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AVIATION SECURITY

Implementation of Recommendations Is Under Way, but Completion Will Take Several Years

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The Honorable John McCain
Chairman, Committee on Commerce,
Science, and Transportation
United States Senate

The Honorable Slade Gorton
Chairman, Subcommittee on Aviation,
Committee on Commerce,
Science, and Transportation
United States Senate

As the threat of terrorist activities has increased in the United States, the need to improve domestic aviation security has grown. Currently, the Federal Aviation Administration (FAA), other federal agencies, and the aviation industry are implementing 31 recommendations on aviation security made by the White House Commission on Aviation Safety and Security. Some of these recommendations are similar to legislative mandates enacted by the Congress under the Federal Aviation Reauthorization Act of 1996. The expeditious implementation of these recommendations[1] by federal agencies and the aviation industry is crucial to strengthening the security of the domestic aviation system.

This report responds to your request for information on the tracking, monitoring, and coordinating activities undertaken by the agencies responsible for implementing the recommendations made by the Commission and on FAA's progress in implementing eight of these recommendations, five of which are similar to mandates contained in the Reauthorization Act of 1996. As agreed with your offices, this report addresses the following specific questions: (1) How do the federal agencies responsible for implementing aviation security recommendations track, monitor, and coordinate their activities? (2) What progress has FAA made in implementing three of the Commission's aviation security recommendations that were scheduled to be completed in fiscal year 1997 and have all implementation issues been resolved? (3) What progress has FAA made in implementing five recommendations that were both recommended by the Commission and mandated by the Congress in 1996, and what major issues need to be addressed before they can be fully implemented?

[1]Because these legislative mandates are similar to the recommendations contained in the Commission's report, we will refer to both as recommendations throughout this report.

Results in Brief

FAA is responsible for implementing 21 of the Commission's 31 aviation security recommendations and most of the Reauthorization Act's aviation security mandates. FAA developed a computerized system to track its progress in implementing each of the Commission's recommendations. In addition, FAA's Office of the Chief Counsel established a separate computerized system for tracking the activities required of the agency under the Reauthorization Act. Eight other federal agencies, each of which is responsible for implementing the Commission's other aviation security recommendations, track progress through the operations of their program and budget offices. Although the Department of Transportation's Office of the Secretary provides quarterly reports to the National Security Council and sends an annual report to the Vice President, neither the Security Council nor any other agency is responsible for monitoring all of the agencies' implementation efforts or ensuring coordination between agencies. Without such oversight and coordination, issues that arise between agencies may go unresolved. For example, the U.S. Customs Service and the U.S. Postal Service, which were designated as co-leads for one recommendation on Customs' authority to search outbound international mail, have been unable to resolve their differences on this issue.

Of the three recommendations we reviewed that FAA planned to complete in fiscal year 1997, FAA has totally implemented only one. This recommendation—to give properly cleared air carrier and airport security personnel access to classified information they need to know—was completed on schedule. FAA has largely implemented the second recommendation—to establish procedures for identifying passengers before they board an aircraft—through a series of directives, one of which requires that passengers provide a valid form of identification at the check-in counter. However, FAA has not incorporated these directives into the air carriers' security program, as it planned to do by July 31, 1997. FAA has postponed amending the security program until it can incorporate information from other ongoing recommendations. The third recommendation—to voluntarily establish a partnership between airport and air carrier officials and law enforcement agencies (known as a consortium) to implement security enhancements—has not been expanded to an additional 200 airports beyond the 41 established as a result of the Commission's initial report and is 15 months behind schedule. Expansion cannot occur until FAA determines whether it can exempt the members of a consortium from penalties when the consortium self-discloses security violations.

FAA has made progress but encountered delays in implementing the five recommendations made by the Commission and the similar mandates contained in the Reauthorization Act. These delays have occurred, in large part, because the recommendations involve new technologies and, in some cases, require FAA to issue regulations. For the first recommendation, no airline had initiated a computer-assisted passenger profiling system systemwide by the planned implementation date of December 31, 1997. During January and February 1998, three major air carriers implemented the system. FAA's revised completion date for implementation by other major carriers is September 1998—9 months past the agency's original implementation date. For the second recommendation, FAA is a year behind schedule in implementing the deployment of explosives detection equipment. The delays were caused, in part, by the inexperience of the contractor hired to install the equipment, and ongoing or planned construction projects at certain airports impeded the installation of equipment. FAA officials told us that delays also occurred because they extended the time period to install the equipment since they did not receive any funding for additional equipment in fiscal year 1998. The third recommendation—matching bags with passengers identified through the profiling system—cannot be completed until FAA analyzes the operational and economic effects of the recommendation and issues a final regulation. For the fourth recommendation, FAA and the Federal Bureau of Investigation (FBI) have had short delays in implementing joint threat and vulnerability assessments at major airports because of the time it took the agencies to develop the approach for conducting these assessments. However, FAA and the FBI may still be able to complete the assessments by October 1999, as required by the Reauthorization Act. FAA will require airports and air carriers to conduct the vulnerability assessments as mandated under the Reauthorization Act after it has selected a standardized model for conducting these assessments. This model is expected to be available in March 1999. For the fifth recommendation, FAA has begun to provide computer-based training for personnel who screen carry-on bags. However, it cannot complete this effort until it has issued regulations for certifying screening companies, which are expected to be issued in March 2000.

Background

In response to concerns about the crash of TWA Flight 800, the White House Commission on Aviation Safety and Security was established in July 1996 to look, first, at the changing security threat and how the United States can address it and then to examine safety and air traffic control issues in the aviation industry and how the government should address

them. In September 1996, the Commission issued its initial report, which contained 20 recommendations to enhance the security of air travel. The Federal Aviation Reauthorization Act of 1996, enacted in October 1996, mandated some actions similar to the Commission's recommendations.

In February 1997, the Commission issued its final report, which contained a total of 57 recommendations that focused on improving aviation safety, making air traffic control safer and more efficient, improving security for travelers, and responding to aviation disasters. Because our report deals exclusively with aviation security, it discusses only the 31 recommendations for improving aviation security contained in the Commission's report and related legislative mandates authorized under the Reauthorization Act. (See app. I for lists of the aviation security recommendations in the Commission's final report and the aviation security mandates in the 1996 Reauthorization Act.)

As agreed with your office, we selected 8 of the 31 aviation security recommendations for detailed review—3 of which were scheduled for completion in fiscal year 1997 and 5 of which are similar to mandates in the Reauthorization Act. FAA is responsible for implementing 21 of the 31 aviation security recommendations in the Commission's report. Eight other federal agencies have the lead role for 1 or more of the remaining 10 recommendations. FAA is responsible for implementing most of the aviation security mandates in the Reauthorization Act.

Agencies Have Established Methods of Tracking, but No One Agency Has Overall Responsibility for Monitoring and Coordinating Recommendations

Each of the agencies responsible for implementing the Commission's recommendations has established its own tracking method. These tracking methods vary, as do the agencies' updating practices. No single agency is responsible for monitoring all of the agencies' implementation efforts and ensuring coordination of interagency issues.

FAA Has Established a Computerized System for Tracking Its Implementation of the Commission's Recommendations

FAA's Office of Aviation Policy and Plans developed a computerized system to track and monitor the status of all 57 recommendations contained in the Commission's report. This system is incorporated into the agency's local area network computer system and, for each recommendation, was designed to provide data on the responsible lead agency, the subtasks needed to implement the recommendation, the target dates, and the status of the recommendation's implementation. Currently, FAA tracks only the recommendations for which it has the lead responsibility. In the fall of 1997, FAA stopped tracking recommendations for which other agencies have the lead responsibility because, according to an FAA official, it did not have control over the work of other agencies.

The ability to change data in the tracking system is controlled by the Office of Aviation Policy and Plans, Planning Analysis Division; however, anyone within FAA who has access to the agency's local area network computer system can view the data. An FAA official told us that FAA does not validate the data after they have been entered into the system. The manager who oversees the system stated that his office attempts to update information at least once a month. Our review of the data indicates that not all recommendations for which FAA has the lead responsibility are updated monthly.

FAA's Office of the Chief Counsel Separately Tracks Mandates Under the Reauthorization Act

FAA's Office of the Chief Counsel is responsible for tracking and monitoring the progress of all legislative requirements. Because the Reauthorization Act contained many mandates, the Office of the Chief Counsel established a computerized database; however, this database is not linked to FAA's local area network computer system. This system is accessible only to the Office of the Chief Counsel, and data are entered by a legislative analyst responsible for tracking the mandates' implementation.

The mandates cover a range of issues from acquisition management to regulatory reform and, in some cases, require specific reports to the Congress. According to the responsible legislative analyst, she updates the system approximately every 1 to 2 months and the Office takes appropriate actions. For example, if a mandated report to the Congress is late on the basis of information provided by the relevant program office, the Office will follow up to make sure that the Congress is informed of the delay.

Other Agencies Track Their Implementation of the Commission's Recommendations Through Program and Budget Operations

Agencies other than FAA are responsible for implementing 10 of the 31 aviation security recommendations contained in the Commission's final report. The following agencies are responsible for one recommendation each: the Department of Defense, the Department of State, the Federal Bureau of Investigation, the National Transportation Safety Board, and the Department of Transportation's (DOT) Office of the Secretary. The U.S. Postal Service is responsible for one recommendation and shares responsibility with the U.S. Customs Service (Customs) for another. The Bureau of Alcohol, Tobacco and Firearms (ATF) is responsible for the remaining three recommendations.

Because most of these agencies are responsible for only one recommendation, they have not established a computerized tracking system as FAA has done. Instead, they track and monitor their progress while performing routine activities, obtaining and reporting information when requested by officials in their own agency, FAA, or DOT's Office of the Secretary. For example, FBI officials use reporting mechanisms maintained by the agency's budget office to track the deployment of additional staff for work on aviation security, as called for in the Commission's recommendations. Similarly, Department of Defense officials told us that they use meetings and existing internal reporting systems to track the activities of the four working groups that are implementing the Department's recommendation.

Responsibility for Overseeing Agencies' Implementation of Aviation Security Recommendations Is Not Centralized

While many agencies are involved in implementing the Commission's recommendations, no single entity has overall responsibility for managing their implementation and coordinating issues between agencies. In March 1997, after the Commission issued its final report, DOT convened an interagency meeting to discuss lead and supporting roles related to the Commission's recommendations. The agencies represented at that meeting included DOT's Office of the Secretary, FAA, and the other agencies that might be responsible for implementation. No agency assumed responsibility for following up to ascertain whether agencies were fulfilling the lead and supporting responsibilities discussed during the interagency meeting.

