A Better Way
BUILDING A WORLD CLASS SYSTEM FOR AVIATION SECURITY

PRESENTED BY THE U.S. TRAVEL ASSOCIATION

IN CONJUNCTION WITH THE BLUE RIBBON PANEL FOR AVIATION SECURITY
A Better Way: Building a World Class System for Aviation Security

Each day in the United States, roughly two million air travelers are advised to arrive upwards of two hours before a flight in order to be processed through a one-size-fits-all security screening system. Each traveler must present their identification for verification, take off any coats, remove their shoes, pull out their cell phone, unpack their laptop, unhook their belt, unsnap their watch, place their liquids in a clear plastic bag, and place all of their personal effects on a conveyer belt. Then, every man, woman and child goes barefoot through a screening device and then tries to reassemble their belongings before the crush of passengers further backs up the screening line.

Has the system worked? By one measure—yes. There have been no successful terrorist attacks against an American aircraft since the horrible events of September 11, 2001. If terrorist attacks are the only form of judgment, the post-9/11 security screening system has succeeded to date. The Department of Homeland Security (DHS), its Transportation Security Administration (TSA), and the American public with its new “take charge” attitude all deserve credit and our appreciation.

Is today’s security screening system the most cost effective and efficient that the United States can possibly produce? No. The country that put a man on the moon, invented the Internet and creates daily innovations in manufacturing can and must do better.

Staggering Economic Consequences of the Current Security System

The current aviation security system is discouraging Americans from flying and contributing to a decline in productivity among those who choose to fly. According to a 2010 survey conducted by Consensus Research, American travelers would take an additional two to three flights per year if the hassles in security screening system were eliminated. These additional flights would add nearly $85 billion in consumer spending and 900,000 jobs to the American economy.

According to the same research, a large majority of Americans consider today’s security screening system to be “inconsistent,” “stressful” and “embarrassing.” The President of the United States acknowledged the challenges with today’s system when he joked in the 2011 State of the Union address that we should support high-speed rail as an alternative to flying because, “it will be faster than flying—which is worser—without the pat-down.”

In 1999, Supreme Court Justice John Paul Stevens wrote in the landmark case Saenz vs. Roe that the Constitution protects the right to travel freely within the United States and to be treated as a welcome visitor rather than a hostile stranger. In 1958, Supreme Court Justice William O. Douglas, in holding that the federal government could not restrict the right to travel without due process, wrote:

“Freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country...may be as close to the heart of the individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic in our scheme of values.”

These powerful words, combined with the clear consequences of today’s security screening system, highlight the need for more efficiency and cost effectiveness. Aviation security is about much more than providing for the safety of the traveling public—it is about protecting the American way of life.

When combining the staggering economic consequences of the current system with the widely held views of the traveling public—and with the American way of life hanging in the balance—the picture becomes clear: we can, and must, build a new traveler-focused system for aviation security.

A Better System Eliminates One-Size-Fits-All Approach

A better aviation security screening system must feature several characteristics, including:

- Effective methods of deterring and interdicting terrorist and criminal actors;
- Tailored security based upon risk assessment;
- Predictability for the traveling public; and
- Reasonable efficiency and cost-effective use of resources.

Building such a system will require the active participation of, and possible sacrifices by:

- Airlines;
- Airports;
- The broader travel industry;
- The traveling public;
- Federal agencies; and
- Congress.

Congress Must Lead the Way to Better Aviation Security

In November 2010, new enhanced “pat down” techniques and advanced “full-body scanning” equipment sparked a media...
frenzy over aviation security. A renewed public debate took place over the role of privacy in aviation security, and many in Congress and the media openly questioned if TSA had gone too far.

This outcry was an example of the wild swings in media coverage and public policy that, over the past 10 years, have characterized the debate over aviation security.

The “whipsaw” nature of security policy is best demonstrated by two recent Congressional actions. In June 2009, the House of Representatives rejected whole-body imaging machines as a primary means of screening travelers by a vote of 310-118. Just six months later, Congress abruptly accelerated and expanded the deployment of whole-body imaging machines for primary screening. What changed? The unsuccessful attempt to destroy a Northwest Airlines plane on Christmas Day.

Dramatic policy shifts undermine the ability of our nation to create a secure and efficient aviation system, and demonstrate a lack of a long-term vision for aviation security. Furthermore, TSA and its Transportation Security Officers (TSOs) often bear unjustified public criticism for simply carrying out the ever-changing policies set by Congress and the Administration.

If this pattern is to change, Congress must set the tone and take on the responsibility of improving the current system. As the elected representatives of the American people charged with providing a check and a balance on the Executive Branch, Congress must take the lead in coalescing all stakeholders in aviation security to enact meaningful reforms.

Some in Congress appear to have calculated that there are no political consequences to an inefficient and costly system, but great political consequences to a successful terrorist attack. This is a classic Hobson’s Choice that the American traveling public repudiates. The debate Congress must engage in is not strong security versus weak security, but rather how to create a world class aviation security system that effectively manages risk, increases efficiency and embraces the freedom to travel.

The Blue Ribbon Panel: Expertise and the First Step toward Reform

In an effort to spark a productive dialogue and begin the process of reform, the U.S. Travel Association brought together a Blue Ribbon Panel for Aviation Security. The panel consisted of former top officials from DHS and TSA; representatives from the airline, airport, logistics and security technology sectors; and leaders who represent the destinations and other businesses reliant on a functional air travel system.

The Panel was led by three co-chairs:
- The Honorable Tom Ridge, former Secretary of the Department of Homeland Security, currently CEO of Ridge Global;
- The Honorable Jim Turner, former Ranking Democratic Member of the House Homeland Security Committee, currently Partner at Arnold & Porter; and
- Mr. Sam Gilliland, Chairman and CEO of Sabre Holdings

The strength of the Blue Ribbon Panel was rooted in the diverse professional and political viewpoints of the panelists. And, as with any difficult issue, this diversity did not always lead to consensus. Throughout the report, panel member support for specific recommendations is noted by the blue dialogue boxes. The panel co-chairs, in particular, provided numerous hours of their time to discuss, deliberate and develop many of the recommendations below.

Garnering the Voice of the Traveler

An important but often overlooked voice in the security process is that of the traveler. To remedy this omission, the U.S. Travel Association canvassed travelers for insights on how to improve the system through opinion surveys and a new website, YourTravelVoice.org, which gathered approximately 3,000 recommendations, some of which are reflected in this report.

Recommendations

Unlike other reports on this topic that examine the issue from a single vantage point (such as privacy, airline profitability, or government spending), the recommendations below represent a unique merger of non-partisan views of all essential stakeholders in aviation security. Based on the advice of the panel experts and the views of thousands of travelers, the U.S. Travel Association makes the following recommendations:
GOAL NUMBER ONE — Improve the TSA checkpoint by increasing efficiency, decreasing passenger wait times and screening passengers based on risk

- Implement a risk-based Trusted Traveler program. Congress should authorize TSA to implement a new, voluntary, government-run Trusted Traveler program that utilizes a risk-based approach to checkpoint screening, with the goal of refocusing resources on the highest risk passengers;
- Give TSA authority over entire checkpoint area. Congress should immediately act to clear up confusion over “ownership” of commercial aviation security and authorize TSA to control the entire security checkpoint starting at the beginning of the security lines and ending after a traveler exits the screening area;
- Improve preparation of travelers. Industry stakeholders should work with TSA to improve their education and communication on security rules and regulations, targeting locations and sources that travelers are likely to review as they book or prepare for a trip;
- Encourage fewer carry-on bags. The Department of Transportation (DOT) should issue regulations requiring airlines to allow passengers one checked bag as part of their base fare and standardize existing rules covering the quantity and size of items that can be carried onto an airplane.

GOAL NUMBER TWO — Improve governmental efficiency and cooperation in the execution of its security responsibilities

- Reinstitute the Aviation Security Advisory Committee. DHS should immediately reinstate and appoint the Aviation Security Advisory Committee to provide effective private sector input to DHS on aviation security within 180 days. DHS should also convene airport-specific working groups to identify and resolve problems affecting travelers at particular locations;
- Facilitate non-partisan leadership of TSA. The TSA Administrator should be converted to a five-year position extending across presidential administrations to be filled by a non-partisan official with expertise in both security and facilitation;
- Develop a comprehensive technology procurement strategy. TSA, in collaboration with technology vendors and the travel community, should develop a comprehensive strategy for implementing necessary checkpoint technology capabilities. Congress should provide multi-year funding plans for TSA to execute this strategy;
- Encourage wider use of secure identification documents. Federal and state governments should embrace programs that build and deploy secure identification documents in order to provide higher-quality identity documents to the traveling public that meet government security requirements;
- Reduce duplicative TSA screening for international arrivals. DHS should enable certain low-risk passengers who are traveling to another domestic airport to forego checked baggage and passenger screening upon landing in the U.S.;
- Expand trusted traveler programs to qualified international passengers. DHS should expand access to international trusted traveler programs for international passengers entering the U.S., as well as lead efforts to establish a multinational network of streamlined entry procedures for low-risk travelers;
- Eliminate duplication between TSA and Customs and Border Protection (CBP). DHS should streamline its operations at U.S. international airports to reduce unnecessary duplication and leverages CBP and TSA resources, authorities, and capabilities;
- Push for international cooperation with U.S. security standards. The federal government must continue to push for international cooperation in the development of international aviation security, including both bilateral and multilateral approaches, as well as with organizations such as the International Civil Aviation Organization (ICAO), to strengthen aviation security efforts while promoting travel and protecting travelers’ rights.

GOAL NUMBER THREE — Restructure our national approach to aviation security by developing and utilizing real risk management methods and tools

- Implement well-defined risk management processes. The Administration should convene an external panel of experts with appropriate security clearances to review TSA aviation security programs, assess the risk each is designed to mitigate and develop metrics for measuring progress to lessen that risk.
## GOAL NUMBER ONE — Improve the TSA Checkpoint by Increasing Efficiency, Decreasing Passenger Wait Times and Screening Passengers Based on Risk

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<tr>
<td>The airports, airlines, and TSA all have some control over the security checkpoint — leading to inefficient uses of space and added confusion for travelers.</td>
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<tr>
<td>Too many travelers enter the checkpoint unaware of the security screening process and fail to live up to their responsibilities to make the system work smoothly.</td>
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<tr>
<td>In order to avoid paying baggage fees, passengers are bringing more carry-on bags onto each flight, which increases checkpoint congestion and requires TSA to devote more resources, equipment and personnel to screen in-line passenger bags.</td>
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## GOAL NUMBER TWO — Improve Governmental Efficiency and Cooperation in the Execution of its Security Responsibilities

