

APR - 3 2013

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20598



**Transportation
Security
Administration**

The Honorable Bennie Thompson
United States House of Representatives
Washington, DC 20515

Dear Representative Thompson:

Thank you for your letter of March 21, 2013, expressing your concerns regarding my decision to remove certain small knives and sporting equipment from the list of items that passengers are prohibited from carrying in the cabin of a commercial aircraft flight. As I made clear both before and after the change was announced, I made this decision in an effort to focus the Transportation Security Administration (TSA) more effectively against threats that could result in a catastrophic attack. I have addressed both the background and context for my decision as well as the outreach TSA engaged in prior to and following the announcement of this decision in the attached enclosure.

The mandate for TSA, created two months after 9/11, was, and remains today, to ensure the safety and security of the traveling public by preventing catastrophic terrorist attacks. Over the past 11 years, we have strengthened checkpoint screening, fortified cockpit doors, implemented new processes to screen passengers against the terrorist watch list, and made other significant security improvements, all enhanced by the U.S. Government's post 9/11 advancements in strategic and tactical intelligence collection and sharing. At the same time, as the threat to the traveling public has evolved, we have been moving TSA from the "one-size-fits-all" approach required of TSA following 9/11, to a risk-based approach guided by the premise that we must focus our efforts on mitigating risk, rather than trying to eliminate it.

TSA has made incremental changes to the Prohibited Items List in the past. For example, in 2005, a previous TSA Administrator changed the list to allow passengers to carry small tools and sharp objects including 4-inch blade scissors. Over the past 8 years since that change, more than 3 billion passengers have flown throughout the United States without a single reported disruption from these objects. In fact, prior to the introduction of Advanced Imaging Technology, there was no capability of detecting non-metallic knives hidden on a person, yet there have been no attempts by terrorists to use a knife to commit a terrorist act aboard an aircraft since 9/11.

Over the past several years, TSA has built a multi-layered approach to security in the United States while focusing on raising international aviation security standards. The most recent change to TSA's prohibited items list more closely aligns with the International Civil Aviation Organization (ICAO) guidance. In 2010, ICAO amended aviation security guidance materials to include a Prohibited Items List that permits knives with a blade length of 6 centimeters or less to be carried in the cabin of aircraft. More than 5 billion passengers have flown worldwide under the revised ICAO guidance, and I am aware of no instance where such a knife has been used in an attempted terrorist act or to harm a passenger or crewmember.

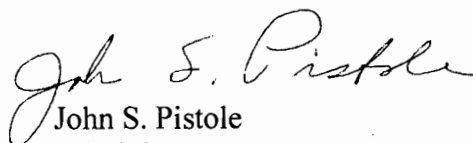
Exhibit

16

Conversely, there are several instances where explosive devices have been successfully introduced or were attempted to be carried on to a passenger flight by terrorists.¹ Current intelligence tells us that terrorist organizations continue to target commercial aviation for attack using explosive devices that could bring down a plane if successful. Given these real and significant threats, security experts worldwide have concluded that small pocket knives and certain sporting equipment do not pose a security risk that would result in the catastrophic failure of an aircraft and the loss of all life on board. I want the men and women of TSA to provide the most effective security in the most efficient way, focusing on those devices that could take down an aircraft.

I appreciate that you took the time to share your concerns with me, and I hope this information is helpful. I have provided a copy of this letter and enclosures to the other signatories to the March 21 letter and look forward to working with you to accomplish TSA's mission. If you require additional details on this decision, please feel free to contact me personally or the TSA Office of Legislative Affairs at (571) 227-2771.

Sincerely yours,



John S. Pistole
Administrator

Enclosure

¹ "Shoe bomber," December 2001; "Liquids plot," from United Kingdom, August 2006; "Underwear bomber," December 2009; "Next Generation" underwear bomb plot, April 2012; Yemen toner bombs on two U.S. cargo flights bound for Chicago, October 2010.

Enclosure

Background and Context of the Decision

- The decision to change the prohibited items list aligns with the judgment of security experts worldwide that a small knife will not cause a catastrophic failure of an aircraft.
- Administrator Pistole received bipartisan encouragement from Members of Congress to review and adjust the prohibited items list, dating back to his Senate Confirmation hearing in June 2010.