Using the tracking system it has developed, FAA prepares reports as requested by FAA's and DOT's management to summarize its progress in implementing the Commission's recommendations. As of March 9, 1998, managers from FAA and DOT's Office of the Secretary had reviewed the agency's progress at 10 meetings with the FAA Administrator and other

top-level FAA and DOT officials. In addition, as of that date, DOT's Office of Intelligence and Security had prepared four quarterly reports for the National Security Council's review. The reports had been requested by the National Security Council as part of its counter-terrorism responsibilities. A National Security Council official said that the Council is more interested in learning of any security weaknesses than in tracking the status of the recommendations' implementation. For example, this official said that the Council has been concerned because no funds were provided for explosives detection equipment in FAA's fiscal year 1998 budget. In addition to these reports, the Secretary of Transportation is directed in the Commission's report to prepare an annual report on the status of implementing all 57 of the recommendations contained in the report. According to the first annual report, which was issued to the Vice President on February 12, 1998, 8 of the 31 recommendations dealing with aviation security had been completed.[2]

Furthermore, the annual report noted that FAA and the other federal agencies are continuing to make progress on most of the remaining 23 recommendations. Although a number of the recommendations discussed in the annual report are similar to mandates contained in the Reauthorization Act, the report does not jointly discuss the recommendations and the mandates or the related progress associated with both.

An issue that we found in the absence of oversight and coordination of interagency issues is a disagreement between Customs and the Postal Service about one Commission recommendation (see app. I, table I.1, recommendation 3.4) and its implementation through a legislative proposal that would allow Customs to search, without a warrant, domestic mail handled by the U.S. Postal Service that is destined for international locations. Currently, Customs has the authority to search without a warrant for explosives and other threat objects on inbound international mail and cargo. Customs has led this recommendation's implementation, stating that it has worked with the Departments of the Treasury and Justice. However, Customs has not worked with the Postal Service, the other agency designated at the interagency meeting as the co-lead for implementing this recommendation.

To implement this recommendation, Customs has proposed a provision in the administration's draft International Crime Control Act to give it authority to search outbound international mail without a warrant.

[2]White House Commission on Aviation Safety and Security - The DOT Status Report (Feb. 1998).

Customs has met with the Office of Management and Budget (OMB) to coordinate the proposal through the legislative process. As of April 8, 1998, the proposal was being reviewed by OMB. This proposed authority would parallel Customs' current law enforcement authority, which generally allows Customs to search persons and property entering or leaving the country. Customs officials also told us they already have authority to examine private companies' inbound and outbound express mail but do not have authority to search U.S. Postal Service's outbound international mail. The Postal Service has long opposed such authority for searching outbound international mail as contrary to its authority to protect the mail from unwarranted searches. Postal Service officials said that Customs neither consulted with them nor provided a copy of the legislative proposal for their review. Customs officials confirmed that they had not consulted with the Postal Service on this proposal but stated that they had consulted a number of times over the last 12 years on similar proposals. Postal officials stated that there is no consensus between Customs and the Postal Service on this issue.

Several years ago, the Postal Service established an aviation mail security program for domestic and outbound international mail in cooperation with FAA. This program is deployed systemwide in postal facilities. Postal Service officials told us that Customs' proposal would duplicate their efforts to screen outbound international mail and could delay the delivery of time-sensitive mail. As to the possible delays, Customs officials told us that their examination of inbound U.S. mail and private companies' outbound express mail has caused little or no delay. According to a Customs official, there are no reasons why the mail would be delayed if the proposal were enacted. However, Postal Service officials stated that the inbound mail program, from their perspective, has not been problem-free and that the volume of outbound mail is significantly higher than inbound, which could cause delays.

According to a Customs official, the agency and the Postal Service have disagreed over Customs' authority to examine outbound international mail for at least 12 years. Neither Customs nor the Postal Service officials we contacted knew whether there was a focal point for coordinating the Commission's recommendations. A Customs official said that no one has attempted to mediate the opposing positions between Customs and the Postal Service and that legislative action appears to be the only way to resolve it. However, the Postal Service believes that there is no demonstrated aviation security need for warrantless outbound search authority and that, therefore, the legislation is neither needed nor

appropriate in connection with this issue. Postal Service officials told us that they have expressed their views to OMB to persuade it not to proceed with the legislation. According to Postal Service officials, OMB told them that it would take their comments and views under advisement.

Work Remains on Most Recommendations That Were Scheduled for Completion in Fiscal Year 1997

FAA planned to implement three of the Commission's aviation security recommendations in fiscal year 1997; it fully implemented one of them. The agency has substantially implemented the second recommendation; progress is being made on the third, although it has fallen 15 months behind schedule. The recommendations FAA targeted for completion in fiscal year 1997 built on existing programs and airport relationships and did not require the development and deployment of complex technologies. The purpose of these recommendations was to quickly enhance the capabilities of airport and air carrier personnel in identifying and addressing risks. Table 1 identifies the three recommendations that FAA expected to complete in fiscal year 1997.

Table 1: Recommendations Scheduled for Completion in Fiscal Year 1997

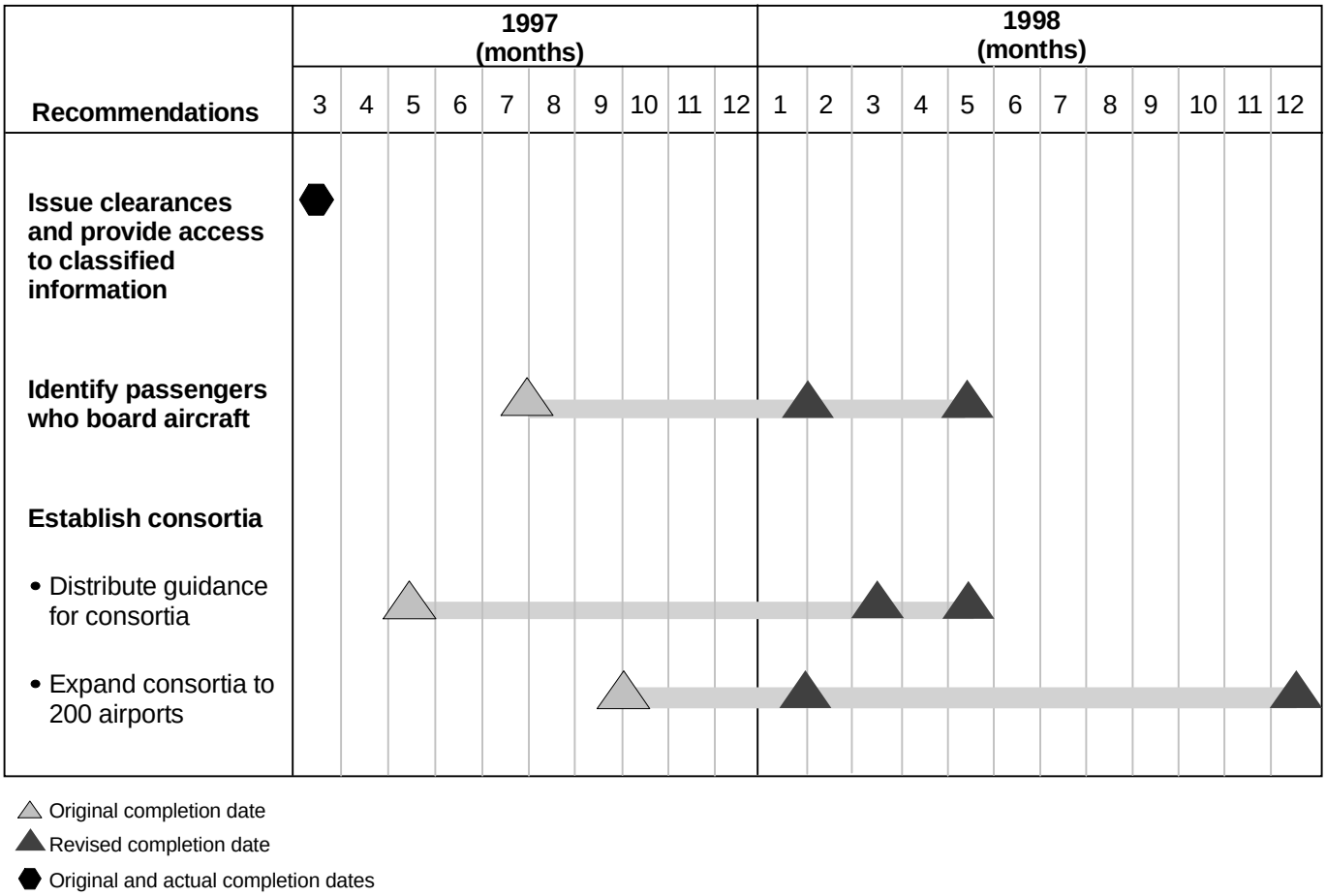
Commission's recommendations
Give properly cleared airline and airport security personnel access to classified information they need to know
Work with airline and airport consortia to ensure that all passengers are positively identified and subjected to security procedures before boarding an aircraft
Establish consortia at all commercial airports to implement enhancements to aviation safety and security

FAA implemented the first recommendation by providing security clearances and granting access to classified information to airport and airline officials. However, a majority of the airport officials we met with questioned the need for clearances, since they believed that the classified information they received was not useful and timely. FAA officials stated that they have attempted to get the maximum amount of information out in unclassified form by obtaining declassified versions of originally classified information from the originating intelligence agencies so that it could be shared with all airport and air carrier security officials whether or not they had security clearances.

FAA has substantially completed the recommendation to ensure that passengers are positively identified when boarding an aircraft; however, delays have occurred that prevent FAA from considering this recommendation as completed (see fig. 1). Over the past several years, FAA has issued a series of security directives designed to positively identify

ticketed passengers and subject them to security procedures. For example, one of the directives establishes procedures for positively identifying passengers by requiring them to provide a valid form of identification at the check-in counter. However, FAA has not yet incorporated these directives and other procedures, as it had planned, into the air carriers' security program—the Air Carrier Standard Security Program (ACSSP). Amending the ACSSP is taking longer than expected because FAA received many significant comments from air carriers on proposed changes and had to obtain a second round of comments on a revised proposal. FAA also decided to wait until it had addressed some technological issues, such as computer-assisted passenger screening procedures, before completing the ACSSP. FAA has fallen over 10 months behind its initial completion date of July 31, 1997, and now plans to complete this recommendation by May 1998.

Figure 1: Comparison of FAA's Planned and Currently Estimated Dates for Completing Three Recommendations



Similarly, although consortia—a partnership between airport and air carrier officials and law enforcement agencies to review security issues—were formed at 41 airports in 1996, shortly after the Commission issued its initial report, FAA has not expanded the voluntary consortia program called for in the Commission's final report. FAA cannot issue new guidance for consortia until it has determined whether airports and air carriers will be subject to penalties when consortia self-disclose security violations. Air carrier and airport officials told us that they do not want to disclose security violations unless they have some assurance that they will

not be penalized. FAA's Office of the Chief Counsel is still examining this issue and expects to issue a ruling in April 1998. FAA plans to issue the guidance shortly after the legal ruling. As figure 1 shows, FAA postponed issuing its guidance on consortia for 12 months and extended its date for fully implementing the recommendation—to establish consortia at another 200 airports. The new completion date, December 1998, is 15 months later than originally planned.