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<tr>
<td>The current Security Partnership Program allowing airports to utilize private sector security screeners is ineffective and gives private firms little flexibility to change or improve the screening process.</td>
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<tr>
<td>Today’s public policy and regulatory dialogues on aviation security issues are largely conducted by TSA, airlines and airports, with travelers excluded from the debate.</td>
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<td>By requiring the TSA Administrator to be a presidential appointee needing Senate confirmation, the agencies are subjected to leadership changes that are too partisan, too frequent, and too disruptive to the missions of the agency.</td>
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<td>TSA often deploys new technologies because of current events, not because of a thoughtful, long-term development strategy that is based on managing risk gleaned from a strong intelligence gathering and analysis capability.</td>
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<td>Many government-issued identity documents are too insecure to provide front-line security officials with a level of confidence needed to give travelers a “trusted” status.</td>
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<td>Travelers to the U.S. with domestic connections must undergo two separate physical screening processes.</td>
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<tr>
<td>One of the greatest challenges CBP and TSA face is identifying international travelers who may pose a threat, distinguishing them from the mass of the traveling public and subjecting them to additional scrutiny in a manner that facilitates the travel of other passengers.</td>
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<tr>
<td>Despite working in the same airport environment, CBP and TSA operate independently, with little or no coordination on scheduling, training or legal authorities.</td>
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<td>International standards for aviation security are inconsistent and, all too often, unenforced.</td>
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<td>Empower airports and the private sector to innovate and improve security.</td>
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<td>Facilitate non-partisan leadership of TSA.</td>
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<td>Congress should overhaul the TSA Screening Partnership Program so that it becomes a viable, flexible and innovative option for helping airports deploy more efficient and effective security solutions that are tailored to their specific requirements.</td>
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<td>DHS should immediately reinstate and appoint the Aviation Security Advisory Committee to provide effective private sector input to DHS on aviation security within 180 days. DHS should also convene airport-specific working groups to identify and resolve problems affecting travelers at particular locations.</td>
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<td>TSA, in collaboration with technology vendors and the travel community, should develop a comprehensive strategy for implementing necessary checkpoint technology capabilities. Congress should provide multi-year funding plans for TSA to execute this strategy;</td>
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<td>The federal and state governments should embrace programs that build and deploy secure identification documents in order to provide higher-quality identity documents to the traveling public that meet government security requirements;</td>
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<td>DHS should enable certain low-risk passengers who are traveling to another domestic airport to forego checked baggage and passenger screening upon landing in the U.S.;</td>
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<td>DHS should streamline its operations at U.S. international airports to reduce unnecessary duplication and leverages CBP and TSA resources, authorities, and capabilities.</td>
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<td>The federal government must continue to push for international cooperation in the development of international aviation security, including both bilateral and multilateral approaches, as well as with organizations like ICAO, to strengthen aviation security efforts while promoting travel and protecting travelers’ rights;</td>
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## GOAL NUMBER THREE — Restructure our National Approach to Aviation Security by Developing and Utilizing Real Risk Management Methods and Tools

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<td>TSA and Executive Branch officials are not given the tools needed to effectively assess risks and make sound security decisions.</td>
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The United States air transportation system is a critical component of our country’s transportation infrastructure and essential to U.S. economic vitality. A widely accessible air transportation system allows business and leisure travelers to access markets and destinations that are troublesome or impractical to reach by other modes of transportation, while providing quicker access to destinations in close proximity to a traveler’s point of origin. By facilitating the movement of goods and people, air transportation enhances commerce, connects people and communities, and provides Americans with a better quality of life.

Civil aviation is vital to the travel and tourism industry. In 2007, civil aviation accounted for over $1.3 trillion in economic activity, or 5.6 percent of the total U.S. economy, and employed 11 million Americans in aviation-related fields. In 2009, an estimated 701 million—or two million per day—domestic and international passenger trips were taken on commercial air carriers. The U.S. Department of Transportation (DOT) estimates that 12 percent of all leisure travel and 18 percent of all business travel is conducted using air transportation.

Unfortunately, the same attributes that make civil aviation an essential part of our everyday lives also make it an attractive target for acts of terrorism. The events of September 11, 2001, demonstrated the devastating loss of life and the severe economic consequences that can be inflicted by a successful attack utilizing passenger aircraft.

After the attacks of 9/11, Congress and the federal government focused more resources and efforts on combating terrorism and protecting the homeland. The creation of DHS and TSA brought vast improvements to border and transportation security. Their efforts, in coordination with multiple federal, state and local agencies, have proved pivotal in deterring and preventing another large-scale terrorist attack on U.S. soil. As a result, there is little question that the U.S. is safer today than it was before 9/11.

However, as aviation security continues to evolve, the combination of new screening procedures, technologies, regulatory requirements, and evolving threats are putting increased strain on aviation stakeholders and the traveling public. Many are starting to question whether the current system strikes the proper balance between facilitating the movement of goods and people, and providing protection from the continued threat of terrorist attack.

The Economic Impact of Our Current Aviation Security System

According to a number of economic impact studies and consumer surveys, American business and leisure travelers face greater hassles, endure longer travel times, and lose economic opportunities as the result of the current airport security system. In fact, air traveler surveys conducted in 2008 and 2010 show that traveler frustration and the economic consequences of the current system are getting progressively worse.

In May 2008, the Winston Group and Peter D. Hart Research Associates conducted a survey of air travelers who took one or more flights in the previous year. The survey found that 33 percent of all air travelers were dissatisfied with the entire air travel system and 39 percent felt that their time was not respected in the air travel process. The survey also showed that dissatisfaction was highest among frequent travelers who flew five or more times per year. Of that group, 48 percent were dissatisfied with the air travel process and 51 percent felt that the process did not respect their time.

“... I truly don’t want to fly anymore. It used to be fun! I even got into the travel industry so I could help others do it for less, and they could feel the rush and exhilaration of a last-minute trip to anywhere. I’m all for security measures but I’m highly suspicious that this actually catches the people we’re supposedly looking for. Now, we’re spending money on things that make me hate what I used to love."

– A.K., YourTravelVoice.org, 11/18/2010
In addition, when asked which two to three words come to mind when thinking of air travel, 40 percent of all respondents and 58 percent of frequent traveler cited the word “frustrating”, while 40 percent and 32 percent, respectively, said “convenient”.

In order to identify the source of traveler frustration, the survey asked respondents to specify the area of air travel they believed to be in need of most improvement. More than one in three passengers (36 percent) chose security screening as being in most need of improvement—the second highest category among all respondents.

In fact, the 2008 survey found that the hassles of air travel were discouraging people from flying. More than one in four respondents (28 percent) said that they chose to avoid at least one trip between May 2007 and May 2008. A simple extrapolation of these results indicates that 41 million travelers, or slightly more than 100,000 per day, avoided trips during this time period. That loss of travel translates into a $26.5 billion dollar loss to the U.S. economy, including $9.4 billion to airlines, $5.6 billion to hotels, $3.1 billion to restaurants and $4.2 billion in federal, state and local tax revenue.6

In 2010, Consensus Research conducted a similar survey to gauge air traveler’s views of the current security screening process. The survey found that perceptions of the air travel system and the resulting economic consequences are worse than in 2008 and an even larger majority of the traveling public is frustrated with the current system.

When discussing traveler frustrations, two-thirds of air travelers (66 percent) believed air travel security was a complicated problem and were frustrated by what they view to be heavy-handed procedures at airport checkpoints. The survey also found that travelers’ frustration with the system was not limited to just one or two security measures but include a whole range of issues. Among the survey findings:

- Nearly 9 in 10 respondents believed that, if the U.S. can put a man on the moon, we can create a secure and efficient passenger security system that does not frighten or inconvenience travelers;
- Having to remove shoes before going through a metal detector received a higher negative response than newly implemented enhanced pat-down body searches by TSA personnel; and
- Three in four air travelers supported recruiting more professional security personnel who are trained to use personal observation, using dogs to detect contraband, and deploying sophisticated computer analyses that have proven to be effective screening techniques in the past.

### Proportion Who Avoided Trips From May 2007 - May 2008 Because of Problems With Air Travel System*

<table>
<thead>
<tr>
<th>Travel Frequency</th>
<th>1 to 2 Trips</th>
<th>3 or More Trips</th>
<th>5 or More Trips</th>
<th>All Travelers</th>
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<tbody>
<tr>
<td>Have avoided trips</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have avoided trips</td>
<td>24%</td>
<td>33%</td>
<td>41%</td>
<td>28%</td>
</tr>
<tr>
<td>Mean number of trips avoided</td>
<td>1.0</td>
<td>1.7</td>
<td>2.6</td>
<td>1.3</td>
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### Number of Potential Additional Air Travel Trips with Reduced Hassle

- **All Past 2 Year Travelers**
- **November 29-December 10, 2010**

Similar to the 2008 survey, Consensus Research found that the increasing frustrations with the air travel security system continue to impact when and if people choose to travel. However, the number of avoided flights has increased and now nearly two in every three air travelers (64 percent) said they would fly more if security procedures remained as effective but were less intrusive and less time-consuming. On average, the survey found that travelers would take between two and three more trips a year if the hassle could be reduced without compromising security effectiveness. These additional trips could add $84.6 billion in spending and 888,000 more jobs to our economy.

Of all the traveler sentiments polled, the 2010 survey showed that there was overwhelming agreement on a single issue—75 percent of air travelers believe that there has to be a better way to conduct aviation security in the United States.

**The Growing Burden of “One Size Fits All” Security**

As traveler frustrations with the current system grow, the number of TSA passenger screening procedures is also expanding.

Many of the screening procedures were implemented in direct response to terrorist organizations developing new and innovative methods to carry out attacks and evade common screening practices. For example, on December 22, 2001, an al Qaeda affiliate attempted to set off explosives concealed in his sneakers, while onboard American Airlines Flight 63 from Paris to Miami. On December 25, 2009, a Nigerian citizen associated with al Qaeda concealed explosives in his underwear and attempted to ignite them onboard Northwest Airline Flight 253 from Amsterdam to Detroit. In each case, the terrorists constructed explosive devices that evaded detection at security checkpoints.

TSA responded to these types of failed attacks by adding additional procedures at passenger checkpoints. After the attempted shoe bombing in 2001, TSA required all airline passengers to remove their shoes for scanning by x-ray machines before moving through security checkpoints. Following the attempted Christmas Day bombing of 2009, Congress and TSA accelerated and expanded the deployment of advanced imaging technology (AIT) machines to most major airports throughout the U.S., and TSA implemented enhanced pat-down procedures as a form of random and secondary screening.

In 2009, a report issued by the Government Accountability Office (GAO) concluded that TSA deployed many of the new security procedures and programs without the benefit of a comprehensive risk assessment. The GAO argued that without such an assessment, TSA could not provide reasonable assurance that its limited resources were being directed at the highest priority threats in the most cost effective manner. Furthermore, GAO expressed concern that TSA implemented some security programs in response to high-profile terrorist
events, and administration and Congressional pressure—rather than a comprehensive risk assessment.\textsuperscript{10}

The findings of the GAO report bring into question cost and security effectiveness of adding more security procedures without employing a true risk-management strategy. Each new layer adds significant costs to maintaining the current system and places additional burdens on all aviation stakeholders. For example, by adding new screening procedures and technologies, TSA must also retrain existing employees, hire new screeners to meet increased workloads or perform new functions, and educate airports, airlines and the traveling public of the changes—all of which require vast resources. Moreover, most new technologies and procedures are deployed on a large scale—instead of on a targeted basis determined by risk—because TSA screens nearly all airline passengers using the same methods of primary screening.

Using a “one size fits all” approach for passenger screening and continually adding to the number of security procedures at each passenger checkpoint contributes to large annual increases in TSA’s budget. From FY 2004 through FY 2010, TSA’s annual budget increased by almost 70 percent, from $4.5 billion to $7.6 billion. In FY 2008 and FY 2009, TSA’s budget increased by more than $600 million despite declines in year over year airline passenger levels. The American people might be surprised to learn that in some years, the budget of TSA was greater than that of the Federal Bureau of Investigation, which investigates cases of terrorism and handles the entire federal law enforcement agenda.

During the recent recession, declines in air travel largely masked the underlying problem at U.S. airports. The FAA, however, now predicts that yearly passenger totals will grow from 713 million domestic and international passengers in FY 2010 to nearly 1.3 billion in FY 2031. In the next five years alone, FAA predicts that passenger levels will grow by an average of 3.7 percent per year, and continue to grow at an average of 2.5 percent from FY 2016 to FY 2031.\textsuperscript{13} With such steep rises in passenger levels, TSA will be hard pressed to control the growth of its budget, wait times at security checkpoints will increase, and the burdens of the current system will slow economic recovery unless Congress and TSA develop a long-term, risk based strategy to focus assets and resources at the highest priority threats.

