

“An Assessment of Checkpoint Security:
Are Our Airports Keeping Passengers Safe?”

Summary Statement of

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Subcommittee on Transportation Security and Infrastructure

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EPIC is non-partisan public interest research organization, based in Washington, DC. Founded in 1994, EPIC was established to focus public attention on emerging privacy and civil liberties issues. EPIC has a particular interest in techniques for screening passengers and other practices of federal agencies that implicate privacy interests. This is a summary of our prepared statement

First, we are grateful to the Subcommittee for holding this hearing. The recent report of the Government Accountability Office (GAO) has made clear that there are important questions that need to be asked about the effectiveness of checkpoint security. EPIC believes that the deployment of whole body imaging devices in US airports illustrates the challenges facing DHS.

Second, as a result of an extensive Freedom of Information Act lawsuit that EPIC has pursued against the Department of Homeland Security, we have obtained documents concerning the TSA screening practices and the use of body scanners that we believe are of interest to the Committee. Based on these documents, which include the TSA Procurement Specifications, the TSA Operational Requirements, and vendor contracts, we have determined that:

- The device specifications for body scanners include the ability to store; record, and transfer images, contrary to the representations made by the TSA
- The device specifications include hard disk storage, USB integration;
- Ethernet connectivity that raise significant privacy and security concerns
- The device specifications include “super user” (“Level Z”) status that allows TSA employees to disable filters and to export raw images; and
- The DHS Privacy office failed to adequately assess the privacy impact of these devices.

Third, the documents EPIC obtained also raise the question of whether in fact whole body imaging systems, either millimeter wave or backscatter x-ray, could detect the powdered explosive PETN that was involved in the December 25 incident. We noted that the procurement specifications described devices that were capable

of detecting “explosives,” “weapons,” and “liquids” but not “powders.” Our finding is similar to the preliminary conclusion of the GAO and independent experts.

Fourth, EPIC subsequently obtained from the TSA records of complaints from travelers who went through the devices. Travelers reported that they were not told about the pat down alternative or that they were going to be subject to a body scan by TSA officials. Travelers also expressed concern about radiation risks to pregnant women and the capture of images young children without clothes. And travelers have expressed religious objections to body scanners.

Fifth, EPIC and other organizations have recommended that the deployment of body scanners be suspended, pending an independent review to evaluate health impacts, privacy safeguards, and effectiveness. We hope that the Subcommittee will have the opportunity to review these issues in more detail at a subsequent hearing.

In conclusion, we favor the use of airport screening techniques that are minimally intrusive and maximally effective. Unfortunately, the body scanners now being deployed in the nation’s airport are almost the exact opposite – they are uniquely intrusive as they allow the government to photograph air travelers stripped naked regardless of suspicion. And serious questions have been raised about the effectiveness of these devices to detect and prevent a person from boarding a plane with a powdered explosive.

EPIC would be pleased to provide to the Subcommittee the documents we have obtained in our open government lawsuit concerning the use of body scanners in US airports.

Thank you for the opportunity to participate in the hearing today.

REFERENCES

EPIC - Whole Body Imaging Technology and Body Scanners (“Backscatter” X-Ray and Millimeter Wave Screening)

<http://epic.org/privacy/airtravel/backscatter/>

EPIC-Nader Letter to President Obama Urging Suspension of Body Scanners (Feb. 24 2010)

http://epic.org/privacy/airtravel/backscatter/EPIC-Nader_WBI_Letter.pdf

GAO, “Homeland Security: Better Use of Terrorist Watchlist Information and Improvements in Deployment of Passenger Screening Checkpoint Technologies Could Further Strengthen Security” (Jan. 27, 2010)

<http://www.gao.gov/products/GAO-10-401T>

[Additional attachments will include documents obtained by EPIC under FOIA]