Once FAA has implemented these two recommendations, air carriers will need to follow the revised ACSSP, and airports will need to decide if they want to establish consortia. (See app. II for a more detailed discussion of each of these recommendations.)

Complex Recommendations Are Taking Longer to Implement Than Planned

FAA is making progress on the five recommendations we reviewed that were both recommended by the Commission and mandated by the Reauthorization Act but has encountered delays of up to 12 months. Table 2 lists the five recommendations we reviewed. While these recommendations, such as developing computer-assisted passenger profiling and automated passenger-bag match systems,[3] are critical for improving security, their implementation is taking longer than initially planned because they involve new and relatively untested technologies. In addition, FAA must develop regulations that set forth the requirements for these recommendations. After it has completed the regulations, others must carry out the requirements. Therefore, full implementation cannot occur until airports, air carriers, and screening companies have established programs that meet the new regulatory requirements.

[3]Under the Reauthorization Act, FAA is required to issue a report on its passenger-bag match pilot program to the Congress.

Table 2: Commission's Recommendations to Be Completed After Fiscal Year 1997 and Related Legislative Mandates

Commission's recommendations	Reauthorization Act's mandates
Complement technology with automated passenger profiling	Assist air carriers in developing computer-assisted passenger profiling program in conjunction with other security measures and technologies
Deploy existing technology	Facilitate the deployment of approved commercially available explosives detection devices
Begin implementation of full passenger-bag match[a]	Issue a report on the bag match pilot program to the Congress
Conduct airport vulnerability assessments and develop action plans	Conduct joint FAA-FBI threat and vulnerability assessments on aviation security every 3 years or more frequently, as necessary, at high-risk airports Require airports and air carriers to conduct periodic vulnerability assessments
Certify screening companies and improve screeners' performance	Certify screening companies and improve the training and testing of security screeners through the development of uniform performance standards

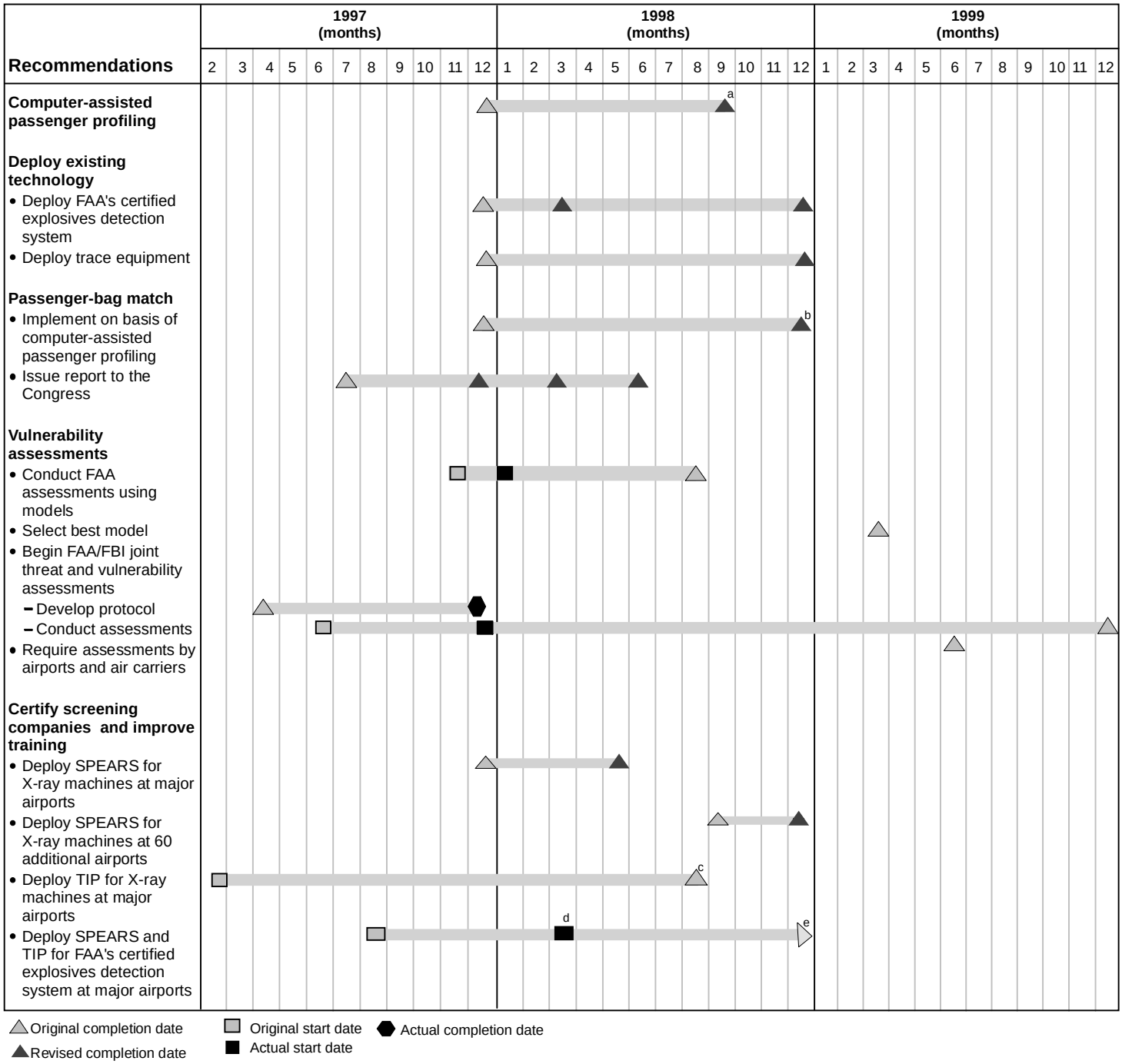
[a]The Commission's final report states that bag match should be initially based on a passenger profiling system. According to FAA's interpretation of the Commission's final report, full passenger-bag match will consist of matching those passengers, who are either randomly selected or identified through the profiling system, with their bags.

Before the Commission issued its final report, FAA started working with air carrier and airport officials and with private companies to resolve the technological issues underlying the implementation of the five recommendations. These recommendations are interrelated. For example, computer-assisted passenger profiling can identify passengers who should be subjected to additional screening procedures, which could include physical searches of bags, examination of bags by explosives detection equipment, and matching of bags to passengers when they board the aircraft.

Many of the dates to complete the recommendations were, according to FAA officials, ambitious because of, among other reasons, the technological complexities associated with these recommendations and the time needed to proceed through the regulatory process. FAA officials told us that a number of the milestones for completing the recommendations were initially established by the Commission, the Secretary of Transportation, or FAA on the basis of their best estimates of the efforts required to implement them. As FAA officials have gained experience, they have revised the milestones to take into account the complexities and time-consuming activities associated with the recommendations. As figure

2 illustrates, FAA extended the completion dates for most recommendations we reviewed.

Figure 2: Comparison of Planned and Currently Estimated Milestones for Recommendations to Be Completed After Fiscal Year 1997 and Related Legislative Mandates



[a]All but one of the major air carriers plan to have implemented computer-assisted passenger profiling by September 30, 1998.

[b]The Commission believed that passenger-bag match, initially based on profiling, should be implemented no later than December 31, 1997. FAA plans to issue a final regulation on passenger-bag match in November 1998; implementation by air carriers will be required within 30 days.

[c]FAA expects to begin deployment of Threat Image Projection (TIP) systems in April 1998.

[d]TIP systems were deployed to FAA's existing certified systems in March 1998.

[e]FAA's deployment of Screener Proficiency Evaluation and Reporting System (SPEARS) for the certified explosives detection systems has been postponed until a licensing agreement between the system manufacturer and the program developer has been executed. While FAA has not set a firm date for deployment, FAA officials told us that depending on resolution of the licensing issues and the availability of funding, they expect to begin deployment of SPEARS in the last quarter of fiscal year 1998 or the first quarter of fiscal year 1999.

FAA Is Making Progress, but Delays Have Occurred

FAA has made progress in implementing the five recommendations we reviewed, but it has not met its target dates because, among other reasons, implementation involved relatively new and untested technologies. The following briefly discusses the status of each of the five recommendations we reviewed and the actions that FAA and others need to take before they can be fully implemented. (See app. III for more details on the status of these recommendations; implementation issues; and, where applicable, observations we made during field visits to airports.)

Automated Passenger Profiling

On the basis of the Commission's recommendation for implementing automated passenger profiling, FAA developed a computer-assisted passenger screening (CAPS) system that enables air carriers to more quickly separate passengers into two categories—those who do not require additional security attention and those who do. This automated screening permits the carriers to focus on the small percentage of passengers who may pose a security risk and whose bags should be screened by explosives detection equipment or matched with the boarding passenger. Northwest Airlines began to develop a CAPS system with funding from FAA in 1994. According to FAA's original plan, all air carriers would have had a CAPS system in place by December 31, 1997. No air carriers met this implementation date. Northwest Airlines, however, had this system in place the following month and, in February 1998, two other major air carriers implemented the system. Most of the other major carriers are either testing the system or still integrating it into their reservation systems. FAA also needs to issue a regulation governing this system. FAA's revised completion date for implementation by all but one of the other major carriers is September 1998—9 months past the original

implementation date.[4] To facilitate implementation, FAA set aside funds to subsidize air carriers' costs of integrating CAPS into their reservation systems.

Deploy Existing Technologies

The Congress provided $144.2 million in the Omnibus Consolidated Appropriations Act of 1997 for the purchase of commercially available advanced security screening equipment for checked and carry-on baggage. FAA planned to deploy 54 certified explosives detection systems to screen checked bags[5] and 489 trace detection devices[6] to screen passengers' carry-on bags at major airports by December 1997; however, it did not meet this goal. As of March 10, 1998, FAA had deployed 13 certified explosives detection systems and, as of January 9, 1998, 125 trace detection devices. FAA plans to have all 54 certified systems and another 22 noncertified devices for screening checked bags, along with 489 trace detection devices for screening carry-on bags, installed and operational by December 1998.[7] Thus, by the time FAA completes this recommendation, it will be a year behind schedule in achieving the increased security for checked and carry-on bags that these funds supported.

FAA's deployment of the explosives detection equipment was delayed for a number of reasons. According to FAA officials, they extended the time period to install the equipment because the agency did not receive funding for additional equipment in fiscal year 1998. Also, they said, ongoing or planned construction at certain airports impeded the installation of equipment. In addition, several air carrier officials and an equipment company representative told us that delays occurred because the company installing the equipment to screen checked bags was inexperienced. Some screening staff told us that they were not always prepared to operate the equipment when it was installed.