As Secretary of Transportation, Ray LaHood, recently stated in reference to FAA’s forecasts for passenger growth, “We need to invest in aviation today to make sure America’s economy remains competitive.”\textsuperscript{14}

Moreover, as the recent attack in a Russian airport demonstrates, lines of passengers in the airport are themselves a significant security risk. Terrorists who may recognize the difficulty of penetrating the actual checkpoint may opt to
attack the aviation system and travelers before they even have a chance to be screened at the checkpoint. Former TSA Administrator Kip Hawley wrote in a recent op-ed that:

Effective security is, in fact, risk management. Our political leaders and security authorities make judgments about where to set the risk-management needle. They have chosen to take the minimum possible risk at airport passenger checkpoints, resulting in pat-downs and plastic bags. The needle registers a little more tolerance in the maintenance area, or so-called backside of airports, and more still in the public areas. But how much risk do we want to accept in these public areas? And how much more hassle can we take?²⁵

The issue of security in airport “public areas” is directly related to wait times and passenger volumes at TSA checkpoints. Since its creation, TSA set a goal to keep average wait times at passenger checkpoints below 10 minutes.¹⁶ However, according to a 2007 GAO report, average wait times at the nation’s busiest airports, which account for 75 percent of all passenger boardings, have consistently been over 10 minutes. In FY 2005, average wait times at the largest airports were 12 minutes and, in FY 2006, the average wait increased to 12.6 minutes. It is important to note that these average wait times include both peak and non-peak travel days, which balance out lengthy wait times that can exceed 40 minutes.¹⁷

Given the importance of passenger wait times to both security and levels of passenger frustration, it is unfortunate that, as of 2009, TSA has stopped providing information on average security checkpoint wait times to the general public. This lack of information not only inhibits passengers from adequately gauging the necessary arrival time before a flight but it also prevents independent analysis of TSA’s success in reducing wait times year-over-year.

In addition, because most travelers are unwilling to risk missing flights and thus incur airline fees to change a ticket or fly “stand-by”, travelers must plan for the worst-case scenario on security wait times and arrive at the airport far in advance of each flight. Many U.S. airlines advise their customers to arrive at the airport sixty (60) or seventy-five (75) minutes before the flight even if they are not checking luggage. While most passengers arriving this early will have cleared security far in advance of their flight, the “wait time” near the airport departure gate should be considered an unnecessary by-product of inconsistency at the TSA checkpoint.

**International Aviation Security and Impacts on Domestic Travelers**

International law and business practices deployed by governments, airlines, and airports around the world have direct impacts on the way TSA and the U.S. government fulfill their domestic responsibilities.

The case of Umar Farouk Abdulmutallab’s unsuccessful attack on an in-bound international flight on Christmas Day 2009 demonstrates the linkage between international and domestic security concerns.²⁸ In short order, this incident generated a plethora of changes in how governments around the world, including the U.S., sought to achieve aviation security. The processes that surround a flight have changed significantly in less than fourteen months, including major acquisitions of new screening technology at U.S. airports; negotiations between U.S. authorities, international carriers, international airports, and other governments concerning screening equipment and information sharing; and changes to watchlisting protocols.²⁹

As the December 25 failed bomb attack revealed, our current system—both domestic and internationally—is reactionary in nature. Within hours of the attack, TSA issued Security Directive 1544-09-06, requiring passengers to put away all carry-on baggage, blankets, pillows, and personal belongings and remain in their seats beginning one hour prior to arrival. This directive was superseded by new rules announced in early January 2010 on international screening protocols for passengers traveling from certain high-risk countries.³⁰ Later, on April 2, 2010, DHS Secretary Janet Napolitano announced a change in rules relating to air carriers with international flights to the U.S. These efforts subject passengers traveling to the U.S. to enhanced security measures including random screening through the check-in and boarding processes, and the use of explosive detection and advanced imaging technologies, canine teams, pat downs, and other security measures.³¹

It is also important to note that the regulation and execution of passenger screening in the U.S. is markedly different from other countries. A 2006 report produced by the Reason Foundation detailed 33 European airports that successfully outsourced their passenger and baggage screening operations to private contractors.³² Many of these same countries continue to employ similar procedures today.

**Conclusion**

It is not hard to document public angst about airport passenger screening procedures. However, the recommendations that follow provide real and implementable solutions to these pressing problems. If implemented by Congress and the Executive Branch, these recommendations would make our aviation security system more efficient, more secure, and more in line with what an overwhelming majority of Americans want—a better way to conduct aviation security.
Recommendations

II VISION FOR AVIATION SECURITY

Physical Review

Imaging Review

TSA Officers

Metal Detector

AIR Scanner

Baggage Screener

Bins

Passenger Queue

Explosive Detection

Trusted Traveler

Biometric Kiosks
GOAL No.1

Improve the TSA Checkpoint by Increasing Efficiency, Decreasing Passenger Wait Times and Screening Passengers Based on Risk

“A proper multi-level security scheme would tag each traveler with a risk assessment—Low, Medium, High, Orbital—and then tailor a protocol to fit that risk assessment. More than 99% of all travelers pose little to no risk. It makes no good security sense to assign them to the “high” risk pool….”

— P.K., YourTravelVoice.org, 11/19/2010

Our country needs to transition from today’s one-size-fits-all screening process, where travelers have no input or choices, to an environment where passengers can choose between three fundamentally different checkpoint experiences.

The first is the “Trusted Traveler” program described in great detail below, which could provide a significant portion of the daily travelers in the U.S. with an alternative screening process that recognizes their low-risk status.

The second passenger choice, “Imaging Review”, should utilize the most sophisticated equipment available to non-intrusively screen passengers for prohibited items and dangerous substances, with robust privacy protections built into the process.

The third experience, “Physical Review”, should provide personal physical searches for passengers who prefer this approach to any sort of non-intrusive imaging or identity management. TSA would develop physical inspection regimes designed to appropriately inspect travelers who wish to travel without going through advanced imaging equipment and/or cannot provide appropriate identification assurance of their identity to TSA.

In a country of over 300 million individuals, we recognize different travelers have different priorities and different visions about their privacy expectations. Some travelers are most concerned about providing information about themselves to the government. 23 Other travelers are offended by physical searches that currently inspect sensitive areas of their body or by AIT machines that produce detailed images for review. 24

Some segments of the traveling public, such as those with medical conditions or implanted medical devices, have been very vocal in asking for a better system that would address their specialized needs. 25 While the majority of travelers, according to polls, are supportive of existing security measures, 26 TSA’s screening process should be designed to meet these varied expectations without sacrificing security.

Problem

A one size fits all solution to passenger screening has blocked deployment of a Trusted Traveler program that will enhance security and increase passenger throughput.

“...How about implementing a “Trusted Traveler” program, like Global Entry, that expedites the TSA screening process? Make it a strenuous background check, supported by biometric screening, and let me move on; no metal detectors, taking off shoes, or opening bags. That is a service for which I would be willing to pay.”

— R.M., YourTravelVoice.org, 11/22/2010

The Aviation and Transportation Security Act, which established TSA allowed for the creation of a voluntary trusted traveler program. Congress believed that this requirement would
be an appropriate and effective mechanism to allow TSA to focus its limited resources on high-risk travelers who deserve more security attention and spend less time on passengers identified as “trusted”.27

Unfortunately, programs dubbed “registered traveler” (RT) never lived up to the hopes of Congressional authorizers—or the travelling public. Private sector vendors of RT programs succeeded in creating a secure, interoperable, biometrics-based identity credential that certainly helped verify the identity of the card’s holder upon arrival at the airport. Aggressive marketing about shorter wait times attracted approximately 250,000 enrolled members.

However, little else emerged from the program, as TSA was unwilling to provide any security benefits (i.e. allowing card holders to keep on their shoes when walking through the metal detector) for the enrolled members of the RT program. Although applicants submitted fingerprints and iris scans as part of their application, TSA refused to compare the fingerprints against applicable criminal and terrorist databases. In 2008, TSA withdrew from the program, leaving it as an airport-supported ‘front-of-the-line” only program.28

Less than a year later, the largest RT vendor abruptly ceased operations and the network of 21 airports offering RT services collapsed.29

In 2010, several vendors relaunched RT operations at a handful of airports but the current program remains devoid of either a background check or changes to the security checkpoint.30

**Solution**

*Implement a risk-based trusted traveler program. Congress should authorize TSA to implement a new, voluntary, government-run Trusted Traveler program that utilizes a risk-based approach to checkpoint screening, with the goal of re-focusing resources on the highest risk passengers.*

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We’ve been talking for years about establishing a screening system that takes risk into account. Creating a trusted traveler program is, without a doubt, one of the best ways to control the cost of aviation security and improve efficiency. —The Honorable Tom Ridge

The failure to date of the RT program is unfortunate but also perhaps appropriate because it does not utilize risk management by changing the checkpoint process for enrolled members who demonstrated and confirmed their low-risk nature. It is time for a true risk management trusted traveler program—which should help TSA and airport authorities better manage aviation security and checkpoint resources while also enhancing the passenger experience for all travelers.

TSA Administrator John Pistole is signaling a new willingness to implement a risk-based program at TSA. In recent remarks, Administrator Pistole commented that TSA was looking to facilitate:

those individuals who are willing to provide more information about themselves in exchange for a different level of screening. So it’s more of an identity-based screening than physical screening … there’s groups of people out there, the very frequent travelers, who are willing to provide more information. We’re looking at what we can do as a government, providing what will probably be a fee-based service, but to say ‘you don’t want to stand in line, here’s what we’re going to do’.31

Creating a new Trusted Traveler (TT) program that utilizes true risk-management requires a tightly-controlled enrollment and re-verification process, a confirmation process at the airport that ensures only enrolled individuals are utilizing the TT screening lanes and a checkpoint process that reflects the low-risk nature of the traveler. All three elements are required, and all three are achievable in 2011.

**Enrollment**

In time, enrollment in such a voluntary program should be open to all Americans, but TSA should focus initially on certain populations of extreme low-risk passengers. For example, many individuals are already part of previously federally-vetted populations and already have been deemed by our government as worthy of trust to very sensitive facilities, information, or law enforcement authorities. These individuals should be offered free enrollment in this new TT program to help speed equipment deployment and public understanding of the program. Specific populations include:

1 | Current members of Customs and Border Protection Trusted Traveler Programs, including Global Entry, SENTRI, NEXUS; and the FAST Commercial Driver ID Card;
2 | Holders of a valid TSA Transportation Worker Identification Credential (TWIC);
3 | Any federal government employee, member of the armed forces, or Federal contractor with an active Security Clearance at Secret-level or above and without an overdue periodic reinvestment;
Active federal law enforcement officers (U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation, U.S. Secret Service, the Drug Enforcement Agency, Federal Air Marshals, etc); and
Airport workers who are active participants in SIDA program, which allows unescorted access to secure areas of an airport.

Following this initial enrollment, TSA should develop and issue regulations to expand enrollment to qualified members of the general public. In order to provide a reasonable cost-per-flight and to generate workforce efficiency for TSA, the expansion should be targeted to travelers who fly frequently. Applicants should first be required to possess the following attributes and would be offered enrollment for a fee commensurate to cover the cost of the program:

1. Must not be on no-fly or selectee list managed by TSA;
2. Must hold a current U.S. passport, passport card, enhanced driver's license, or license issued by a state that is compliant with the REAL ID statute;
3. Must meet TSA criteria on the amount of flights flown or be sponsored by a US airline due to his/her participation in the airline's frequent flyer program;
4. Must have undergone a fingerprint-based Criminal History Records Check that does not disclose that he or she has a disqualifying criminal offense;
5. Must be confirmed as having no outstanding warrants for disqualifying criminal offenses or outstanding tax payments;
6. Must not have been refused enrollment in a CBP Trusted Traveler program; and
7. Must have identity confirmed via a name-based review of publicly-available commercial information conducted by TSA under new authorization from Congress.