Risk-Based Security Initiatives

- For context, this decision is the 14th policy change Administrator Pistole has made as part of the risk-based security (RBS) initiative. Previous RBS initiatives implemented which apply special screening protocols to low-risk passengers include:

Policy Change	Effective Date	Number Participating
Honor Flights – WWII Veterans Visiting WWII Memorial in Washington, D.C.	5/20/2011	37,835 Since Implementing
Children under 12	9/26/2011	~ 60,000 per day
TSA Pre✓™ (including DHS Trusted Travelers & Frequent Fliers)	10/04/2011	~ 8 Million expedited screenings to date
Active Duty Military	3/20/2012	~ 2.4 Million
Intelligence Community & TS/SCI Clearance Holders	5/08/2012	Classified SSI
75 and Older	5/28/2012	~ 40,800 per day
Pilots	6/06/2012	~ 8,400 per day
Federal Judges	6/27/2012	~1,100
Flight Attendants	10/01/2012	~ 16,800 per day
Members of Congress	1/25/2013	355 Opted to date
Certain State/Local Law Enforcement Officers	1/28/2013	< 100
Medal of Honor Recipients	2/28/2013	80 current living
Changes to Screening for Persons with Disabilities and Wounded Warriors	2/21/2013 3/28/2013	Unknown

Prior Prohibited Items List Changes

- In December 2005, TSA began allowing objects such as small scissors, tools, and knitting needles as carry-on items; in August and September 2006, TSA began adjusting the initial ban on liquids, aerosols, and gels; in August 2007, TSA provided notice that, per Congressional directive, it was no longer enforcing the prohibition on passengers carrying a butane lighter as a carry-on item.

Internal Review

- In the fall of 2010, Administrator Pistole directed a thorough risk analysis with input from key TSA security experts.
- In February 2011, Administrator Pistole received a comprehensive briefing of their analysis and recommendation to remove small knives and other items from the prohibited items list. Administrator Pistole deferred a decision on changing the PIL while TSA began implementation of other risk-based security initiatives, including implementing TSA Pre✓™ across the country.
- In the summer of 2012, Administrator Pistole directed the working group to review the group's earlier analysis and conclusions. Group confirmed that the original analysis and conclusions remained valid.
- Administrator Pistole solicited and received input from TSA employees in several ways.
 - 1) In July 2012, TSA National Advisory Council ad hoc subcommittee reviewed the prohibited items list and recommended removing small knives from the list.
 - 2) Since April 2011, the recommendation to revise the prohibited items list to include removing small knives has been a regular suggestion submitted via the TSA Idea Factory with strong employee support indicated for this change (over 2,000 votes of support).
 - 3) In airport visits around the country, Administrator Pistole has asked employees for their thoughts on permitting passengers to carry small pocket knives, and the near unanimous response from these front line Transportation Security Officers is that it would improve their ability to identify components of explosive devices during checkpoint security screening.

Based on this input, Administrator Pistole then evaluated the following criteria:

- The latest intelligence and threat information from the U.S. intelligence and law enforcement communities as to how terrorists are trying to attack us and how that has changed since September 11, 2001;
- The potential increased risk to passengers, flight crew, Federal Air Marshals, and the TSA workforce;
- How a change to the prohibited items list would impact security operations for TSA employees and the traveling public, particularly at the checkpoint;
- Whether the change would increase the risk of a successful terrorist attack to bring down an aircraft;
- How TSA's current policy aligned with international security standards, similar to our interests in finding ways to allow more liquids to travel internationally (and domestically);

- How this change aligns with TSA's goal to provide the most effective security in the most efficient way;
- How changes may address issues raised by the flying public to reduce the "hassle factor" of flying and apply more common sense to aviation security.

Following this analysis, Administrator Pistole extended discussions with his leadership team and received valuable input from Federal Air Marshals in Charge (FAM SACs) of field offices and Federal Security Directors. Of note, the input Administrator Pistole received from the FAMS SACs resulted in his final decision being more restrictive than he was originally considering and more restrictive than international security guidelines.

