

ISSUE BRIEF

No. 4359 | MARCH 03, 2015

Congress Should Expand Trusted Traveler Programs and Private Airport Screeners

David Inserra

Several months ago, President Obama announced that the Department of Homeland Security (DHS) would provide work authorization and protection from deportation to as many as 5 million unlawful immigrants. A serious side effect of this action is the harmful redirection of attention and resources away from other pressing homeland security issues ranging from terrorism to institutional reform at the DHS. The demands of implementing the President's sweeping order are such that Secretary Jeh Johnson and other leaders at the DHS will not have the time, money, manpower, or trust of Congress to make needed reforms to these other critically important areas. It falls to Congress to correct these misplaced priorities.

The Transportation Security Administration (TSA) could benefit from significant changes and reforms. Continuing to expand and strengthen trusted traveler programs, such as PreCheck, will increase the focus that TSA screeners spend on travelers of higher or unknown risk. Additionally, the TSA should be forced to expand the Screening Partnership Program (SPP) that saves the government money and enhances productivity by allowing airports to use private screeners with TSA oversight in place of TSA screeners.

Trusted Travelers

DHS has several trusted traveler programs that provide participating low-risk travelers with access to streamlined security, customs, and immigration screening. These programs, including TSA Pre-Check and Customs and Border Protection's (CBP) Global Entry and NEXUS, are all predicated on the concept of risk-based security. The U.S. could treat every individual who enters the U.S. as an equal potential threat to U.S. security, or it could differentiate between lower-risk individuals and those who are greater risks or simply unknown. This risk-based security allows the U.S. to use its limited security resources more efficiently, focusing security on individuals who are higher risks or unknown risks.

TSA PreCheck ensures participants usually receive an expedited screening process, including the ability to keep on shoes, belts, and light jackets and to keep computers and liquids in their bags at around 124 participating airports. To join PreCheck, individuals must apply at a TSA application center and undergo a background check, be part of other trusted traveler programs, or be a member of the military or military academies. Additionally, PreCheck occasionally includes frequent travelers as well as randomly included individuals through a process known as managed inclusion.¹ TSA PreCheck has grown from around 4,000 travelers in December 2013 to just over 800,000 as of December 2014.² While TSA is continuing to seek to grow TSA PreCheck, concerns regarding security have been raised by the Inspector General, the Government Accountability Office (GAO), and others.³ Security assessments should be undertaken and heeded if PreCheck is to remain a beneficial tool to the TSA.

This paper, in its entirety, can be found at <http://report.heritage.org/ib4359>

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

The other trusted traveler programs run by CBP also require a background check and include Pre-Check benefits for U.S. citizens and permanent residents but also provide expedited immigration and customs processing at airports or land borders depending on the specific program.⁴ Global Entry is open to U.S. citizens and permanent residents as well as citizens from several other nations including Germany and South Korea, which allow U.S. citizens to join an equivalent program. The NEXUS program provides U.S. and Canadian citizens and residents with expedited processing when travelling between the two countries, while the SENTRI program expedites processing through land ports of entry on the U.S. southern border.⁵ Reciprocal agreements, such as those through the Global Entry program, should be expanded to provide both the U.S. and other allies with the security and convenience benefits of trusted traveler programs.⁶

Congress and the DHS should:

- **Improve security assessments.** In order to continue the judicious growth of TSA PreCheck and risk-based security, the TSA must conduct proper security assessments and refine the screening and vetting process to minimize security risks.

- **Expand Global Entry reciprocity agreements.** The U.S. should look to build on existing partnerships, not only among nations already participating in Global Entry, but also with Visa Waiver Program member countries, thus creating a trusted travel superhighway that enhances security and facilitates travel.

Private Screeners

While the DHS has advanced trusted traveler programs, the same cannot be said of the Screening Partnership Program (SPP) that substitutes private screeners with TSA oversight in place of TSA screeners. Created as a result of the Aviation and Transportation Security Act of 2001, SPP allows airports to opt out of federal screening so long as they can show that private screening will not be more costly, compromise security, or harm the effectiveness of screening.⁷

Despite its potential benefits, SPP has had a rocky implementation, being suspended by the Obama Administration before Congress restored it.⁸ As of January 2015, 21 airports were participating in SPP.⁹ There are multiple reasons that an increasing number of U.S. airports are using SPP, including productivity, cost, and security. In terms of productivity, a

1. Transportation Security Administration, "Participation in TSA PreCheck," November 20, 2014, <http://www.tsa.gov/tsa-precheck/participation-tsa-precheck%C2%AE> (accessed March 2, 2015).

2. Transportation Security Administration, "Reflections on Risk-Based Security in 2014," *The TSA Blog*, January 15, 2015, <http://blog.tsa.gov/2015/01/reflections-on-risk-based-security-in.html> (accessed March 2, 2015).

3. Government Accountability Office, "Aviation Security: Rapid Growth in Expedited Passenger Screening Highlights Need to Plan Effective Security Assessments," GAO-15-150, December 12, 2014, <http://www.gao.gov/products/GAO-15-150> (accessed March 2, 2015); Department of Homeland Security, "Security Enhancements Needed to the PreCheck Initiative," OIG-15-29, January 28, 2015, http://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-29_Feb15.pdf (accessed March 2, 2015); Christian Beckner, "Risk-Based Security and the Aviation System: Operational Objectives and Policy Challenges," GW Center for Cyber and Homeland Security *Issue Brief* No. 2015-02, January 2015, <https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/GW%20CCHS%20-%20Risk-Based%20Security%20and%20the%20Aviation%20System%20-%20Jan%202015%281%29.pdf> (accessed March 2, 2015).

4. Department of Homeland Security, "Comparison Chart," December 4, 2014, <http://www.dhs.gov/comparison-chart> (accessed March 2, 2015).