In terms of disqualifying criminal offenses, the existing federal program which governs individuals who can have access to defined secure areas of an airport—the Secure Identification Display Area (SIDA)—sets out an effective list, and should be adopted in its entirety. Under SIDA—and therefore under this trusted traveler vision—an individual is disqualified if convicted or found not guilty of by reason of insanity, of any disqualifying criminal offenses—usually serious felonies or transportation-related crimes—in any jurisdiction during the 10 years before the date of the individual's application.

This program would require Congress to authorize TSA to utilize publically-available commercial data to assess the risk profile of TT applicants. That authorization should take place as soon as possible in order for TSA to begin assessing the value of this data as part of a web of information that would help determine a traveler's risk—and therefore a passenger's “trusted traveler” status.

TSA should control the enrollment process for the TT program, including developing an application infrastructure, collecting biometric information from applicants, and conducting the required checks against criminal and other databases to identify inappropriate applicants. TSA should be authorized to utilize private sector expertise for program marketing, card construction and personalization, and database management. For applicants, upon successful enrollment, the applicant would be mailed a secure identity document containing digitized biographical and biometric information, readable biographic information, and a digital photo.

**Verification**

In the Trusted Traveler program, upon reaching the lead position in a separate security line for TT enrollees, the traveler would enter a kiosk area designed for one traveler. The traveler would present a biometric (fingerprint, iris, etc.) to a TSA-managed biometric collection device. The presentation of the biometric would trigger a real-time match of the individual’s identity against a database of trusted travelers, confirming prior enrollment and checking that the trusted status has not been revoked since enrollment.

The kiosk would next direct the traveler to present a boarding pass. The name on the boarding pass would be read by the kiosk and matched against the name of the individual tied to the biometric presented. During the implementation phase, TSA should coordinate with airlines to have their passenger name record systems denote boarding passes with a indicator that the passenger is enrolled in the TT program.
The kiosk would be programmed to randomly designate a very small percentage of enrolled travelers for a normal physical screening review. The TSO manning the TT area would direct such randomly-selected travelers to the front of the traditional TSA checkpoint line for the same physical review deployed for at that particular checkpoint for non-TT enrollees.

**Trusted Traveler Screening**
If the traveler’s biometric identity has been confirmed as eligible for trusted traveler status and the boarding pass is confirmed as tied to the same traveler, the traveler would walk through an explosives detection portal to determine the presence of explosives. The traveler would pass through the machine without divesting personal items in pockets and would leave external garments and shoes on. Separately, the traveler’s carry-on bag(s) (if any) would also go through an explosives detection scan. TT enrollees should still be prohibited from carrying certain dangerous items aboard an aircraft and TSA should determine the correct calibration of the scanning equipment to detect these items.

If neither the traveler nor his/her carry-on bag(s) set off an alarm based on the presence of explosives, the passenger would proceed to the gate area.

**Security Enhancements to Further Secure the Trusted Traveler Lanes**
Several critical capabilities are required for the success of this program. First is the technology mentioned above—it must be developed, tested and able to be widely deployed in the commercial aviation environment. During 2010, TSA deployed explosives detection equipment but numerous airports still do not have such equipment and independent reviews of the effectiveness of the equipment are underway by GAO.

The second capability needed is a better trained TSA workforce. While a Trusted Traveler program can help TSA dedicate fewer TSO resources to checkpoints designated for those travelers, TSA should use this program as a tool to begin creating a more professional and capable workforce with a set of skills that help deter and detect terrorists. To create more professional TSOs, TSA should deploy a robust training program—akin to the FBI’s Academy—that focuses on continually building new sets of skills and talents within this workforce. TSOs would, for example, need training in areas including critical thinking, ability to demonstrate a “professional presence”, strong communication skills, thorough understanding of the terrorist mindset, an effective understanding of how to interpret intelligence information, and enhanced training in team dynamics.

With this training, TSOs in designed TT lanes would be able to help passengers use the kiosk and screening equipment mentioned above, while also being better trained to ensure that any traveler who is not confirmed for eligible TT travel or is selected for random screening is effectively removed from the TT area.

TT lanes should also possess an appropriate Behavioral Detection Officer (BDO) capability, working to detect any behavior that is outside the norm for a trusted traveler.

Finally, TSA should maintain an appropriate canine team trained to detect explosives or other substances which might compromise the safety of the aircraft in and around the TT area.

This combination of checkpoint assets—technology, better trained TSOs, capable BDOs, and canine teams—would create the in-airport infrastructure for a TT program that effectively removes low-risk travelers from the one-size-fits-all solution in airports today, while also allowing TSA to deploy greater resources at checkpoints that assess non-trusted travelers.

The goal of a fully-deployed TT program should be to process at least 25 percent of passenger trips while using far less than 25 percent of TSA’s existing screening budget.

**Problem**
The airports, airlines, and TSA all have some control over the security checkpoint—leading to inefficient uses of space and added confusion for travelers.

Traveler confusion over security starts from the moment he or she enters the security queue because travelers do not know whether the security process is controlled by the airport, airlines or TSA.

Many travelers are not sure who controls the security lines in front of the actual TSA travel document checker. Numerous Blue Ribbon Panel members noted that airports and TSA are inconsistent in how they divide responsibilities and how that division is communicated to the travelers.

While this issue may not top the list of items that offend travelers, it reflects a broader issue of confusion about the commercial aviation security process, and which parties bear what level of responsibility for the status quo. When trying to have questions answered about a particular security procedure, travelers often are told by TSA, airports, and airlines that confusing and inconsistent rules are not their responsibility at that particular airport. Additionally, confusion and unclear responsibilities make it difficult for stakeholders to push for change.
Additionally, because TSA is restricted in the amount of floor space it controls at each airport, the agency is often unable to design the most efficient layout for security checkpoints that can adequately handle each airport’s passenger loads. Without adequate control over floor space at security checkpoints, TSA can be forced into smaller areas because airports and airlines have a strong interest in controlling as much airport space as possible to allow for more profit generating services such as vendors or screening lanes for loyalty customers. Several airlines have built business models on this confusion by offering preferred security lines to their customers paying a surcharge for a particular flight or those at a certain level in the airline’s frequent flyer program.

**Solution**

Give TSA authority over entire checkpoint area. Congress should immediately act to clear up confusion over “ownership” of commercial aviation security and authorize TSA to control the entire security checkpoint starting at the beginning of the security lines and ending after a traveler exits the screening area.

For airport authorities, vendors and airlines, control of airport space impacts their bottom lines. For TSA, control of airport space impacts checkpoint efficiency and security. If we’re going to hold TSA accountable for improving checkpoint efficiency and security then the agency needs the proper control and operational flexibility to do so.

—The Honorable Kathryn “Kitty” Higgins

By taking this step, all stakeholders in the commercial aviation security process will understand who is in charge of security, and what entity is responsible for making changes to improve the security screening system. It should be simple: TSA controls security, and should be responsible for making it work better, with the support of all travel stakeholders—airlines, airports and passengers. Security lanes should be organized to most efficiently screen large numbers of travelers based on their actual risk, not based on their loyalty to a particular airline or the price of a single ticket.

By separating out profit incentives for particular stakeholders in the aviation system and allowing security operations to be constructed without profit calculations, TSA will be able to best utilize its limited resources and space to create lines and deploy equipment to manage traffic. For instance, in large airports, TSA might be able to deploy a full complement of screening options—Trusted Traveler, Imaging Review and Physical Review—if it had the flexibility to use the entire space devoted to screening. TSA could also utilize better industrial engineering practices that increase efficiency, such as constructing larger passenger divestiture areas or installing automatic bin returns.

**Problem**

Too many travelers enter the checkpoint unaware of the security screening process and fail to live up to their responsibilities to make the system work smoothly.

I think a major problem is when people are unprepared and not paying attention to the MANY simple audio and visual reminders that the TSA provides. No one likes to be searched or delayed, but if there were some additional way to “prep” travelers on the basics of 3-1-1 and what to take off, put in bins, on belts and in the trash it might further reduce aggravation for everyone.

—R.C., YourTravelVoice.org, 11/18/2010

An important part of a smoothly operating security checkpoint is an educated traveler. Travelers play a critical role in making the system operate smoothly, from packing their bags in a manner that facilities screening, to following checkpoint procedures, and treating TSA and aviation employees with respect and courtesy.

In a chaotic system processing millions of travelers each day, security lines can be delayed for any number of reasons—from a traveler leaving a laptop in a bag or failing to take off a belt with a heavy metal buckle to a family trying to navigate a checkpoint with children and strollers. In the most egregious cases, TSA must deal with the occasional traveler who demonstrates cluelessness about the current security environment by bringing items like chainsaws and machetes into the airport.

On the government side, TSA has worked hard to increase communication with travelers. For example, the agency launched a mobile “app” for travelers on the go to learn more about security screening. The TSA.gov website has a dedicated “Travelers” section, in addition to a “What to Know Before You Go” segment on the front page of the site. Like most consumer oriented businesses, TSA has a blog, http://blog.tsa.gov/, focused on answering passenger questions and offering up information on important travel issues in an informal manner.
Yet despite all of this public education effort, some passengers remain woefully unprepared when they arrive at the checkpoint. This ignorance has several negative effects. First, it creates a bad experience for passengers by slowing down screening. Second, this situation forces TSA officers to help passengers comply with rules, as opposed to focusing on identifying possible threats at the checkpoint.

Solution

**Improve preparation of travelers. Industry stakeholders should work with TSA to improve their education and communication on security rules and regulations, targeting locations and sources that travelers are likely to review as they book or prepare for the trip.**

“An educated traveler is an effective traveler. Those companies with rich relationships with their customers need to develop deep relationships with TSA to make sure we educate our customers on what security means for them. From the time they pack their bag to their arrival at the airport to their compliance with rules on liquids and laptops, travelers need to play their part to make the system flow smoothly.” —Mr. Sam Gilliland

Most travelers are not likely to go to the TSA website in advance of their trip. Thus TSA’s tools to educate passengers on what to expect when at the security checkpoint need to be reinforced by the private sector—specifically, by those companies who sell travel or travel related services to a commercial aviation passenger.

For example, when a traveler buys a ticket to fly, the party from whom travel is bought (directly from the airline, from an online travel site, or from a travel agent) generally sends the passenger an email confirming the flight, departure and arrival times, and related information. This communication should also include basic checkpoint information about passenger screening requirements, while directing the traveler to the “Traveler” segment of the TSA website.

Additionally, any travel reminders, including the reminder to check-in online, should include information on travel security procedures while also directing the traveler to the TSA website.

Other companies often involved in a trip also have the opportunity to make their customer’s experience at TSA more pleasant by communicating security requirements. Passengers who reserve hotel rooms, car services, or rental cars generally get confirmations, either in writing or electronically, from these entities. Again, basic checkpoint security information should be included on any electronic or written information going to a customer who is using a service before or after a commercial aviation flight.

Many travel providers currently advise travelers to go the TSA website but including relevant information and new procedures in their own communications will influence travelers who may be unlikely to click through to the TSA site.

