed, and GAO also raised concerns about their low usage after they were deployed.

Finally, last month, GAO reported that TSA’s checked baggage screening program has never had a Department-approved acquisition program baseline. This program, which was

initiated eight years ago, has a cost estimate of \$49 billion through 2030. According to GAO, the program has already experienced cost increases, but the absence of an approved baseline makes it difficult to measure those increases against specific benchmarks.

TSA's procurement challenges are similar to those of other agencies. For example, during my tenure as Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I convened a series of hearings to examine the Coast Guard's major procurements, including what was then known as the Deepwater program. Early in this program, the Coast Guard spent millions of dollars buying boats that literally did not float.

Based on our detailed oversight work over many months, I authored legislation to ensure that specific and detailed statutes will guide Coast Guard procurements in the future. I am proud to say that this legislation eventually became Title IV of the Coast Guard Authorization Act of 2010. I believe a similar effort may be warranted here and that we should consider applying such statutes to the entire Department of Homeland Security.

In the meantime, I am encouraged that the Department has already taken some steps to strengthen its management and oversight, starting with issuing a new acquisition guidance directive. This directive requires that each procurement follow a standardized and rigorous process, and it is intended to allow progress through acquisition phases only after clear and justifiable decisions are made at specific milestones.

However, no rules will be effective unless they are followed. DHS awarded 88,000 procurement actions worth \$13 billion in fiscal year 2010. And the challenges TSA has faced with its aviation security systems are a result of the agency not fully complying with DHS directives and DHS not insisting on TSA's compliance. The Department and its agencies must be accountable for their expenditures, and that process starts by ensuring that the Department and its procuring agencies follow their own rules and procedures.

In a time when people are proposing even more extreme measures to address TSA's challenges, I see a simple solution: follow the protocols that have been established. We have come a long way, and we still have a long to go, but we now have an acquisition system in place that all DHS components should follow.

With today's hearing, I look forward to understanding how and when TSA will reach this critical milestone.

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