Begin Implementation of Full Passenger-Bag Match

Before the Commission's reports were issued, FAA began examining the feasibility of matching bags with passengers to ensure that the baggage of anyone who does not board a plane is removed. FAA completed a pilot

[4]One major carrier is changing its reservation company and will not have CAPS available until some time after the switch to the new reservation company occurs in November 1998.

[5]FAA has only one certified explosives detection system that meets the certification standards for screening checked bags. Other devices that are commercially available have limitations that prevent them from meeting the required standards.

[6]Trace detection devices use either a vacuum system or a "wipe" to sample vapors or pick up particles of explosives on the surfaces of various objects.

[7]In addition to the 54 certified systems, FAA has updated three systems that were used in a demonstration program to match the improvements made to the 54 being installed. These 3 systems are operating at 2 airports, bringing the total number of systems that will be deployed to 57.

program at selected airports in June 1997. The Reauthorization Act required FAA to report on this pilot program to the Congress within 30 days after its completion. FAA planned to send a report on the program's operational effects to the Congress by July 31, 1997. FAA also planned to complete an economic analysis of the impact of matching passengers and bags systemwide in September 1997. At the urging of the airline industry, FAA agreed to combine these reports and issue one report by December 31, 1997. FAA advised the Congress of this delay. This report to the Congress is now expected to be issued by June 30, 1998—almost a year later than required by the Reauthorization Act.

According to FAA, some passengers and bags are being matched for domestic flights using a manual profiling system. In addition, during January and February 1998, three air carriers began matching bags to passengers selected for additional security measures through their CAPS system. According to several of the air carrier officials we spoke with who had participated in the pilot passenger-bag match program, they would not be able to match all passengers with their bags for every flight because too many delays would occur. They said that they would not object to a passenger-bag match program based on a CAPS system that would limit the number of passengers and bags to be matched.

Vulnerability Assessments

FAA has three separate efforts under way to implement the various recommendations involving vulnerability assessments. First, to conduct vulnerability assessments and develop action plans, as the Commission recommended, FAA is developing a standardized model for conducting airport vulnerability assessments.[8] FAA is working with several companies that are using different vulnerability assessment models at 14 major airports. These assessments began in January 1998 and are to be completed by August 1998. FAA has established a panel to review the results and select the best model for assessing a facility's vulnerabilities. FAA plans to make this model available to those who have responsibility for performing assessments, including FAA inspectors, airports, air carriers, and consortia, to meet the various requirements for conducting assessments and identifying vulnerabilities at individual airports. FAA plans to have this model available in March 1999. Although some delays have occurred in starting these assessments, they have not been significant. The delays occurred in the course of soliciting and awarding contracts to six

[8]Under the Omnibus Consolidated Appropriations Act for fiscal year 1997, the Congress appropriated $5.5 million to conduct periodic vulnerability assessments using models and to develop actions plans for each airport. Because the Commission's final report in February 1997 also recommended using models to conduct vulnerability assessments, FAA is implementing both requirements under a consolidated approach.

firms and the Department of the Navy, which will conduct the assessments. FAA has requested $2 million in its fiscal year 1999 budget to perform additional assessments at other airports.

Second, to address the requirement for joint threat and vulnerability assessments under the Reauthorization Act, FAA and FBI conducted their first assessment in December 1997 and began conducting one to two each month starting in February 1998. These assessments differ from the above effort to develop a model because the results of the joint assessments will be used for comparing threat and vulnerabilities at different airports. By having both threat and vulnerability information, FAA and FBI should be able to determine which airports and areas of airports present the highest risks. Initially, FAA selected a pool of 72 airports, which account for 92 percent of commercial travelers in the United States, as candidates for the joint assessments. In January 1998, FAA and FBI agreed to a schedule for assessing 31 high-risk candidates by the end of calendar year 1999 from the pool of 72 airports. Under the Reauthorization Act, the initial assessments are to be completed by October 9, 1999. According to the schedule for the joint vulnerability assessments, FAA and FBI plan to complete their reviews at 28 of the 31 airports by this date. However, an FAA official acknowledged that as the agencies gain experience in conducting these assessments, they may be able to conduct more per month than scheduled.

Third, the Reauthorization Act mandates that FAA require airports and air carriers to conduct periodic vulnerability assessments. FAA plans to implement this requirement through a security program change rather than through the rulemaking process. Airports and air carriers will have to incorporate this requirement into their individual security programs. However, before implementing this change, FAA said, it intends to make the standardized model it is currently developing available to both airports and air carriers for use in conducting these assessments. According to the Director of the Office of Civil Aviation Security Policy and Planning, FAA expects the model to be available in March 1999 and the required implementation of the assessments to begin around mid-1999.

Certify Screening Companies and Improve Screeners' Performance

Certifying the companies that air carriers contract with to provide security at airport security check points would ensure that these companies meet established standards and consistent qualifications. FAA issued an Advance Notice of Proposed Rulemaking in March 1997 for certifying screening companies and expected to complete the final regulation in March 1999, well ahead of its original target date of December 1999; however, FAA later

changed this date to March 2000 to allow additional time for developing performance standards based on screener performance data. Several screening company officials we spoke with said that certification was a good idea; others had no comment.

Improving the training and testing of people hired by these companies to screen passengers' baggage at airport security checkpoints would also improve aviation security. Currently, the people who are hired to screen baggage attend a standardized classroom training program, but FAA believes that the use of a computerized, self-paced training program would have benefits. FAA began developing such a computerized training and testing system, called the Screener Proficiency Evaluation and Reporting System (SPEARS), well before the Commission issued its initial report and the Reauthorization Act was enacted. As of February 1998, FAA had deployed computer-based training systems for personnel who use X-ray machines for screening carry-on bags at 17 major airports. Deployment is planned for two additional major airports by May 1998. FAA has also awarded a contract to deploy these systems at another 60 airports. As of March 11, 1998, FAA had decided to deploy only 15 of the 60 training systems because it lacked necessary funding. If funds are available, FAA plans to deploy the other 45 systems by the end of fiscal year 1998 or early fiscal year 1999. The screening companies we spoke with responded favorably to the computer-based training program.

A second computer-based training program for the only certified explosives detection system used to screen checked bags will not be deployed until after FAA validates the training program, the company that developed the training program reaches an agreement on the licensing of the program with the manufacturer of the certified system, and funding becomes available. Another computerized system, the Threat Image Projection system, also known as TIP, which is used to test screeners' effectiveness, is in the process of being deployed. FAA began deploying this testing system during the week of March 23, 1998, for use by the certified explosives detection systems that are currently in place. FAA also plans to deploy 284 of these testing systems for use with X-ray devices used for screening carry-on bags at major airports starting in April 1998. Data from these systems will be used to develop performance standards that FAA plans to incorporate into the regulation for certifying screening companies.

Completion of Five Recommendations Requires FAA and Others to Take Actions

FAA or others need to take additional actions before these five recommendations can be completed. FAA is currently evaluating new security technologies. It has also begun the rulemaking process for several recommendations. After FAA completes the evaluations and rulemaking, air carriers, airports, and screening companies will need to implement the requirements for programs, such as passenger-bag match and the certification of screening companies. Therefore, full implementation of the recommendations should not be expected immediately after FAA completes its work. (App. III contains a detailed description of the implementation issues associated with each recommendation.)

Operational Issues Need to Be Addressed

FAA needs to evaluate several pilot programs that are associated with specific recommendations. For example, the deployment of explosives detection equipment involves several evaluations. First, FAA needs to learn more about how well the certified equipment works in the field, as well as what issues airports confront in installing the equipment, so that it can decide on future deployment strategies for screening checked baggage. FAA's recently completed evaluation of trace detection equipment for carry-on baggage will guide FAA's purchase of the remaining pieces of equipment. Finally, the effective use of equipment in an airport environment depends on the effectiveness of the personnel using it. Currently, two different methods are being used to train personnel who screen baggage at security checkpoints: the traditional classroom training and the new computer-based training program. FAA plans to compare the results of the computer-based training, a pilot program, with the currently used classroom training program. FAA must also validate the computer-based training program for the certified explosives detection system before the program can be pilot-tested.

FAA must analyze the results of the various models being used by contractors to assess the vulnerability of airports. FAA plans to complete this analysis, which will include a review by an expert panel, by the end of calendar year 1998. As of March 9, 1998, FAA expected the model to be available for use by March 1999. FAA will also need to complete its economic analysis of matching passengers and bags before it can issue the required report to the Congress.

The Commission envisioned a federal investment of approximately $100 million annually to enhance aviation security. The President's 1999 budget requested $100 million to continue the implementation of explosives detection devices as recommended by the Commission. Several air carrier and screening company officials have expressed concerns about

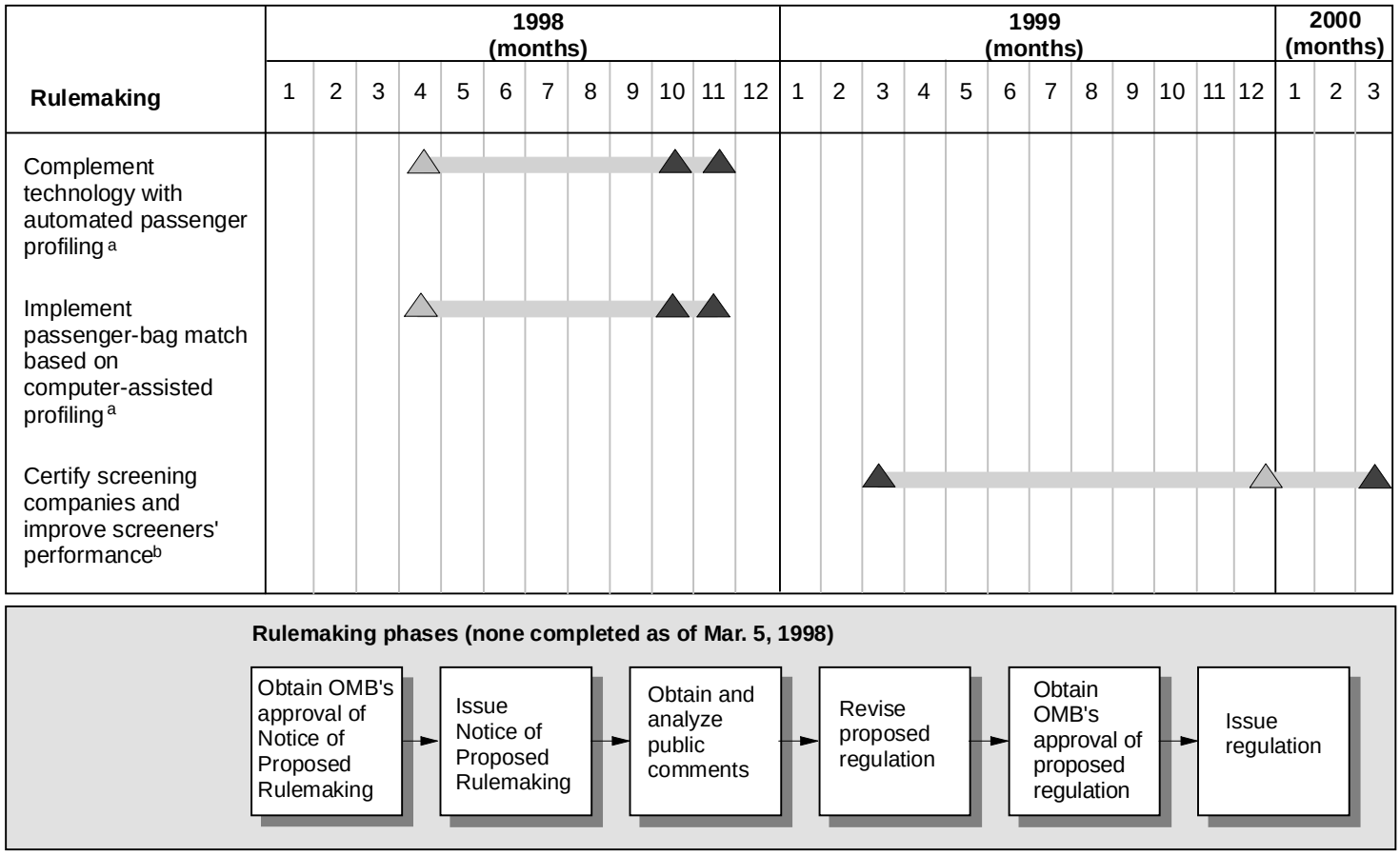
who will pay to maintain the equipment and to upgrade the software as improvements are made.