One of the most obvious locations where travelers can be directed to TSA information is through websites where individuals manage frequent flyer or frequent customer accounts. Including easy-to-find banners or boxes on TSA security procedures would certainly help spread information about what an air traveler should expect.

All of these examples should become best practice tools for companies in the travel community. By enhancing a customer’s understanding of the TSA security experience, these companies would help travelers become more informed and, hopefully, decrease the number of unaware passengers at security checkpoints. In sum, prominently adding TSA travel tips to any electronic or written documentation a traveler takes on a trip should become a “best practice” throughout the travel community, and will over time contribute to a smoother checkpoint.

**Problem**

In order to avoid paying baggage fees, passengers are bringing more carry-on bags onto each flight, which increases checkpoint congestion and requires TSA to devote more resources, equipment and personal to screen in-line passenger bags.

“I believe the government should put a stop to the airline bag policy and minimize carry-ons for both our safety and speed of travel. Perhaps TSA could also offer an express line for people with one or less carry-ons?” —R.B., YourTravelVoice.org, 11/20/20
In recent years, most airlines began charging fees for checking baggage. Part of the current congestion and checkpoint inefficiency is created by passengers carrying on luggage that they would otherwise check but do not, either because they want to avoid the baggage fee, or because they do not want to wait at the luggage carousel for a checked bag to arrive. Since commercial airlines began charging fees for checked baggage, the number of carry-on bags per flight has increased and the number of checked bags has decreased, forcing the checkpoint process to handle more and more luggage. On March 2, 2011, at a hearing held by the U.S. Senate Committee on Appropriations, Secretary of Homeland Security Janet Napolitano testified that the extra carry-on baggage as a result of the checked baggage fees caused roughly $260 million in increased costs to TSA.

This higher volume of carry-on bags leads to longer wait times in the passenger screening lines due to baggage congestion and increased alarms caused by passengers intentionally or unintentionally packing prohibited items in their carry-on bags. Increased carry-on bags also cause TSOs to focus more resources on screening carry-on bags, and less time looking for passenger threats.

Solution

**Encourage fewer carry-on bags.** The DOT should issue regulations requiring airlines to allow passengers one checked bag as part of their base airfare and standardizing existing rules covering the quantity and size of items that can be carried onto the airplane.

“Today, the practice of allowing airlines to charge for checked baggage gives travelers a strong economic incentive to carry as much as possible onto their flights. While these fees help airlines improve their bottom lines, they also result in more congestion and delays at security checkpoints. This increase in congestion actually decreases security while adding significant costs to the taxpayer. It’s time to rethink those fees and allow one bag per passenger to be checked without charge.”

—The Honorable Kathryn “Kitty” Higgins

In order to mitigate the economic incentive many airlines create for passengers to carry more bags onto an airplane, the Department of Transportation (DOT) should issue regulations requiring airlines to allow each passenger to check one bag—similar to the normal weight and size of a carry-on bag within the base airline ticket fare and free of additional charge, should the traveler choose to do so. Airlines would be free to impose charges for additional or oversized bags, should they choose to impose them.

Furthermore, DOT should set a standard for the number and size of items that a passenger may carry onboard a commercial aircraft. Today, each airline has its own rules and equipment governing what customers can carry on and this creates confusion—and frustration—in the travel community. Whether a bag is eligible to be carried on should not be dependent on the particular aircraft or airline. With a DOT standard in place, airlines would be charged with enforcing these standards, and travelers would have consistent criteria for deciding of whether to carry-on or check their bags.
We shouldn’t just give our people a government that’s more affordable. We should give them a government that’s more competent and more efficient. We can’t win the future with a government of the past...In the coming months, my administration will develop a proposal to merge, consolidate, and reorganize the federal government in a way that best serves the goal of a more competitive America. I will submit that proposal to Congress for a vote—and we will push to get it passed.”

President Barack Obama, 2011 State of the Union

Many of the obstacles hindering more effective solutions to our aviation security challenges are due to outdated government organization charts and the current division of responsibilities between federal agencies, airports, airlines, and the private sector. It is time to review old paradigms and look for solutions beyond those that TSA can fix by improving checkpoint operations.

**Problem**

The current Security Partnership Program allowing airports to utilize private sector security screeners is ineffective and gives private firms little flexibility to change or improve the screening process.

As part of the Aviation and Transportation Security Act of 2001, Congress included a provision that allowed airports to “opt out” of the federal screening workforce. In response to this requirement, TSA created the Screening Partnership Program (SPP), under which airports can apply to have qualified federal contractors conduct checkpoint screening, under TSA oversight and a TSA contract.

To date, only a limited number of SPP companies are taking over passenger screening at a handful of airports. Many of the airports utilizing the SPP report that operations have been effective. However, the number of airports opting to join the SPP is smaller than expected. In part, this is because airports are severely limited in what parts of the screening process can adjust under their arrangements with TSA. As the GAO found in a 2009 report:

With regard to the SPP, ... TSA and its private screening contractors are constrained by both law and TSA policy, which limits opportunities to make programmatic changes to improve contractor performance and achieve cost savings. Therefore, it is understandable that differences in performance and costs of SPP and non-SPP airports may not vary considerably.

This lack of flexibility may be one reason that TSA recently announced it will no longer consider new applications for airports to utilize private sector screeners. According to Administrator Pistole, after evaluating the SPP, he did not “see any clear or substantial advantage” to the SPP option.
This announcement, coupled with a recent decision to provide certain collective bargaining rights to TSA employees, sparked a robust debate whether TSA should only assume a regulatory role or continue using a large federal workforce executing day-to-day operations at hundreds of domestic airports.\textsuperscript{41}

**Solution**

**Empower airports and the private sector to innovate and improve security.** Congress should overhaul the TSA Screening Partnership Program so that it becomes a viable, flexible and innovative option for helping airports deploy more efficient and effective security solutions that are tailored to their specific requirements.

"TSA is clearly in charge of setting standards for aviation screening. However, particular airports should have the flexibility to utilize innovative private sector methods to increase efficiency and customer satisfaction, while maintaining security. In an era of enormous budget deficits, Congress needs to revamp the SPP to better achieve these goals." —The Honorable Jim Turner

The positive experience of current SPP airports indicates the value of the program, but it is clear that airports must be given more flexibility to match their workforce considerations with the security needs of their facility. With the current debate over unionization underway, it is important to point out that airports utilizing the SPP option may choose to engage a unionized workforce, depending on their local needs and laws.

In order to improve the SPP and expand the universe of airports using a qualified contractor, TSA-contracted and regulated contractor, TSA should publicly acknowledge the statutory basis for the Screening Partnership Program and announce its support for a revitalized SPP as an option for airports.

Congress, working with TSA and airports, should enact legislation to reform the SPP and stimulate use among the airport community. New elements of the SPP should include the following:

- As part of the checkpoint requirements development process, TSA should provide airports and checkpoint operators (public or private) with performance metrics of the 20 largest airports in the country. TSA should then solicit comments from private contractors on how checkpoint operations can be improved at those airports; Congress should specifically authorize SPP airports to shift resources between threats in the airport environment, to utilize airport-specific lane management tools, to execute multi-year equipment purchases, and to include customer service criteria in employee evaluations; and
- TSA should issue a fixed timeline and publicly-stated criteria for considering SPP applications, to fix a problem with the prior program that left airports without a decision on their applications for far too long.

In addition, Congress should request that an independent entity, such as the GAO, examine whether having TSA serve both as regulator of aviation security and as the executing agency for most services, is a more effective model than having TSA provide top-down oversight and regulatory authority over security officers hired and managed by airports.

**Problem**

Today’s public policy and regulatory dialogues on aviation security issues are largely conducted by TSA, airlines and airports, with travelers excluded from the debate.

"The TSA is another good example of inefficient run operations. A private organization would have hired efficiency experts to monitor the waste. Here is an example: each airport sets up these tables and trays to put items in as they pass through the x-ray machines. They hire people to continuously return the trays manually from the end of the line back to the beginning. They can’t seem to figure out that it would be far more efficient to have a roller conveyor automatically return the trays to the beginning." —P.B., YourTravelVoice.org, 11/20/2010

For almost two decades, the FAA and then TSA operated an Aviation Security Advisory Council (ASAC) that engaged a wide array of interested stakeholders in a dialogue on aviation security issues and policies. The ASAC members took the time to consider and learn difficult and technological issues and made meaningful recommendations to the FAA and then to TSA. Unfortunately, TSA has not convened even a single meeting of this federal advisory council since 2006, cutting off a valuable tool for TSA to engage a broader range of stakeholders than just airlines and airports.\textsuperscript{42}
This exclusion from policy-making is at odds with the Obama Administration’s public commitment to increase transparency in government. As noted by the President in an executive order issued on his first full day in office:

My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government….

Government should be participatory. Public engagement enhances the Government’s effectiveness and improves the quality of its decisions. … Executive departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information….

Government should be collaborative. Collaboration actively engages Americans in the work of their Government. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of Government, and with nonprofit organizations, businesses, and individuals in the private sector. …

Solution

Reinstitute the Aviation Security Advisory Committee. DHS should immediately reinstate and appoint the Aviation Security Advisory Committee to provide effective private sector input to DHS on aviation security within 180 days. DHS should also convene airport-specific working groups to identify and resolve problems affecting travelers at particular locations.

The traveling public is a vital stakeholder in the aviation industry. So it makes perfect sense for DHS to reach out to them through measures like the Aviation Security Advisory Committee and airport-specific working groups. —Mr. Rick “Ozzie” Nelson

TSA and DHS should immediately begin soliciting ASAC membership from airports, airlines, and representatives of the commercial aviation passenger community. Simultaneously, TSA should evaluate other communities of stakeholders who would be valuable contributors to this federal advisory council (technology vendors, academics with backgrounds studying terrorism, and risk management practitioners, for example), and issue a notice in the Federal Register within 90 days outlining the exact criteria for ASAC applicants who can advise DHS on the full breadth of aviation security issues facing the department. Following appointment of ASAC members, the ASAC should be fully functional and meeting again later in 2011.

This advisory council model should also grow to communities outside of Washington, DC—namely, to the top 20 busiest airports in the country, based on Federal Aviation Administration enplanement statistics. By convening a cross-section of stakeholders including airports, airlines, passengers and federal government officials, airport-specific solutions to aviation security can be discussed and deployed on a trial basis.

These airport-specific groups should begin their work by looking at five key issues that can help improve aviation checkpoint security. Issues for consideration include:

1 | Establishing standards on how much space within the airport is needed to conduct effective and smooth security checkpoint operations;
2 | Reviewing TSA checkpoint staffing models to assure smooth operations during peak travel times, and highlighting any federal, state or local laws or regulations that inhibit staffing changes;
3 | Considering any other operational changes desired by airports, airlines, passengers or federal government officials which are consistent with and supportive of the airport’s overall risk management strategy and approach, including possible use of an improved Screening Partnership Program;
4 | Piloting new technologies or solutions that may improve the passenger experience at particular airports; and
5 | Employing effective signage, videos, and other in-airport communications that can take advantage of the time travelers spend in the security lines to explain security procedures.

Problem

By requiring the TSA Administrator to be a presidential appointee needing Senate confirmation, the agency is subjected to leadership changes that are too partisan, too frequent, and too disruptive to the mission of the agency.
Since the creation of TSA in 2001, Congress and the Executive Branch treated the nominations for TSA Administrator as normal presidential nominations subject to Congressional confirmation. Unfortunately, these nominations created significant partisan division, often resulting in failed confirmations, and creating an environment where TSA Administrators serve only several years at a time.

In less than a decade, TSA had five confirmed administrators and one long-term acting administrator who served while two other TSA nominees ended up withdrawing their nominations during the confirmation process.