5. U.S. Customs and Border Protection, "Trusted Traveler Programs," 2015, <http://www.cbp.gov/travel/trusted-traveler-programs> (accessed March 2, 2015).

6. Jessica Zuckerman, "Global Entry Reciprocity: Creating a Trusted Travel Superhighway," Heritage Foundation *Issue Brief* No. 3753, October 11, 2012, <http://www.heritage.org/research/reports/2012/10/global-entry-reciprocity-and-us-share-of-overseas-travel>.

7. Transportation Security Administration, "Screening Partnership Program: Application Evaluation Process," https://www.tsa.gov/sites/default/files/publications/pdf/spp_application_evaluation_process_overview.pdf (accessed March 2, 2015).

8. Mike M. Ahlers and Jeanne Meserve, "TSA Shuts Door on Private Airport Screening Program," CNN, January 29, 2011, <http://www.cnn.com/2011/TRAVEL/01/29/tsa.private/> (accessed March 2, 2015), and news release, "House Leaders Put TSA on Notice for Implementing Reforms," House Committee on Transportation and Infrastructure, March 13, 2012, <http://archives.republicans.transportation.house.gov/News/PRArticle.aspx?NewsID=1551> (accessed March 2, 2015).

9. Transportation Security Administration, "Screening Partnership Program," January 2, 2015, <http://www.tsa.gov/stakeholders/screening-partnership-program> (accessed March 2, 2015).

case study undertaken by the House Transportation and Infrastructure Committee in 2011 found that SPP screening was as much as 65 percent more efficient than federal screeners.¹⁰ One reason for this productivity gap could be the higher level of attrition in the TSA than private screening. A related factor in productivity could be better staffing measures ranging from day-to-day scheduling to more efficient hiring and union practices. Beyond just pure efficiency, SPP airports also report improved customer service from their private-sector screeners.

Productivity also bleeds over into considerations of cost. A more productive workforce with less attrition is less expensive to maintain and operate. Although TSA studies found SPP programs to be more costly than government screening, they were widely criticized, including by the GAO, for flawed methodologies. When some of these flaws were corrected, the TSA found SPP and government screening to be nearly equal in cost.¹¹ Furthermore, the Transportation Committee study found that when considerations such as increases in productivity were accounted for, the cost of the program fell dramatically. Together with smaller overhead costs and lower levels of attrition, the SPP program is likely a financial boon for most airports.

Importantly, cost and productivity is not harming security. Nearly every study undertaken, whether by the TSA or others, has found that private screening is at least as good as, if not better than, government screeners in finding security threats.¹²

It is for all these reasons that the vast majority of European countries allow airports to provide their own screening force or have a contractor provide it.¹³ Sadly, the process to join and renew an SPP contract remains mired in bureaucracy, taking as long as four

years.¹⁴ Rather than allow an airport to determine the best way to provide screening, the SPP program is micromanaged by the TSA, with the TSA selecting a screening contractor for each SPP airport. Furthermore, the TSA has given its workforce collective bargaining rights, pitting security and cost-effectiveness against labor demands.¹⁵

Rather than allow the TSA to continue to make bureaucratic and union-focused decisions, Congress should:

- **Simplify the SPP approval and contracting process.** The process for joining SPP should be streamlined to make it easier for airports to apply and TSA adjudication faster, fairer, and more consistent. Airports joining SPP should also be allowed to select and manage their own screening contractors from a list of TSA-approved companies rather than continue the TSA's micromanaging of the program.
- **Limit collective bargaining.** Collective bargaining in the screening line is harming security and costing taxpayers and travelers. Congress should expressly forbid the TSA from collective bargaining.

Restoring Transportation Security

The TSA's near complete control of transportation security, from top-level regulations to everyday screening, is an overly bureaucratic mistake that increases airport screening costs and harms efficiency and even security. The SPP program answers this problem by unravelling government inefficiencies and substituting private-sector productivity and cost-effectiveness. In combination with judiciously

10. Committee on Transportation and Infrastructure, U.S. House of Representatives, "TSA Ignores More Cost-Effective Screening Model," June 3, 2011, http://archives.republicans.transportation.house.gov/Media/file/112th/Aviation/2011-06-03-TSA_SPP_Report.pdf (accessed March 2, 2015).

11. Stephen M. Lord, Director, Homeland Security and Justice Issues, letter to Representative John L. Mica and Representative Daniel E. Lungren, March 4, 2011, <http://www.gao.gov/new.items/d11375r.pdf> (accessed March 2, 2015), and Robert Poole, "Airport Policy and Security News #101," Reason Foundation, August 6, 2011, <http://reason.org/news/show/1013973.html#c> (accessed March 2, 2015).

12. Chris Edwards, "Privatizing the Transportation Security Administration," Cato Institute *Policy Analysis* No. 742, November 19, 2013, http://object.cato.org/sites/cato.org/files/pubs/pdf/pa742_web_1.pdf (accessed March 2, 2015).

13. Shirley Ybarra, "Overhauling U.S. Airport Security Screening," Reason Foundation *Policy Brief* No. 109, July 2013, http://reason.org/files/overhauling_airport_security.pdf (accessed March 2, 2015).

14. Robert Poole, "Airport Policy and Security News #101."

15. James Sherk, "Unionizing Airline Screeners Endangers National Security," Heritage Foundation *WebMemo* No. 3142, February 9, 2011, <http://www.heritage.org/research/reports/2011/02/unionizing-airline-screeners-endangers-national-security>.

expanding risk-based trusted traveler programs that also promote security, Congress and the TSA can improve airport screening and security.

—David Inserra is a Research Associate for Homeland Security and Cyber Security in the Douglas and Sarah Allison Center for Foreign and National Security Policy of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.