Rulemaking Has Several Time-Consuming Steps

FAA needs to complete two rulemakings, now scheduled for completion in December 1998 and March 2000. Some of the rulemaking depends on information obtained in the evaluations. Rulemaking is a multistep process that results in the issuance of final regulations for implementing programs. The rulemaking process may begin with an Advance Notice of Proposed Rulemaking. This notice, which FAA has issued as a first step in developing a regulation for certifying screening companies, solicits information from affected parties, such as air carriers, airports, and screening companies. Next, FAA must analyze this information and use it to develop a proposed regulation (called a Notice of Proposed Rulemaking), which it then publishes for comment. On the basis of the comments it receives, FAA then revises the proposed regulation, obtains clearance from OMB, and issues the regulation. FAA must issue a regulation within 16 months of the final day of the public comment period on a Notice of Proposed Rulemaking. If the process includes an Advance Notice of Proposed Rulemaking, FAA must issue a final rule within 24 months of when the Notice of Proposed Rulemaking is published. The entire process, including the drafting of the notice—whether it includes an advance notice or a notice—can take several years for complex issues.

Regulations are planned for three recommendations—the automated passenger profiling and the automated passenger-bag match, both of which are being addressed under the same regulation, and the screening company certification and screener training. FAA has changed the completion date for issuing the final regulation for certifying screening companies from March 1999 to March 2000. According to FAA officials, they need the extra time to gather data from the TIP systems to develop and incorporate standards for screener's performance into the final regulation. In addition, the regulatory process will take time, since screening companies have not previously been regulated by the federal government and screening company representatives have expressed an interest in how these regulations will affect their operations. Some air carriers have also expressed concerns about how a regulation on matching bags and passengers might be structured because its implementation could delay flights. Figure 3 shows FAA's progress in completing the rulemaking process for these recommendations.

Figure 3: Status of Rulemakings



Original completion date

Revised completion date

[a]FAA will cover these recommendations under one regulation.

[b]In November 1997, FAA moved the completion date up to March 1999 from December 1999; however, as of March 11, 1998, this date was changed to March 2000.

Actions Are Required by Others for Full Implementation

Although air carriers, airports, and screening companies are taking some steps to implement the recommendations, full implementation will not occur until after FAA has issued various regulations. For example, air carriers and their reservation companies will have to develop and implement a CAPS system and a passenger-bag match program based on an automated passenger profiling system in accordance with FAA's regulation. FAA plans to issue the regulation by December 1998. As discussed earlier, some air carriers have already voluntarily implemented both of these

actions and others expect to do so before the regulation is issued. Screening companies will have to apply for certification and meet various requirements after FAA issues its regulation. Thus, the recommendations will not be fully implemented until some time after FAA completes its actions.

Conclusions

Each of the agencies responsible for implementing the Commission's recommendations has established its own tracking methods. This decentralized approach has generally been adequate to track and monitor the Commission's recommendations. Although the Office of the Secretary of Transportation provides quarterly reports to the National Security Council and annual reports to the Office of the Vice President on the implementation of all 57 of the Commission's recommendations, no single federal agency is responsible for tracking, monitoring, and coordinating the activities associated with implementing the recommendations. Consequently, issues that arise between agencies may go unresolved. For one such recommendation—Customs' authority to search outbound international mail without a warrant—Customs is proceeding to implement the recommendation by developing legislation to secure this authority. However, the Postal Service strongly opposes such authority being granted to Customs.

The Reauthorization Act requires specific reports, such as the report to the Congress that was due 30 days after the completion of the pilot program for passenger-bag match. The act does not require a comprehensive report—comparable to the Secretary of Transportation's annual report required by the Commission—on FAA's progress in implementing the act's aviation security mandates. Because the Congress enacted these mandates and provides funds for implementing both the mandates and some of the Commission's recommendations, it has an interest in FAA's progress. If the scope of the annual report that the Office of the Secretary of Transportation currently provides to the Office of the Vice President were broadened to include information on FAA's progress in implementing the Reauthorization Act's mandates, that expanded report could provide the Congress with additional information for budgetary and programmatic oversight.

FAA is making progress in implementing the eight recommendations we reviewed but has encountered some delays and extended some completion dates. Given that these recommendations involve new technologies, require FAA to follow time-consuming rulemaking processes,

and require the aviation industry to take action, further delays are possible.

Matter for Congressional Consideration

To have relevant information for budgetary and programmatic oversight, the Congress may wish to require the Secretary of Transportation to provide it with an annual report that combines both the federal agencies' progress in implementing the Commission's recommendations, as contained in the Secretary of Transportation's annual report, and FAA's progress in implementing the Reauthorization Act's aviation security mandates.

Agency Comments

We provided copies of a draft of this report to the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) for their review and comment. We met with DOT and FAA officials, including FAA's Associate Administrator for Civil Aviation Security, its Director of the Office of Civil Aviation Security Policy and Planning, and its Deputy Director of the Office of Civil Aviation Security Operations to obtain their comments. DOT and FAA generally agreed with the information in our report and provided technical corrections, which were incorporated into the report where appropriate. However, they disagreed with one issue. During our review, FAA officials told us that FAA did not plan to initiate a rulemaking that would require airports and air carriers to conduct periodic vulnerability assessments as mandated under the Reauthorization Act. Instead, FAA planned to let consortia, where formed, decide whether they wish to conduct the assessments. However, FAA's Director of the Office of Civil Aviation Security Policy and Planning stated that FAA will require these assessments by changing airports' and air carriers' security programs instead of going through the rulemaking process. As a result, we have deleted our recommendation that FAA either implement the requirement as mandated by the Congress or inform the Congress of the agency's intention to deviate from the law's requirements and seek a legislative remedy.

We also provided copies of the draft to the Departments of Defense, State, Treasury, and Justice; the National Transportation Safety Board; the Postal Service; and the National Security Council. Except for the Department of the Treasury and the U.S. Postal Service, the other agencies provided comments on our draft which did not require any change to our report.

In its comments (see app. V), the Department of the Treasury states that our discussion of the dispute between Customs and the Postal Service should be deleted because it does not address our objective of determining how federal agencies responsible for implementing aviation security recommendations track, monitor, and coordinate their activities. We disagree and believe that the discussion is germane to the issue of coordination because the Postal Service was designated as a co-lead on implementing this recommendation. According to Customs officials, they did not consult with the Postal Service in drafting the proposed legislative section that would grant authority to Customs to search outbound international mail.

Treasury also states that our report is misleading by suggesting that the "disagreement" between Customs and the Postal Service remains open. Treasury assumes that because the Commission has made a recommendation, the differences between Customs and the Postal Service are resolved and that, therefore, GAO has inappropriately characterized the status of the recommendation. We disagree. We believe our report characterizes the situation as it currently exists, that is, the disagreement remains open because the Postal Service opposes the recommendation. In its comments on a draft of this report (see app. VI), the Postal Service expressed its continued opposition to recommendation 3.4, which would grant Customs the authority to search outbound international mail, and presented a number of concerns it has about the implementation of this recommendation.

We recognize that the Department of the Treasury and the Postal Service have opposing views on the recommendation. Our report does not take a position on these views but acknowledges that disagreement continues to exist. Regardless of the positions taken by either agency, it is our obligation to inform the Congress on issues that could affect its deliberations involving legislative matters that come before it. Where appropriate, we have clarified our report on the basis of the Department of the Treasury's and the Postal Service's comments.

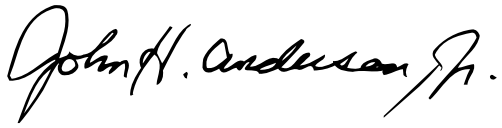
Scope and Methodology

In determining how federal agencies track, monitor, and coordinate activities for implementing the Commission's recommendations and the Reauthorization Act's mandates, we secured and analyzed various status reports generated by FAA. For the other agencies, we acquired and analyzed data supporting their activities. We supplemented these reports and data through discussions with agency officials. On the basis of

discussions with your offices, we analyzed the 31 security recommendations that resulted in the selection of 8 recommendations for review—3 that were due to be completed in fiscal year 1997 and another 5 that are similar to mandates contained in the Reauthorization Act. To determine the progress made in implementing these recommendations and the issues remaining to be addressed before full implementation can occur, we held discussions with FAA officials at headquarters and in the field. We also held discussions on the same topics with airport, air carrier, and screening company officials at seven airports. (See app. IV for further details on our scope and methodology.) We performed our work from June 1997 through March 1998 in accordance with generally accepted government auditing standards.

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 7 days after the date of this letter. At that time, we will send copies to the cognizant congressional committees; the Office of the Vice President; the Secretary of Transportation; the Administrator of the Federal Aviation Administration; the Secretary of Defense; the Secretary of State; the Director of the Federal Bureau of Investigation; the Chairman of the National Transportation Safety Board; the Commissioner of the U.S. Customs Service; the Director of the Bureau of Alcohol, Tobacco and Firearms; and the Postmaster General of the U.S. Postal Service. We will also make copies available to others on request.

Please call me at (202) 512-2834 if you or your staff have any questions. Major contributors to this report are listed in appendix VII.