The difficulty of finding appropriate candidates that demonstrate a mix of law enforcement experience and an understanding of complex transportation issues is compounded by the fact that multiple Senate committees claim jurisdiction over TSA.

The FBI Director, being a very significant post within the larger Department of Justice, is an excellent corollary to the post of TSA Administrator. The FBI Director, however, is a ten-year appointment that extends across presidential administrations and is normally occupied by a non-political individual with demonstrated law enforcement and management expertise.

TSA would be well-served by having a similar non-partisan agency lead who could serve without regard for partisan infighting and for a significant duration to bring continuity to agency goals and investments.

A longer term of office would likely make the TSA Administrator post more attractive and result in significantly more continuity at the end of presidential administrations. During the recent transition after the 2008 Presidential election, for instance, it took a year and a half for the Senate to confirm a TSA Administrator.

**Problem**

TSA often deploys new technologies because of current events, not because of a thoughtful, long-term development strategy that is based on managing risk gleaned from a strong intelligence gathering and analysis capability.

TSA often deploys technology or new tools based on current events or Congressional pressure. As a result, technology vendors are forced to play “threat roulette”, guessing where to make long-term investments in the development of technologies because there is no long-term vision from TSA to guide them. Unlike Department of Defense contractors, aviation security vendors are not able to rely on a long-term plan from TSA to guide their research and development and programs may be scrapped due to a shift in short-term priorities.

Unfortunately, this approach does not allow vendors to make strategic decisions with the needs of the customer (TSA) in mind, and dissuades technology and services vendors from investing even more capital in better understanding how customers would react to TSA’s desired technology. As a result, the market for aviation security equipment is not as productive as it should be in generating long-term improvements in our screening technology.

Companies investing in this type of market also find the TSA procurement process to be unnecessarily slow, and cumbersome and also difficult to penetrate by non-incumbents. This environment has international implications for U.S.
businesses as other countries are looking to TSA for guidance on acceptable security technology to deploy.

The market for constructing cutting-edge security equipment is a growth market, and, just as with our military equipment industrial base, it is essential that domestic U.S. companies be able to compete in a worldwide market to create jobs at home and ensure our transportation systems have access to the best technology.

**Solution**

**Develop a comprehensive technology procurement strategy.** TSA, in collaboration with technology vendors and the travel community, should develop a comprehensive strategy for implementing necessary checkpoint technology capabilities. Congress should provide multi-year funding plans for TSA to execute this strategy.

In order to make the most efficient use of industry’s investments in security technology, the TSA, vendors and travel stakeholders should work collaboratively to develop long term technology deployment strategies. These strategies must accommodate both projected threats scenarios and operational requirements while enabling an enhanced traveler experience. —Mr. Thomas Ripp

TSA should aim to develop and field technology that fits within the organization’s overall risk management approach. The airport, airline and travel communities should all be part of a public-private dialogue with TSA on all such technologies with the goal of having all stakeholders well educated on the risks these technologies are designed to mitigate. While TSA need not reach total consensus among these stakeholders on the technology or tools it wants to deploy, there must be a common agreement on the risk the technology is trying to address, and its ability to do so in the operational environment. DHS should also develop mechanisms for approving technology that is successfully utilized by allies and can be rolled out in the U.S. in an effective and efficient manner.

In particular, DHS should develop mechanisms for the sharing of Research, Development, Test & Evaluation results of explosives detection technology that will expedite refreshing of technology equipment and deployment to meet emerging threats and improve passenger travel.

There are a number of technology capabilities that would make the process more secure and convenient for commercial aviation consumers. Those improvements include technologies that would allow a traveler to keep his or her shoes on and that would allow a passenger to go through security wearing external garments and carrying non-metallic personal items. They address two of the most irritating security checkpoint issues facing commercial aviation travelers, and should therefore be at the top of the list of capabilities that would enhance the experience of a traveler.

The treatment of laptop computers and similar devices at the checkpoint is particularly important to travelers. Since 2007, TSA requires laptops to be removed from bags and screened separately and approves a certain number of “laptop-friendly” carry cases that may be screened with the laptop still inside. However, the number of laptops which are stolen or broken during the screening process remains quite large. As the types of electronic equipment carried by millions of travelers continues to expand to IPad’s and other tablet devices, gaming equipment, and E-reader devices, confusion over TSA procedures is likely to grow.

Lastly, DHS and the Department of Commerce should provide export assistance to companies selling innovative technology to foreign airports and other customers to create economic opportunity in the U.S., enhance security of foreign air travel, and ensure that the U.S. has a cutting-edge industrial base.

**Problem**

Many government-issued identity documents are too insecure to provide front-line security officials with a level of confidence needed to give travelers a “trusted” status.

One of the most difficult debates since 9/11 revolves around the concept of secure identification documents that would help governments identify the true identity of a traveler. The
U.S. has a long history of suspicion about a national identification card, and current federal law forbids DHS from developing such a card.49

However, the inability of a front-line government officer, such as TSA’s Travel Document Checker (TDC), to rely on the validity of a government-issued identification has significant real-world impacts. TDC’s inspect each identity document to see if it has been forged, a step that could be made much easier if only high-quality identity documents had been issued. The U.S. passport is deemed extremely difficult to forge and could be proof of identity but less than half of U.S. citizens have a passport or passport card. A federal law requiring TSA to accept state-issued identity documents for purposes of domestic air travel46 sparked a major fight between the federal government and states concerned about costs, privacy and federalism.50

All stakeholders—TSA, airlines, airports and travelers—would benefit if more travelers had better identity documents. Current practices that allow a significant percentage of passengers to utilize sub-standard documents results in our government being unable to build security around identity, and instead rely on more expensive and intrusive physical screening.51

Solution

Encourage wider use of secure identification documents. The federal and state governments should embrace programs that build and deploy secure identification documents in order to provide higher-quality identity documents to the traveling public that meet government security requirements.

“...The 9/11 Commission appropriately noted identity management as a weakness in U.S. counterterrorism efforts. By encouraging travelers to obtain secure documentation, such as passports, the U.S. government can rely less on expensive and vulnerable physical screening regimes and more on tailored risk management tools that help identify potential terrorism suspects.” —Mr. Thomas Ripp

Congress should encourage U.S. citizens to obtain U.S. passports, passport cards, and secure state-issued identity documents with appropriate tax credits to pay for federal documents and appropriate funding for states to comply with federally-mandated programs.

Moreover, through the Trusted Traveler program proposed in this report, TSA should make use of the current generation of biometric identification cards used by other registered traveler programs. Proliferation of voluntary, secure, biometrics-based IDs is a positive step for security and can serve as a platform for a wide range of benefits today and in the future.

Problem

Travelers to the U.S. with domestic connections must undergo two separate physical screening processes.

When international travelers arrive in the U.S., they are screened in the country in which their flight originated, consistent with U.S. requirements. Upon landing in the U.S., they must gather their luggage, go through customs, be rescreened and have their luggage rescreened by TSA for their continuing travel. This effort is duplicative, time-consuming, and results in a traveling experience that is frustrating to travelers.

In certain airports that serve as gateways to the U.S., the rescreening of international passengers can generate significant delays and crowding in airports as they and their large amounts of luggage mix into lines of domestic passengers.52

As the U.S. demands that foreign governments improve their out-bound screening of passengers and baggage, it must adjust its policy of not differentiating between passengers that have arrived from countries with high-quality security standards and those who come from riskier locations.

Solution

Reduce duplicative TSA screening for international arrivals. DHS should enable certain low-risk passengers who are traveling to another domestic airport to forego checked baggage and passenger screening upon landing in the U.S.

“An easy way to improve aviation security is to weed out duplicative processes that unnecessarily hassle passengers. For example, foreign visitors that clear Customs in one airport and then travel to another U.S. destination are screened once by CBP and once by TSA. Not only is this unnecessary, but it dissuades visitors from coming to the U.S.” —Mr. Bob Crandall
In order to encourage achievement of international standards and mutual recognition of comparable screening regimes that will increase security and eliminate unnecessary duplication within the international travel system, DHS, working with industry, should enable certain low-risk passengers who are traveling to another domestic airport to forgo checked baggage and passenger screening upon landing in the U.S. CBP, TSA, and a willing airline participant should pilot a procedure that would avoid rescreening of inbound international checked baggage for certain continuing passengers. Global Entry participants who have nothing to declare, who have not been to countries of concern, and who are continuing to another domestic airport may be an appropriate population for this pilot.

For longer term solutions, TSA should work with the airlines for developing a system to tag bags upon check-in for certain passengers that automatically are transferred upon U.S. arrival without passenger involvement. Of course, such baggage shall be available, upon landing, for random inspection by CBP through the use of technology or canines.

**Problem**

One of the greatest challenges CBP and TSA face is identifying international travelers who may pose a threat, distinguishing them from the mass of the traveling public and subjecting them to additional scrutiny in a manner that facilitates the travel of other passengers.

In the Global Entry program, CBP uses a risk-based approach to facilitate the entry of pre-approved U.S. citizens, U.S. nationals, lawful U.S. permanent residents, and citizens of certain other approved countries. Over 100,000 Americans are enrolled in Global Entry as of the end of 2010. This program allows frequent international travelers who pass a background check to use an automated kiosk to clear passport control and to use an expedited line to exit CBP’s processing areas. This program is an excellent risk management tool for DHS and a model for TSA.

Moving forward, DHS has an opportunity to utilize Global Entry and other such programs to streamline the aviation screening process for continuing international travelers.

**Solution**

Expand trusted traveler programs to qualified international passengers. DHS should expand access to international trusted traveler programs for international passengers entering the U.S., as well as lead efforts to establish a multinational network of streamlined entry procedures for low-risk travelers.

DHS and CBP deserve great credit for developing and enrolling hundreds of thousands of low-risk travelers in Global Entry to shift screening resources to less-known, riskier travelers. To truly capture the benefit of Global Entry, however, the broader U.S. government and industry sectors need to assist CBP in negotiating more bilateral and multilateral agreements to encourage international travelers to enroll in trusted traveler programs.

—Mr. Sam Gilliland

CBP should accelerate negotiations with countries to develop bilateral trusted traveler programs and identify specific populations of other in-bound travelers to enroll in Global Entry. CBP works with a wide range of countries to develop bilateral trusted traveler programs and successfully developed partnerships with Canada, Mexico, and the Netherlands. However, negotiations with the United Kingdom, Germany, Singapore, and other countries are either bogged down over privacy issues or are at a fledgling state. In addition, CBP should consider offering application eligibility to specific classes of individuals whose entry into the U.S. is a national priority either because of their work for international organizations or their potential contributions to our economy.

Once a TSA Trusted Traveler program is created, DHS should cross-enroll travelers between TSA’s program and international trusted traveler programs such as Global Entry.
To the extent that private sector companies continue to offer domestic Registered Traveler programs, CBP should also work on cross-enrollment opportunities with those vendors.

**Problem**

Despite working in the same airport environment, CBP and TSA operate independently, with little or no coordination on scheduling, training or legal authorities.

TSA and CBP operate under completely different legal regimes, maintain separate workforces, and are generally independent agencies. Cooperation between the agencies tends to depend on the particular relationships at each international airport.

However, to the traveler, both agencies are part of the Department of Homeland Security and of the U.S. government more broadly, and many travelers express frustration about the lack of coordination between CBP and TSA to resolve questions about connecting baggage and flights. Ideas such as cross-training and unifying schedules to take advantage of the variety in flight schedules fall victim to bureaucratic and legal obstacles.

**Solution**

Eliminate duplication between TSA and Customs and Border Protection. DHS should streamline its operations at U.S. international airports to reduce unnecessary duplication and leverage CBP and TSA resources, authorities, and capabilities.

