

# United States Senate

WASHINGTON, DC 20510

January 6, 2010

Gale D. Rossides  
Acting Administrator  
Transportation Security Administration  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598

Dear Acting Administrator Rossides:

We are writing to express our concerns with the serious security breach that recently occurred at Newark Liberty Airport and to urge you to investigate and implement a number of security measures to keep airline passengers safe. This breach and the slow and uncoordinated response that followed it—particularly at a time when the Transportation Security Administration (TSA) should have been on heightened alert—raise serious questions that the TSA must investigate and remediate immediately to help protect the lives of Americans travelling through Newark Airport and across the country.

As you are aware, on Sunday afternoon, a man walked through an airport terminal exit into a secure area of Newark Liberty Airport while the TSA was unaware. The suspect had gone through no security checks or screenings and could have potentially been armed with dangerous weapons or explosives, free to board any aircraft for which he had a ticket. While luckily this was not the case, we cannot rely on luck for our safety—we have to be right 100 percent of the time, while those who would do harm only have to be right one time.

This flaw in the security system needs to be addressed immediately and thoroughly at Newark Liberty. Such a critical area of the airport that allows direct access to the secure terminal should have additional security measures beyond a single agent, which was clearly not enough to prevent this week's breach.

Equally as disturbing as the initial breach of security was the uncoordinated manner in which it was handled. Video cameras, owned by the Port Authority of New York/New Jersey and operated by the TSA to help TSA agents respond to such incidents were not recording, apparently broken for some time. As a result, TSA agents were forced to rely on Continental Airlines' cameras, which were no longer intended for this purpose but were able to catch a glimpse of the suspect. This simple breakdown not only cost precious response time, it also prevented authorities from tracking the suspect and ensuring he was not a threat.

Once a breach is noticed, it is critical to have all law enforcement authorities on the same page working together to secure the airport. Unfortunately, it appears the TSA

did not inform the Port Authority Police Department (PAPD) about the situation until over an hour after the initial breach. We cannot allow such communications breakdowns, especially with what occurred during 9/11 and most recently in Detroit. The PAPD could have provided much needed assistance to the TSA.

During the more than two hours between the time of the breach and the airport lockdown, the suspect could have boarded one of any number of flights that departed in this window. With knowledge of these breakdowns and flaws in security, we urge you to conduct a full investigation and take the necessary steps to address these security gaps at Newark Liberty Airport. Among the steps that should be taken, we urge you take the following actions:

- Reinforce the terminal exists with adequate personnel to ensure the area is continuously monitored and ensure that the personnel meets high performance standards.
- Immediately ensure that all video surveillance equipment is continuously operational and is subject to frequent monitoring by TSA personnel.
- Immediately investigate why the PAPD was not notified of the breach quickly and implement measures to improve coordination between the TSA, PAPD, the airlines and other law enforcement agencies.

We believe that these enhancements will help address what is certainly a flaw in Newark Liberty security. However, it is also clear that more systemic changes in the larger air travel security system must be made in order to keep passengers across the country safe.

Just as the security breach at Newark Liberty exposed shortcomings in information gathering and sharing among law enforcement authorities, the attempted attack aboard an international flight to Detroit on Christmas Day shows that our intelligence and security agencies must act quicker and more cooperatively to ensure that would-be terrorists can never make it aboard an aircraft. This was one of the major recommendations of the 9/11 Commission and resulted in the creation of the National Counterterrorism Center.

Additionally, we must achieve a more effective ability by the federal government to match names on traveler watch lists. We are pleased that President Obama seems committed to these types of forward-thinking security measures, and we will work with you to ensure their quick implementation.

While thankfully nobody was injured or killed as a result of the serious and unacceptable breach of security at Newark Liberty, we cannot count on being so lucky next time. We urge you to immediately implement the security enhancements recommended above and to thoroughly investigate how this breach occurred. Please keep us informed of your progress on this investigation and your efforts to ensure that no similar incident occurs at Newark Liberty Airport—or any airport—ever again.

Sincerely,