John H. Anderson, Jr.
Director, Transportation Issues

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Abbreviations

ACSSP	Air Carrier Standard Security Program
ATF	Bureau of Alcohol, Tobacco and Firearms
CAPS	Computer-Assisted Passenger Screening system
DOT	Department of Transportation
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigation
OMB	Office of Management and Budget
SPEARS	Screener Proficiency Evaluation and Reporting System
TIP	Threat Image Projection

List of Recommendations and Legislative Mandates to Improve Aviation Security

Table I.1: Aviation Security Recommendations Contained in the White House Commission's Report on Aviation Safety and Security, With Designated Lead Agency

Number	Recommendation	Lead agency
3.1	The federal government should consider aviation security as a national security issue and provide substantial funding for capital improvements.	FAA
3.2	FAA should establish federally mandated standards for security enhancements.	FAA
3.3	The Postal Service should advise customers that all packages weighing over 16 ounces will be subject to examination for explosives and other threat objects in order to move by air.	Postal Service
3.4	Current law should be amended to clarify the U.S. Customs Service's authority to search outbound international mail.	Customs Service; Postal Service
3.5	The FAA should implement a comprehensive plan to address the threat of explosives and other threat objects in cargo and work with industry to develop new initiatives in this area.	FAA
3.6	The FAA should establish a security system that will provide a high level of protection for all aviation information systems.	FAA
3.7	**The FAA should work with airlines and airport consortia to ensure that all passengers are positively identified and subjected to security procedures before they board aircraft.**	**FAA**
3.8	Submit a proposed resolution, through the U.S. Representative, that the International Civil Aviation Organization begin a program to verify and improve compliance with international security standards.	FAA
3.9	Assess the possible use of chemical and biological weapons as tools of terrorism.	FAA
3.10	The FAA should work with industry to develop a national program to increase the professionalism of the aviation security work force, including screening personnel.	FAA
3.11	Access to airport controlled areas must be secured and the physical security of aircraft must be ensured.	FAA
3.12	**Establish consortia at all commercial airports to implement enhancements to aviation safety and security.[a,b]**	**FAA**
3.13	**Conduct airport vulnerability assessments and develop action plans.[a,b]**	**FAA**
3.14	Require criminal background checks and FBI fingerprint checks for all screeners, and all airport and airline employees with access to secure areas.[a,b]	FAA
3.15	**Deploy existing technology.[a,b]**	**FAA**
3.16	Establish a joint government-industry research and development program.[a,b]	FAA
3.17	Establish an interagency task force to assess the potential use of surface-to-air missiles against commercial aircraft.[a,b]	Department of Defense
3.18	Significantly expand the use of bomb-sniffing dogs.[a,b]	FAA
3.19	**Complement technology with automated passenger profiling.[a,b]**	**FAA**
3.20	**Certify screening companies and improve screener performance.[a,b]**	**FAA**
3.21	Aggressively test existing security systems.[a]	FAA
3.22	Use the Customs Service to enhance security.[a]	FAA
3.23	**Give properly cleared airline and airport security personnel access to the classified information they need to know.[a]**	**FAA**
3.24	**Begin implementation of full bag-passenger match.[a]**	**FAA**

(continued)

Number	Recommendation	Lead agency
3.25	Provide more compassionate and effective assistance to families of victims.[a]	National Transportation Safety Board
3.26	Improve passenger manifests.[a]	Office of the Secretary of Transportation
3.27	Significantly increase the number of FBI agents assigned to counter terrorism investigations, to improve intelligence, and to crisis response.[a]	FBI
3.28	Provide anti-terrorism assistance in the form of airport security training to countries where there are airports served by airlines flying to the U.S.[a]	Department of State
3.29	Resolve outstanding issues relating to explosive taggants and require their use.[a]	ATF
3.30	Provide regular, comprehensive explosives detection training programs for foreign, federal, state, and local law enforcement, as well as FAA and airline personnel.[a]	ATF
3.31	Create a central clearinghouse within the government to provide information on explosives crime.[a]	ATF

Note: The recommendations printed in bold are the eight reviewed in this report.

[a]These recommendations were contained in the initial report of the White House Commission on Aviation Safety and Security. The remaining 11 recommendations were added to the Commission's final report dated February 12, 1997.

[b]Although the focus of these recommendations remained the same, the Commission's final report expanded their scope.

Table I.2: Aviation Security Mandates in the Federal Aviation Reauthorization Act of 1996

Section	Legislative mandate
301	FAA is to submit a report, including proposed legislation, if necessary, to the Congress, no later than 90 days after the enactment of this Act, on responsibilities and sources of funding for airport security.
302	**FAA is to certify screening companies and to improve training and testing of security screeners through development of uniform training standards.**
303	FAA shall enter into an arrangement with the National Academy of Sciences to assess available weapons and explosives detection technologies and identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.
304	FAA shall require criminal history checks for individuals who will be responsible for screening passengers or property, their supervisors, and other individuals who exercise security functions associated with baggage or cargo, as the FAA Administrator determines necessary.
305	**Facilitate the interim deployment of commercially available explosives detection equipment that will enhance aviation security significantly while FAA is in the process of certifying commercially available equipment.**
306	FAA shall provide for the periodic audit of the effectiveness of criminal history record checks.
307	**FAA, DOT, intelligence community, and law enforcement community assist carriers in developing a computer-assisted passenger profiling system.**
308	Provides authority to use Airport Improvement Program funds to enhance and ensure the safety and security of passengers and other persons involved in air travel.
309	FAA and the FBI shall provide for the establishment of an aviation security liaison in or near cities served by a designated high-risk airport.
310	**FAA and FBI shall carry out joint threat and vulnerability assessments on security at high-risk airports every 3 years or more often if necessary.**
311	**If bag match pilot program is carried out, FAA is required to submit a report on safety, effectiveness, and operational effectiveness to the Congress.**
312	**Air carriers and airports will conduct periodic vulnerability assessments of the security systems, and FAA shall perform periodic audits of such assessments.**
313	The Secretary of Transportation shall, no later than 90 days after enactment of this Act, transmit to the Congress a report on any changes recommended and implemented as a result of the Commission's report to enhance and supplement screening and inspection of cargo, mail, and company-shipped materials transported in air commerce.

Note: The mandates printed in bold type are those related to the five Commission recommendations reviewed in this report.

Status, Implementation Issues, and Field Observations on Three of the Commission's Recommendations Scheduled to Be Implemented in Fiscal Year 1997

The following provides additional information on the status of three of the Commission's recommendations, FAA's implementation issues, and our observations during field visits to airports.

Recommendation 3.23:

Give properly cleared airline and airport security personnel access to classified information they need to know.

Status

FAA considers this recommendation completed.

- FAA has been providing clearances and classified information to airport officials since June 1994. Although air carriers have had cleared personnel under other clearance programs going back into the 1980s, it was not until the mid-1990s that FAA began providing air carriers with clearances.
- FAA officials told us that in March 1997, FAA invited airports and air carriers to recommend personnel for clearances.
- As of March 1998, 234 airport, air carrier, and law enforcement personnel had been granted security clearances under this program with an additional 35 pending.
- FAA also provides declassified security information to all airport and air carrier personnel whether cleared or not. FAA's position is to ensure that as much information as possible is given to the industry.
- FAA considers this recommendation completed with the issuance of the March 1997 invitation.

Implementation Issues

- Obtaining clearances is voluntary, and FAA does not have any legal authority to require airports or air carriers to have persons with a clearance.

Field Observations

- A majority of the airport officials we met with questioned the usefulness and timeliness of any classified information they have received; therefore, some of these officials do not see a need for clearances.
- Many of the airport managers we met with told us that they have local sources for obtaining security-related information that they believe is more useful than FAA's; an FAA official told us that local law enforcement officials may provide very useful information and that FAA does not believe that it is the sole source of security-related information.
- Five officials from different airports told us they had applied for clearances but had not been told whether their clearances have been

granted. FAA has followed on up these inquiries and most have been resolved.

Recommendation 3.7

FAA should work with airline and airport consortia to ensure that all passengers are positively identified and subjected to security procedures before they board aircraft.

Status

FAA has used security directives to establish security procedures for passengers. Incorporating those procedures into the Air Carrier Standard Security Program (ACSSP) is taking longer than expected.

- Many of the procedures to clear passengers have been in place since the early 1990s under security directives issued by FAA.
- The only action left to complete this recommendation is to incorporate the directives into the ACSSP.
- On March 28, 1997, FAA issued a proposed change to the ACSSP incorporating these and other security directives and originally planned to complete this process by July 31, 1997.
- Delays have resulted because FAA received many significant comments on its proposal to incorporate these changes into the ACSSP.
- FAA revised and reissued the proposal in August 1997 for a second round of comments, extending the comment period to October 1997.
- FAA extended its completion date to May 1998.

Implementation Issues

- FAA needs to analyze the comments received on its proposed amendments to the ACSSP and revise the ACSSP before it can go through the agency's internal review.
- While completing the change to the ACSSP, FAA plans to consider other ongoing recommendations, such as automated passenger profiling, passenger-bag match, and the use of explosives detection equipment.
- Others, such as airports and air carriers, will need to implement any changes once FAA completes its process.
- The ACSSP will need to be further amended when an automated passenger profiling system replaces the manual process.

Field Observations

- FAA field and air carrier officials have expressed concern that FAA has operated its security program through security directives instead of having a current ACSSP in place.

- The aviation industry would like to see the ACSSP revised as quickly as possible because FAA has issued so many security directives over the last several years.
- FAA field and air carrier officials stated that security directives are not always clear and may lack detailed information for implementation.

Recommendation 3.12:

Establish consortia at all commercial airports to implement enhancements to aviation safety and security.

Status

Completion has been delayed while FAA resolves a legal issue and issues guidance on consortia.

- Under the Commission's initial report, FAA helped establish 41 consortia at major airports in the fall of 1996.[1]
- These 41 consortia have conducted vulnerability assessments and developed action plans; some airports have addressed their action plans and are awaiting further guidance from FAA.
- FAA plans to encourage the establishment of consortia at 200 more airports.
- FAA originally estimated that the airports that wanted to voluntarily establish consortia would do so by September 30, 1997.
- To encourage the establishment of consortia, FAA planned to issue guidance in May 1997.
- FAA cannot proceed with guidance until its Office of the Chief Counsel rules on whether airports and air carriers will be subject to penalties when the consortia self-disclose security violations.
- FAA's Office of the Chief Counsel expects to issue its ruling in April 1998 and FAA plans to issue the guidance shortly thereafter.
- FAA now estimates that the additional consortia should be established by December 1998.