If one keeps going up the chain of command, CBP and TSA employees all have the same boss and it’s time for both agencies to start acting like it. We can make noticeable improvements in customer service and airport efficiency simply by coordinating the resources and better utilizing personal that have worked under the same roof for almost a decade.—Mr. Bob Crandall

DHS should assess how to better coordinate TSA and CBP processes at international airports and review whether creating common uniforms, branding and coordinated schedules would allow for more efficient staffing for in-bound and out-bound responsibilities. Any recommendations coming from this review needs Congressional buy-in and a review of any possible synergies between the two large workforces.

As noted above, in the State of the Union, President Obama committed to develop possible government reorganization proposals. Looking for synergies between the sister agencies of CBP and TSA operating at our airports is an appropriate candidate for this review.

In addition, at the local level, for airports offering international service, DHS should negotiate with airports and airlines on issues such as staffing, physical footprint, and equipment deployment from a departmental perspective rather than via different agencies.

**International standards for aviation security are inconsistent and, all too often, unenforced.**

The international nature of aviation requires cooperation from a wide range of governments and aviation stakeholders to contribute to U.S. security and efficiency. The U.S. needs to continue to push for international cooperation in the development of international aviation security, including both bilateral and multilateral approaches as needed.

While international aviation security cooperation is improving, as demonstrated by Secretary Napolitano’s outreach over the past year to leaders in various regions, more must be done to implement security measures that will enhance the safety of the traveling public and interdict terrorist travel. Some of these efforts are not easily addressed by International Civil Aviation Organization (ICAO) and might be better addressed through continued engagement by DHS and TSA with select nations. While DHS is pursuing enhancements to international standards through ICAO and other multinational organizations, it is not clear that the U.S. government is utilizing its full diplomatic powers on a bilateral basis to implement the standards by exerting pressure, providing training and resources, or whatever is needed in particular cases to influence countries that should be providing assistance as well as those countries that represent the weak link in the international travel system.

In early October 2010, at ICAO’s 37th Assembly in Montreal, Canada, the organization endorsed the ICAO Comprehensive Aviation Security Strategy (ICASS) that, among other things, set a new standard for global collaboration to deal with terrorist threats against commercial airlines. This standard built upon five regional security agreements initiated by DHS. Among the areas addressed in the ICASS are:
Capacity-building efforts to help nation states correct vulnerabilities and deficiencies in their security programs;
- Security awareness, training, and advisory services to boost ICAO efforts in aviation security matters; and
- Endorsement of the Implementation Support and Development Security Program (ISD-Security) that promotes regional and cooperative aviation security programs as well as coordination and cooperation with international agencies and donor nations that could assist with building aviation security capabilities globally.

One particular looming problem is the disconnect between the U.S and the European Union on carrying liquids on board commercial airliners. The EU recently announced plans to screen liquids beginning in April of 2011, but the U.S. has not changed its current “3-1-1” regulations. It is possible that EU airports may have to set up separate checkpoints for flights bound to the U.S. and passengers will likely be confused by the disparate treatment.

Solution

Push for international cooperation with U.S. security standards. The federal government must continue to push for international cooperation in the development of international aviation security, including both bilateral and multilateral approaches, as well as with organizations like ICAO, to strengthen aviation security efforts while promoting travel and protecting travelers’ rights.

“Companies that sell security technology do so in a global marketplace. In order to generate cost savings and technological advances for all buyers in that marketplace, the federal government should aggressively embrace global standards and having leading nations pledge to collaborate on this quest.” —Mr. Ajay Mehra

Within the next year, DHS should work closely with ICAO to institute strong aviation security standards that complement existing standards and increase adoption of those standards, especially through technical assistance to developing countries in skill-based areas such as workforce development and training.

Building on its current efforts, DHS should work with other Administration officials to prioritize engagement in bilateral or discreet multilateral (i.e. a small subset of G8 nations) discussions to set standards and mutual recognition processes and procedures that cannot be currently readily addressed by ICAO. Among the areas that should be addressed are the following:
- Passenger screening for explosive detection;
- Baggage screening for explosive detection; and
- Cargo on commercial passenger aircraft

The Administration should also support the development of effective international information sharing mechanisms that allow DHS to more readily interdict dangerous passengers. Information sharing mechanisms should address the sharing of information relating to terrorist and criminal watch lists, and passenger information.
GOAL No. 3

Restructure Our National Approach to Aviation Security by Developing and Utilizing Real Risk Management Methods and Tools

The self-appointed guardians of privacy and tribunes of all sensitivities operate in a state of unreality, complaining both about the sophisticated, data-driven techniques that can help prevent terrorism and the primitive, abuse-inviting, hands-on techniques that have been used instead, the over-application of which is necessitated in no small part by the forbidding of alternatives…. [I]t is the policy, not [TSA], that is the problem.

—National Review

Today, legislative and executive branch officials talk a lot about “risk management”, and how this is a critical part of the nation’s security strategy and philosophy. In other areas of homeland security, Congress and DHS made considerable progress in allocating resources according to risk, including grant distribution and CBP programs such as Global Entry. Unfortunately, in the domestic aviation arena, our political leaders do little to actually test and deploy solutions that are important, but not game-changing, improvements over current ones. This situation is due largely to the lack of understandable, quantifiable tools that allow government officials to make data-driven decisions on different security alternatives.

Unfortunately, the homeland security community can do little more than talk about risk management because the tools to help make risk-based decisions do not exist today. As a result, government leaders cannot formally assess the trade-offs between alternatives—making it difficult to deploy policies that are less than a perceived 100 percent, one-size-fits-all solution.

Problem

TSA and Executive Branch officials are not given the tools needed to effectively assess risks and make sound security decisions.

Two words: Acceptable risk. Instead of acceptable risk we have adopted a zero risk policy, which only means that we’ve set ourselves up to fail?

—C.B., YourTravelVoice.org, 11/17/2010

While policymakers pay considerable “lip-service” to managing risk, executive branch officials are not given the tools needed to effectively assess risks and make sound security decisions. Instead today’s security system piles one program on top of another without looking for duplication or whether each additional layer effectively builds on prior, existing programs.

TSA is often a reactive organization, constantly building out new programs, processes or technologies in response to an
actual or thwarted attack. Hardened cockpit doors were put in airplanes in response to the 9/11 attacks; the 3-1-1 program to limit the amount of liquids a passenger can bring on an airplane was the result of an aborted attack on U.S. bound aircraft in August of 2006; and deployment of Advanced Imaging Technologies at checkpoints was deployed in response to the December 25 attempted airline bombing. Additionally, TSA has been forced to implement reactionary Congressional mandates that tend to impose new requirements (like 100 percent screening of air cargo) on the organization.

The sum of this constant adding of tools and technologies, whether by TSA or by Congress, has been consistently referred to as “layered” security, with the idea being one layer building upon another and makes the aviation security system better.

Unfortunately, our aviation system is not a symphony of tools and technologies playing in harmony and efficiently moving passengers through security, but instead a cacophony of disjointed parts that are not built to systematically manage risk in the best way possible. Because of the lack of analytical tools and risk management metrics, as well as general public acceptance that there is risk inherent in air travel (as there is with every other mode of travel), new technologies, solutions or tools are often deployed by TSA only in reaction to public events and political pressure.

Risk management methodologies, tools and techniques can help TSA make more data driven decisions. Furthermore, a greater public understanding of these methodologies, tools and techniques can help Congress resist temptation to mandate actions which may not fit within TSA’s overall risk management strategy. One only needs to look at the December 25, 2009 underwear bomber—and the resulting rush to expand deployment of Advanced Imaging Technology equipment—to see the latest implementation of this rush to deploy technology that is not necessarily ready for widespread deployment.

As the GAO found in a 2009 study:

TSA stated that in general, intelligence, vulnerability assessments, scientific analysis, proxies for consequence, security incidents, 9/11 Commission Act requirements, and other relevant information informed TSA’s determination of which threats were and were not to be high-risk focus areas. However, these activities do not meet the [National Infrastructure Protection Plan] criteria for credible and comparable risk assessments that integrate assessments of threat, vulnerability, and consequence in a way that is documented, transparent, reproducible, and accurate. Credible risk assessments are particularly important to ensure that resources are directed to programs that address threat scenarios of relatively higher rather than relatively lower risks. Were credible and comparable risk assessments, such as those described in the NIPP, conducted for terrorism threat scenarios, the agency would be able to compare the relative risks of different types of terrorist acts.

This failure is due to a variety of factors. First, TSA does not have the risk management tools or technologies needed to really revolutionize checkpoint security and help policymakers understand the trade-offs between risk, expense and travel efficiency. As a result, decisions are generally made with one risk—the possibility of political outcry—outweighing most others. TSA decision-makers simply do not have the tools to make a decision that might be politically unpopular but effective in managing risk. There are also no tools to help make data driven decisions that can help fend off political attacks.

The DHS effort to develop a long-term planning capability via the Quadrennial Homeland Security Review is generally viewed as a list of priorities rather than a device to force difficult decisions between competing priorities. As Senator Susan Collins, the Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs, commented:

“As has been stated many times, if you try to protect everything, you end up protecting nothing. So, it is incumbent upon the Department—particularly when budgets are tight—to set detailed priorities to improve the preparedness and security of our nation. The Department’s Quadrennial Homeland Security Review (QHSR) was a good first attempt to outline strategic homeland security missions and goals. Yet, the Department acknowledged that the QHSR was
incomplete, so it conducted a follow-on review. This assessment, known as the “Bottom-Up Review” (BUR) was intended to set priorities for security initiatives and reorganization at the Department. While I appreciate the Department’s effort to undertake such a comprehensive analysis, the results are disappointing. Indeed, the two reviews simply don’t compare to the level of planning and analysis that goes into the Quadrennial Defense Review and supporting documents…. By comparison, the QHSR and BUR amount essentially to high-level strategy documents that provide little in the way of concrete goals or the actions needed to achieve them.”

TSA does little to actively cultivate relationships with stakeholders it does not regulate directly. The organization has elaborate and meaningful relationships with its regulated parties—commercial aviation companies, airports, cargo airlines, pipeline owners, mass transit, etc.—as it should. However, TSA consistently fails to engage the millions of travelers—business or leisure—who rely on predictable, safe, efficient transportation. As a result of this myopic approach, TSA has developed little political support nor an effective advocacy community that can help create a political climate conducive to policies that might be unpopular but effective from a risk perspective.

**Solution**

Implement well-defined risk management processes. The Administration should convene an external panel of experts with appropriate security clearances to review TSA aviation security programs, assessing the risk each is designed to mitigate and develop metrics for measuring progress to lessen that risk.

"Expertise in risk mitigation exists in both the public and private sectors. We should accept nothing less than bringing together the best and the brightest in an effort to develop the tools and technologies needed to manage risk, set priorities and measure progress."