Engagement and Outreach with Stakeholders

- September 24, 2012, in a closed briefing for the Homeland Security Advisory Council (HSAC), Administrator Pistole shared with the 17 members present his intention to adjust the prohibited items list and remove small knives. HSAC members understood and provided positive feedback on the risk-based rationale behind the change.
- A follow-up discussion was also held with a founder of one of the 9/11 victim's families organization and current HSAC member present on September 24, 2012. This member's "Letter to the Editor" to USA Today in favor of risk-based security was published on March 14, 2013.
- November 30, 2012, Administrator Pistole provided notice of his pending decision to the President of the Association of Flight Attendants (AFA) and asked for her input. She had earlier expressed her appreciation to Secretary Napolitano and Administrator Pistole for including flight attendants in the RBS initiative, Known Crew Member, where over 90 percent of all flight attendants and pilots no longer go through physical screening in the largest airports. TSA received no feedback from AFA until after Administrator Pistole's March 5, 2013, announcement.
- January 28, 2013, Administrator Pistole briefed the President of the Airlines Pilots Association (ALPA) who concurred with the decision.
- February 28, 2013, Administrator Pistole briefed his counterparts from the European Commission (EC), Canada, and Australia on this planned change. The group supported this decision as it aligns more closely with the ICAO policy in place since 2010.

Congressional Engagement

- Beginning with his confirmation hearings in June 2010, Administrator Pistole discussed possible changes to the prohibited items list with Members of Congress and their staff in both informal discussions and publicly during congressional hearings.

- November 9, 2011, Administrator Pistole testified before the Senate Commerce Committee that he believed the key to success for TSA was concentrating on items that could cause catastrophic failure to an aircraft.
- In a June 12, 2012, hearing before the House Homeland Security Subcommittee on Transportation Security, Administrator Pistole was asked directly whether he was considering allowing passengers to carry small pocket knives. In his response, Administrator Pistole informed the Subcommittee that he was considering this change, and noted that he needed to have TSA's frontline security officers concentrating on what can cause a catastrophic failure to an aircraft, with the greatest threat being nonmetallic improvised explosive devices. The Subcommittee Chairman at that same hearing commented that he and another Member had recently attended a public meeting where they heard frustration from an overwhelming majority of the attendees that TSA was still collecting pocket knives and certain other prohibited items 10 years after 9/11, and strongly encouraged TSA to revise the prohibited items list in keeping with TSA RBS strategy.
- February 14, 2013, during a classified threat briefing at TSA headquarters, Administrator Pistole informed the Chairman and key majority and minority staff from the House Homeland Security Subcommittee on Transportation Security that he was finalizing his decision to remove items from the prohibited items list, including small knives.

Engagement Following the Announcement

- Administrator Pistole provided a classified current threat briefing to eleven Senators from the Senate Commerce Committee (February 14, 2013) and three Senators from the Homeland Security and Governmental Affairs Committee (March 12, 2013).
- March 20, 2013, Administrator Pistole provided a classified briefing to a member of the House Homeland Security Subcommittee on Transportation Security.
- March 13, 2013, Administrator Pistole provided a classified briefing to 12 representatives of six flight attendant associations, detailing current threats.
- March 15, 2013, Administrator Pistole provided this same classified briefing to the President and Vice President (a TSA FAM) of the Federal Law Enforcement Officers Association (FLEOA) who represent some FAMs and other law enforcement personnel.
- March 27, 2013, Administrator Pistole met with and gave a classified briefing to representatives from the 9/11 families.
- April 22, 2013, the Aviation Security Advisory Committee (ASAC) is scheduled to receive this classified briefing.

Major Newspaper and Other Media Articles in Support of Decision

- *Is there actually logic in TSA's latest move? Yes, and that's apparently unsettling to some.* (The Wall Street Journal) March 6, 2013
- *Pocketknives no longer can down a plane: Our view* (USA Today) March 10, 2013
- *TSA's new rules on knives are safe and reasonable* (The Washington Post) March 12, 2013
- *Why the TSA Is Right, and Markey and Schumer Are Wrong, About the Little Knives* (The Atlantic) March 13, 2013
- *New airline passenger rules make sense* (The Herald Online) March 13, 2013
- *Inquirer Editorial: TSA takes a stab at smarter security* (Philadelphia Inquirer) March 13, 2013
- *Our opinion: Good sense at last* (Austin Daily Herald) March 7, 2013
- *Flight Attendants Panic Over Pocket Knives* (The American Spectator) March 8, 2013
- *Small Favors* (Travel Weekly) March 11, 2013
- *TSA infuses reason into security rules* (Union-Bulletin) March 12, 2013
- *TSA can't be worried about pocket knives: Opinion* (Star-Ledger) March 21, 2013