Implementation Issues

- FAA's Office of the Chief Counsel needs to rule on whether airports and air carriers are exempt from penalties when they self-disclose security violations identified through the activities of a consortia.
- Once the legal issue is resolved, FAA will need to issue guidelines on the mission, function, activities, and authority of consortia to resolve violations discovered through consortia efforts.
- FAA does not have any legal basis for requiring airports to establish consortia; participation is voluntary.
- Airports will have to decide if they want to form consortia after the guidelines are issued.
- FAA recognizes that persuading airports to form consortia may be difficult because participation is voluntary.

[1]This initial recommendation was expanded in the final report, which recommended the establishment of consortia at all category X through category III airports by September 30, 1997. (Categorization is primarily based on the volume of passengers; category X has the highest number of passengers.)

Field Observations

- Of the seven airports we visited, five had formed consortia in response to the Commission's initial report.
- At airports we visited, the consortia's ongoing activities are mixed. Some consortia continue to be active; others are awaiting future instructions from FAA on how to proceed, given that they have performed vulnerability assessments, drafted action plans, and implemented corrective actions. Two others have ceased operation or merged their activities with other monthly meetings dealing with security issues.
- Some airport and air carrier officials do not see a need for consortia because they believe their meetings duplicate other airport security meetings. One airport official told us that he will not establish a consortium for this reason unless required by law.
- Air carrier and airport officials are concerned that they may be held liable if they report violations under the consortia.
- Airports and air carriers are concerned about the lack of direction from FAA on the activities of consortia and how they should proceed since completing the work under the initial Commission's recommendation. Although FAA plans to issue guidance for consortia, an FAA official told us that the agency sees its role as providing support to local consortia.

Status of Five Aviation Security Recommendations, Implementation Issues, and Field Observations

The following provides additional information on the status of five aviation security recommendations made by the Commission and authorized under the Reauthorization Act, implementation issues, and our field observations during visits to airports.

Commission's recommendation	Reauthorization Act's mandate
Recommendation 3.19:	**Sec. 307:**
Complement technology with automated passenger profiling.	Assist air carriers in developing computer-assisted passenger profiling programs in conjunction with other security measures and technologies.

Status

FAA planned to have an automated passenger profiling system completed and in place by December 31, 1997. As of February 1998, three major air carriers have the system in place. All but one major carrier are expected to have the system implemented by September 30, 1998.

- A computer-assisted passenger screening (CAPS) system was developed by Northwest Airlines with funding from FAA.
- The Department of Justice has reviewed the system and ruled that it does not discriminate on the basis of factors such a invasion of personal privacy or unreasonable search and seizure.
- Justice will periodically review the system to ensure that it is functioning as intended and is not discriminatory.
- FAA planned to have this system completed and in place by December 31, 1997.
- No air carrier met the completion date.
- FAA has not issued a final regulation requiring air carriers to implement this system; however, air carriers have begun to voluntarily integrate the system into their reservation systems.
- Among the major air carriers, Northwest Airlines implemented the system in January 1998 and two others—United Airlines and TWA—implemented the system in February 1998.
- FAA believes other major air carriers will have the system integrated into their reservation systems by September 30, 1998, with the exception of one carrier that will make the transition to a new reservation system in November 1998.
- Final regulations establishing this program and the bag match program are due to be published in November 1998.

Implementation Issues

- FAA needs to issue the final regulation for the CAPS system.
- FAA will need to amend the ACSSP to incorporate the requirements of the CAPS system.
- Air carriers and their reservation companies will need to integrate the CAPS system into their reservation systems.
- FAA will need to coordinate the implementation of the CAPS system with the passenger-bag match program and the use of explosives detection equipment.

Field Observations

- Air carriers support the CAPS concept.

Commission's recommendation	Reauthorization Act's mandate
Recommendation 3.15:	**Sec. 305:**
Deploy existing technology.	Facilitate the deployment of approved commercially available explosives detection devices.

Status

FAA has deployed a number of explosives detection systems and devices; however, delays have occurred and installation will take longer than planned.

- FAA has begun to purchase and deploy 54 CTX-5000s (plus FAA updated 3 units used in demonstration projects), 22 noncertified advanced technology units, and 489 trace detection devices, as provided for under the Omnibus Consolidated Appropriations Act for Fiscal Year 1997.
- FAA planned to have most of the explosives detection equipment in place by September 1997 and to complete the installation by December 1997.
- As of March 10, 1998, 13 of the 54 certified systems had been deployed at airports. As of January 9, 1998, 125 of the 489 trace detection devices had been deployed and 2 of the 22 noncertified advanced technology devices were being deployed.
- Deployment has been delayed by about 9 months with the equipment now planned to be in place by September 1998 and fully operational, including training of screeners, by December 1998.
- Deployment of the CTX-5000 was late because (1) the contractor hired to install the CTX did not have the required experience, (2) FAA extended the deployment schedule because it did not receive funding in fiscal year 1998 for additional explosives detection equipment, and (3) ongoing or planned construction and the reconfiguration of baggage systems at certain airports impeded deployment.
- Trace equipment was purchased in several phases, enabling FAA to evaluate the devices deployed and determine which types of equipment met security needs and should be purchased next.
- Contracts have been awarded for purchasing 22 noncertified advanced technology devices.
- The Office of Management and Budget has agreed to reprogram moneys for fiscal year 1998 to continue deployment during the current fiscal year.

Implementation Issues

- If FAA is to deploy additional equipment, additional funds will be needed.
- FAA needs to establish performance criteria for the amount and types of explosives to be detected by trace detection equipment.

- Deployment of most explosives detection equipment is under a pilot program. This equipment is continuously being evaluated to assess its capabilities and to guide further purchases and deployment.
- FAA will need to coordinate the use of explosives detection equipment with its implementation of the passenger-bag match program and the CAPS system.

Field Observations

- The certified explosives detection systems have encountered a number of problems during deployment—for example, inadequate electrical wiring to handle the system's electrical needs or the inability to get the unit into a terminal because of its size.
- Airport, air carrier, and FAA field officials believe that the initial deployment occurred too rapidly because FAA was trying to meet target dates established in the Commission's report or by the Secretary of Transportation.
- One airport received up to three different pieces of equipment at the same time without being notified in advance of its arrival. FAA officials told us that this could have been true during our field visits in October and November 1997, but they believe this problem has been corrected by increased communications between FAA, the contractor installing the equipment, each air carriers' headquarters, and the individual airports receiving the equipment.
- Air carriers have unresolved questions about who will pay to maintain and upgrade the software for the equipment that FAA is deploying once it turns the responsibility for the equipment over to the air carriers.

Commission's recommendation	Reauthorization Act's mandate
Recommendation 3.24:	**Sec. 311:**
Begin implementation of full passenger-bag match.	Issue report on bag match pilot program to the Congress.

Status

Matching bags is shifting from manual to computerized operations as major air carriers implement the CAPS system.[1] FAA is currently drafting a report to the Congress on the operational and economic effects of the passenger-bag match recommendation on the airline industry.

- The pilot program on matching bags to passengers who board an aircraft was completed on June 3, 1997.
- The report to the Congress, which was due July 31, 1997, has been delayed, in part, because the aviation industry requested that the economic and operational effects of bag matching be included in one report instead of two separate ones.
- This report is scheduled to be released on June 30, 1998—approximately 11 months past the original due date.
- Bag matching is occurring on some domestic flights through the use of either the manual screening or the CAPS systems. In January and February 1998, three major air carriers implemented the CAPS system, which allows them to bag match.
- FAA is preparing a Notice of Proposed Rulemaking that will cover the CAPS system and bag match.
- FAA plans to issue the final regulations for the CAPS system and bag match program in November 1998.

Implementation Issues

- FAA needs to complete an economic analysis of the passenger-bag match pilot program.
- FAA needs to issue the required bag match report to the Congress.
- The economic impact of bag matching needs to be considered when drafting the notice of rulemaking.
- FAA needs to publish a Notice of Proposed Rulemaking, address comments, and issue the final regulation.
- After the final regulation is published, air carriers will need to implement a passenger-bag match program according to the regulation.

[1]The Commission's final report states that bag match should initially be based on automated passenger profiling and should be implemented no later than December 31, 1997. By that date, the bags of those selected either at random or through the use of an automated passenger profiling system must be either screened or matched to a boarded passenger.

- FAA will need to coordinate its implementation of the passenger-bag match program with the use of explosives detection equipment and with the CAPS system.

Field Observations

- Air carriers favor passenger-bag match if it is used with the CAPS system so that they are not required to match all passengers and bags.
- Air carriers believe that matching all bags to every passenger is not economically and operationally feasible.

Commission's recommendation	Reauthorization Act's mandate
Recommendation 3.13:	**Sec. 310:**
Conduct airport vulnerability assessments and develop action plans.	Conduct joint FAA-FBI threat and vulnerability assessments on aviation security every 3 years or more frequently, as necessary, at high-risk airports. **Sec. 312:** Require airports and air carriers to conduct periodic vulnerability assessments of security systems and FAA to perform periodic audits of such assessments.

The following two sections—Status and Implementation Issues—are divided into the three efforts that FAA has under way for vulnerability assessments—developing a model, conducting joint threat and vulnerability assessments, and requiring air carriers and airports to conduct vulnerability assessments.

Model Development

Status

FAA is developing a standardized model for use in conducting vulnerability assessments.

- FAA has contracted with six private-sector firms and one federal agency to conduct vulnerability assessments using a variety of models. A total of 14 airports will be covered by these assessments.
- FAA initially planned to start these assessments in November 1997, but delays in awarding the contracts delayed their start until January 1998.
- FAA estimates that these assessments will be completed by August 1998.
- On the basis of these assessments, FAA hopes to develop a standardized model for use by FAA inspectors, airports, air carriers, and consortia for their vulnerability assessments.

Implementation Issues

- Using the contractors' assessments, FAA has established a panel to select a best practices model.

Joint Threat and Vulnerability Assessments

Status

FAA and FBI are conducting joint threat and vulnerability assessments at 31 selected airports.

- FAA-FBI planned to develop protocols for conducting joint threat and vulnerability assessments by April 1997 and begin the assessments in June 1997.
- The protocols were developed by December 1997 and field tested at four airports by mid-March 1998.
- FAA-FBI plan to conduct joint threat and vulnerability assessments at 31 airports that the FAA and FBI have designated as high-risk candidates.
- FAA-FBI plan to conduct one to two assessments per month.

Implementation Issues

- FAA-FBI are legally required to complete these joint assessments by October 1999. Currently, FAA plans to complete 28 of 31 assessments by October 1999.

Required Assessments

Status

FAA plans to begin amending its security program that will require airports and air carriers to conduct vulnerability assessments.

- FAA plans to recommend that airports and air carriers use the standardized model it is currently developing.
- FAA expects the model to be available in March 1999 and the implementation of the required assessments to begin around mid-1999.

Implementation Issues

- Implementation is dependent on FAA developing a standardized model and amending its security program.