—The Honorable Tom Ridge

This panel of experts should formally agree upon the highest aviation security risks that be addressed and develop metrics to measure success in mitigating these risks. Once the security risks being addressed by each program are understood and
Blue Ribbon Panel for Aviation Security

Panel Co-Chairs
The Honorable Tom Ridge, former Secretary of the U.S. Department of Homeland Security, currently CEO of Ridge Global
The Honorable Jim Turner, former Ranking Democratic Member of the House Homeland Security Committee, currently Partner at Arnold & Porter
Sam Gilliland, Chairman and CEO of Sabre Holdings

Members
Bob Crandall, former CEO of American Airlines
Jessica Herrera-Flanigan, former Staff Director of the House Homeland Security Committee
The Honorable Kathryn “Kitty” Higgins, former Board Member of the National Transportation Safety Board
Ajay Mehra, Executive Vice President at OSI Systems and President of Rapiscan Systems
Rick “Ozzie” Nelson, Director of Homeland Security and Counterterrorism Program at the Center for Strategic & International Studies
Thomas Ripp, President of L-3 Security and Detection Systems
David Bronczek, President and CEO of FedEx Express
Fred Dust, Partner and Practice Lead at IDEO
Kevin Hassett, Senior Fellow and Director of Economic Policy Studies at American Enterprise Institute
Frank Miller, Aviation Director, San Antonio Airport System
Rick Patrick, Executive Vice President, Digital Sandbox
History of Aviation Security
Pre-September 11, 2001
Prior to November 2001, the Federal Aviation Administration (FAA) controlled aviation security at U.S. airports. The FAA promulgated rules and regulations governing the aviation security but largely delegated the execution of these responsibilities to individual airlines. Most airlines, in turn, contracted with private security vendors to carry out the physical screening of passengers and carry-on baggage.

During the 1960s and early 1970s, several deadly hijackings and terrorist bombings had prompted changes to the U.S. aviation security regime. In 1970, President Richard Nixon created an anti-hijacking program, which included the creation of Federal Air Marshals service. Then, in 1973, the FAA issued an emergency rule making requiring airlines to conduct inspection and screening of all carry-on baggage and passengers aboard commercial airlines. In 1974, Congress enacted legislation codifying the FAA’s 1973 emergency rulemaking and required the continued screening of all carry-on baggage and passengers aboard commercial airlines.

Over the next 27 years until the events of September 11, 2001, aviation security in the United States remained largely unchanged despite continued threats and successful attacks against U.S. commercial airlines.

Creation of TSA and the Federalization Aviation Security
The events of September 11, 2001, brought a renewed focus on securing America’s transportation system from the threat of terrorist attacks. In response to the risks posed to the nation’s transportation system by domestic and international terrorism, Congress passed the Aviation and Transportation Security Act (ATSA), which was signed into law on November 19, 2001. ATSA created the Transportation Security Administration (TSA), within the Department of Transportation (DOT), as the principal agency responsible for security of all modes of transportation. In 2002, Congress passed the Homeland Security Act of 2002, which transferred TSA into the newly created Department of Homeland Security (DHS), and committed further resources and regulatory strength to protecting American’s transportation systems.

Under its enacting charter, TSA is responsible for the complex task of ensuring the freedom of movement of goods and people by providing security over all modes of transportation, including rail, mass transit, trucking, bus and aviation security. However, since 2001, the agency has focused the majority of its resources and personnel on aviation security.

In creating TSA, ATSA made several significant changes to the pre-9/11 aviation security regime. First, TSA was charged with carrying out both the regulatory and operational responsibilities of aviation security workers to be federal employees. Second, ATSA mandated that 100 percent of checked luggage on all commercial flights be screened for explosives and other dangerous materials, and issued strict timelines for implementation. Third, TSA required the screening of all individuals, vehicles and property entering into secured areas of an airport. Fourth, TSA created a number of programs designed to provide additional layers of security even if a terrorist was able to board an aircraft including: 1) a massive expansion of the Federal Air Marshal Service (FAMS), the arming of trained pilots under the Federal Flight Deck Officer (FFDO) program, and perhaps most importantly, the requirement that all cockpit doors be hardened to reduce the chance of hijacking.

Current Overview of TSA Workload, Staffing and Funding Levels
Over the past decade, TSA has evolved to implement several new programs and policies in the area of aviation security. TSA’s current responsibilities include:
Providing security services at airport access points, passenger screening checkpoints, and other sensitive areas in and around U.S. airports;

In flight detection and deterrence of criminal and terrorist activities;

Pre-screening of airline passengers against terrorists watch lists through the Secure Flight Program;

Airline passenger screening and identity verification;

Screening of carry-on and checked baggage, and air cargo for explosives and other dangerous materials;

Credentialing and screening of airport employees;

Training and deployment of Transportation Security Officers (TSOs), Behavioral Detection Officers (BDOs), Transportation Security Inspectors (TSIs), and National Explosives Canine Detection Teams;

Administering security training and partnerships programs, such as Crew Member Self Defense and the FFDO; and

Oversight, inspection and investigation of compliance with TSA regulations and security practices.

TSA is also responsible for several aspects related to international aviation security, in partnership with other U.S. federal agencies, international aviation stakeholders, and foreign governments. Among TSA’s responsibilities on the international front are:

Inspecting air carrier operations to the U.S.;

Assessing security of airports overseas;

Ensuring foreign airport compliance with TSA security requirements;

Advising foreign governments on transportation security;

Training overseas security personnel;

Ensuring implementation of international security standards;

Reviewing threat mitigation strategies for foreign airports;

Working with non-U.S. air carriers to achieve regulatory compliance; and

Assisting foreign governments to achieve sustainable security capacity.

In addition, TSA works closely with the Science & Technology Directorate (S&T) at DHS, which is responsible for the research and technology development programs related to aviation security. S&T has especially been involved in development and deployment of airport passenger screening and explosive detection technologies.

In the area of aviation security alone, the workload of TSA is monumental. TSA currently conducts passenger and baggage screening at about 450 U.S. airports, which house over 750 screening checkpoints and 2,200 security lanes. In 2009 alone, TSA screened an average of 2 million aviation passengers per day and over 625 million domestic passengers over the entire year. In addition, TSA now screens, on average, roughly 1.5 million bags per day.

At present, TSA employs over 62,000 federal workers to execute its mission and programs, making it one of the largest federal agencies in the country. The majority of TSA employees are airport security screeners, known as Transportation Security Officers (“TSO’s”) which would total almost 50,000 workers (about 80% full-time employees). TSA also has a sizable administrative staff of approximately 3,650 employees.

In its FY 2012 budget request, the DHS requested an increase to the funding for TSA to $8.1 billion including mandatory fees, nearly all of which is devoted directly to aviation security or to support the overall TSA mission. A significant amount of the increased funding request was designed to address passenger and international security, including the addition of 5,355 full and part-time TSOs, enhancements of passenger and baggage screening technology, and deployment of additional explosive detection canine teams.

Airline Passenger and Baggage Screening: Past and Present

In implementing ATSA, TSA constructed a layered approach to aviation security including new procedures and technologies generally not in use before 9/11. TSA has described the “layering” of security as follows:

We use layers of security to ensure the security of the traveling public and the Nation’s transportation system. Because of their visibility to the public, we are most associated with the airport checkpoints that our Transportation Security Officers operate. These checkpoints, however, constitute only one security layer of the many in place to protect aviation… Each one of these layers alone is capable of stopping a terrorist attack. In combination their security value is multiplied, creating a much stronger, formidable system. A terrorist who has to overcome multiple security layers in order to carry out an attack is more likely to be pre-empted, deterred, or to fail during the attempt.
While all carry-on baggage and commercial aviation passengers were required to be screened prior to 9/11, the additional security methods deployed by TSA when it commenced operations in 2002 included:

- Each ticketed passenger to display a valid government ID before entering the security checkpoint and boarding a commercial flight;
- Screening of all checked baggage for explosives, prohibited items and other dangerous materials;
- Restricting certain dangerous items, such as scissors, knives, butane lighters and box cutters, from being carried aboard an airplane's passenger cabin; and

- Allowing only ticketed passengers, airport and airline employees, and certain approved law enforcement officials beyond the passenger screening checkpoints.

All of the procedures mentioned above remain in place today, although some of the screening technology has been updated and improved. However, in response to several attempted terrorist attacks over the past 10 years, Congressional mandates, recommendations of the 9/11 Commission and the Government Accountability Office (GAO), and self-imposed directives and regulation, TSA has continually added additional layers of security to its initial procedures. The following is a list of procedures, technologies and requirements that TSA currently utilizes, along with the reason for their deployment:

- **Removal of shoes when passing through security checkpoints**—implemented in December 2001 after an Al Qaeda operative attempted to blow up American Airlines Flight 63 using explosives hidden in the soles of his shoes;
- **Ban of liquids, gels, and certain food items in excess of 3 ounces from being carried onto a commercial flight**—implemented in August 2006 after a terrorist plot to smuggle liquid explosives onto aircraft was uncovered in Great Britain;
- **Removal of laptops, video cameras and other large electronics in carry-on bags for separate x-ray screening**—implemented in August 2007 in response to known terrorist threats;
- **Use of Advance Imaging Technology (AIT) machines for primary and secondary passenger screening**—accelerated deployment for widespread use at major airports beginning early 2010 in direct response to the attempted bombing of Northwest Airlines Flight 253;
- **Use of enhanced passenger pat-downs for secondary and random screening of passengers**—implemented in October 2010, also in response to the attempted bombing of Northwest Airlines Flight 253;
- **Name matching of airline passengers against government watch lists through the Secure Flight Program**—implementation from January 2009 until full implementation in November 2010.

The creation of DHS in 2003 also resulted in changes for international border processing. The U.S. Customs Service, transferred from the Department of Treasury, and a piece of the dismantled Immigration & Naturalization Service were...
merged to create U.S. Customs & Border Protection (CBP). CBP is primarily responsible for securing the borders at and between the ports of entry as well as facilitating legitimate travel into the U.S.

Both TSA and CBP have national security responsibilities in the international travel continuum that involve significant interaction with the traveling public and often with the very same travelers on a single trip. However, they tend to operate as completely distinct entities despite their complementary capabilities and authorities related to both security and facilitation and the fact that DHS was created to find synergies across its large operational agencies to meet the department’s vast responsibilities.
Endnotes


3 526 U.S. 489 (1999)

4 Kent v. Dulles, 357 U.S. 116 (1958)


16 Remarks of Norman Y. Mineta, Secretary of Transportation, Travel and Tourism Industry Unity Dinner, March 2, 2006, Washington D.C.


18 The issues related to visa issuance, international watchlists, and inter-agency cooperation, all found wanting in the after-action reports on the Abdulmutallab case, are beyond the scope of this report, although crucial to international travel security. “White House Review Summary Regarding 12/25/2009 Attempted Terrorist Attack”, www.whitehouse.gov/the-press-office/white-house-review-summary-regarding-12252009-attempted-terrorist-attack

19 The TSA experience may be particularly daunting to foreign visitors who travel within the U.S. and depart from U.S. airports. As a federal advisory committee reported to DHS and the Department of State in 2008: “[s]tatistics, public opinion studies, and anecdotal evidence show that the policies put in place to make our borders more secure are perceived as making travel to the U.S. more difficult and unpleasant for many foreign visitors than before 9/11 and in comparison to other countries”. Report of the Secure Borders and Open Doors Advisory Committee (SBODAC), www.dhs.gov/xlibrary/assets/hsac_SBODACreport508-compliant-version2.pdf, p. 5.


28 Public Law 107-71, Section 109: “The Under Secretary of Transportation for Security may … (3) Establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

29 U.S. Transportation Security Administration, “The program is a market-driven venture offered by the private sector in partnership with airports and airlines.” www.tsa.gov/approach/tf/index.shtm


31 CLEAR is operating at Denver and Orlando, while the IQueue program operates in Indianapolis. www.clear.com; www.flyiqueue.com.


33 49 C.F.R. 1542.209(d).

34 See, e.g., United’s Premiere Line Access, store.united.com/traveloptions/control/category?category_id=UM_PMTRVL&knазв&source=Travel+Options+Main+Menu&linkTitle=UM_PMTRVL#airAnchor; Delta Sky Priority, delta.com/traveling_checkin/airport_information/frequent_traveler_security/index.jsp