Field Observations

- Airport officials have expressed concern that too many and possibly duplicative vulnerability assessments have already been done or are being planned. They include (1) the 41 assessments done by consortia under a recommendation in the Commission's initial report, (2) the contractor's assessments to develop a standardized model, (3) the joint FAA-FBI assessments, and (4) the legal requirement for airports and air carriers to conduct assessments.

Commission's recommendation	Reauthorization Act's mandate
Recommendation 3.20:	**Sec. 302:**
Certify screening companies and improve screeners' performance.	Certify screening companies and improve the training and testing of security screeners through the development of uniform performance standards.

Certify Screening Companies

Status

FAA has started the rulemaking process to develop regulations for certifying screening companies and plans to complete this recommendation by March 2000.

- In March 1997, FAA issued an Advance Notice of Proposed Rulemaking soliciting information on certifying screening companies and improving screeners' training.
- FAA analyzed the comments received and has prepared a Notice of Proposed Rulemaking with specific regulatory proposals.
- FAA originally estimated that it would complete the rulemaking process by December 1999. This date has changed twice: once to March 1999 and more recently to March 2000. This change, according to FAA officials is to allow for the inclusion of performance standards for testing screeners.
- This proposed rule is now undergoing internal review at FAA.

Implementation Issues

- After completing the internal review, FAA will need to issue the Notice of Proposed Rulemaking for comment, currently scheduled for March 1999.
- These comments will have to be analyzed and incorporated into the final regulation.
- The regulatory process will take time, since screening companies have not previously been regulated by the federal government.
- After the regulation is completed, screening companies will have to apply for certification.
- Screening companies will have to implement programs to comply with the new regulation.

Field Observations

- Air carriers and screening companies believe that certifying screening companies is needed.

Training of Screeners

Status

FAA is currently pilot-testing several training programs designed to enhance screeners' performance.

- Efforts to improve screeners' training had already started when the Commission issued its initial report and the Reauthorization Act was enacted.
- SPEARS (a computer-based program for training screeners who screen baggage is being deployed and had been installed at 17 airports as of February 1998.
- Each of the 17 airports has received 12 training units, which are located at a single location within the airport.
- FAA has contracted to deploy the computer-based training program at another 60 airports; however, FAA has decided to deploy the training program at only 15 of the 60 airports because it lacks the necessary funds. Depending on the availability of funds from its request to reprogram fiscal year 1998 moneys, FAA plans to deploy the training program at the remaining 45 airports by the end of fiscal year 1998 or early fiscal year 1999.
- The Advance Notice of Proposed Rulemaking for certifying screening companies, issued in March 1997, also solicited input on the methods and curriculum for training screeners.
- FAA's evaluation of another computer-based program that will train screeners to use the only FAA-certified explosives detection system, which screens checked bags, has been postponed until a licensing agreement between the system manufacturer and the program developer has been executed.
- As of March 10, 1998, FAA had deployed the threat image projection system, called TIP, at four airports for testing. TIP is a computerized system used to test screeners' effectiveness in identifying explosives and other threat objects.
- FAA began deploying TIP at other major airports during the week of March 23, 1998, for use by the certified explosives detection systems that are currently in place. FAA also plans to deploy 284 of these testing systems

for use with X-ray devices used for screening carry-on bags at major airports starting in April 1998.

Implementation Issues

- FAA needs to complete the evaluations of its computer-based training program and the threat image projection program.
- FAA needs to decide where to place the computer-based training equipment in airports.
- FAA needs to issue clear guidelines on the various training programs being deployed and on the relationship of the new computer-based training programs to the current classroom-type training program, especially in view of the fact that the "older" classroom training program needs updating.
- FAA will have to acquire funding; await completion of the licensing agreement between the system manufacturer and the program developer; and complete its validation of the computer-based training program for the certified explosives detection system before the computer-based training program can be deployed.

Field Observations

- Screening companies have received the computer-based training favorably.
- Not all the air carriers and screening companies we met with had received FAA's April 1997 computer-based training program guidance.
- Several screening companies have expressed concern about the lack of clear guidance on using either the computer-based training program or the standardized classroom training program for carry-on bags.
- Two screening companies refused to send their screeners to the computer-based training location because (1) it is too far from their work location, (2) it takes a considerable amount of time to reach the training site, (3) it is located in another screening company's work area, and (4) it requires a supervisor to go along with the screeners, leaving them short-handed at check points.
- Most screening companies suggested placing the equipment in several locations to make it easily accessible to everyone; they said this would require more units at each airport.
- FAA needs to replace SPEARS equipment that was stolen from one airport.

Scope and Methodology

To determine how federal agencies track, monitor, and coordinate activities designed to implement the Commission's aviation security recommendations and the Reauthorization Act's mandates, we obtained and analyzed the status reports that FAA's computerized tracking systems generated between May 1997 and February 1998, as well as the quarterly status reports covering all the Commission's aviation security recommendations made to federal agencies, which the Department of Transportation's (DOT) Office of the Secretary compiled and sent to the National Security Council for the same period. We did not independently verify the reliability of FAA's computerized databases for tracking the status of the Commission's recommendations and the act's mandates. However, when appropriate, we did obtain supporting documentation and discuss the accuracy of the data and their related reports with FAA officials on those recommendations we reviewed. We also discussed the procedures for preparing these reports with the responsible offices in FAA and DOT. We met with officials of the departments of Defense and State, FBI, the National Transportation Safety Board, the U.S. Postal Service, U.S. Customs Service, and Bureau of Alcohol, Firearms and Tobacco to obtain information on how they track the recommendations for which they are responsible and obtained and analyzed data supporting the status of their recommendations. We also met with an official of the National Security Council to determine if it had a role in overseeing actions on all the recommendations.

We analyzed the 31 aviation security recommendations to determine which ones FAA expected to complete in fiscal year 1997. We reviewed three of the five recommendations in FAA's tracking system that the reports and other documents targeted for completion in fiscal year 1997. We did not review two other recommendations because one involved an agency other than FAA and the other involved an international security issue. We discussed the status of these recommendations with officials from FAA's policy and operating offices, analyzed related documents, and discussed their status with airport, air carrier, and screening company officials at the seven airports we visited.

To determine the progress FAA had made in implementing the key recommendations that were both recommended by the Commission and mandated by the Congress in 1996 and the major issues that needed to be addressed before these recommendations could be fully implemented, we used the requesters' criteria to determine which of the Commission's recommendations and the act's mandates covered the same issues. We identified seven issues in which the recommendations and mandates were

substantially similar. We selected five of the seven for review because of their interrelationships and high visibility in improving aviation security. We discussed the status of these recommendations with officials of FAA's policy and operating offices and analyzed related documents. We also discussed the status of recommendations with airport, air carrier, and screening company officials at seven airports we visited. We met with headquarters officials of Northwest Airlines to discuss the status of the CAPS system.

We selected the seven airports in order to obtain a wide coverage of airports' and air carriers' involvement in implementing the recommendations. Five were major airports that had considerable involvement in implementing the recommendations. Visiting these airports enabled us to obtain the views of airport, air carrier, and screening company officials who had experience with implementing the recommendations and to observe the explosives detection and training equipment in place and the operation of that equipment. Two airports were smaller and had no involvement with the recommendations at the time of our field work. Visiting these airports enabled us to obtain the views of airport, air carrier, and screening company officials on recommendations such as obtaining clearances and forming consortia that were voluntary on the airports' and air carriers' part, as well as their views on those recommendations that they would eventually be required to implement. Because of the sensitive nature of aviation security and ongoing efforts at specific airport locations, we are not listing the seven airports we visited.

Comments From the Department of the Treasury

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

UNDER SECRETARY

April 7, 1998

John H. Anderson, Jr.
Director, Transportation Issues
General Accounting Office
Resources, Community and Economic Development Division
Washington, D.C. 20548

Re: Aviation Security: Implementation of Recommendations Is Under Way, but Completion Will Take Several Years (GAO/RCED-98-102).

Dear Mr. Anderson:

As requested, I am writing to provide comments on the above-captioned report. As you know, Recommendation 3.4 of the Final Report of the White House Commission on Aviation Safety and Security indicates that "Current law should be amended to clarify the U.S. Customs Service's authority to search outbound international mail." When the Commission made this recommendation, it had been fully apprised of the opinions of all interested agencies regarding the searching of outbound mail. After due consideration, the Commission determined that it was appropriate for legislation to be enacted to support the position of the U.S. Customs Service. Given this determination by the Commission, I believe that the GAO report inappropriately characterizes the status of Recommendation 3.4.

The discussion regarding Recommendation 3.4 is contained within the section entitled "How do the federal agencies responsible for implementing aviation security recommendations track, monitor, and coordinate their activities?" Therefore, the only matters that are relevant for inclusion within this section are matters pertaining to tracking and coordination. Since the discussions that appears in the last sentence of the first paragraph on page 3, on pages 9 and 10, and in the first paragraph on page 26, do not involve tracking and are not germane to the coordination of the implementation of Recommendation 3.4, they should be deleted.

As noted on page 9 of your report, the "usual legislative process" is to have all legislation proposed by a department coordinated and cleared through the Office of Management and Budget clearance process. That process was followed with respect to the proposed outbound mail legislation. Therefore, at this time all appropriate coordination has occurred. Until such time as the proposed legislation is enacted, there is nothing further to coordinate. Upon enactment, the U.S. Customs Service will fully coordinate the implementation of the legislation with the U.S. Postal Service.

Furthermore, I believe that the discussion of a "disagreement" between the Customs Service and

the Postal Service is misleading. It suggests that there is an issue that remains open for discussion. To the contrary, the recommendation of the Commission is final and is not subject to change. The agreement or disagreement of any agency with respect to this recommendation adopted by the White House Commission is not relevant.

Sincerely,

Raymond W. Kelly
Under Secretary (Enforcement), and

Commissioner, White House Commission
on Aviation Safety and Security

Comments From the U.S. Postal Service

DEBORAH K. WILLHITE
VICE PRESIDENT, GOVERNMENT RELATIONS

UNITED STATES POSTAL SERVICE

April 8, 1998

John H. Anderson, Jr.
Director, Transportation Issues
Resources, Community, and Economic
Development Division
U.S. General Accounting Office
Washington, DC 20548-0001

Dear Mr. Anderson:

This expresses the views of the Postal Service concerning the draft General Accounting Office Aviation Security Implementation Report. In particular, the Postal Service opposes Recommendation 3.4 of the White House Commission on Aviation Safety and Security, and also opposes the proposed implementing legislation which would grant to the Customs Service expansive, new authority to search, without a warrant, domestic mail transmitted for export by the United States Postal Service.

For about 12 years, the Postal Service and the Customs Service have disagreed about whether Customs has authority to search outbound international mail without a search warrant. For several years, therefore, the Customs Service has actively sought authority through legislation to conduct warrantless searches of sealed, outbound international mail.

The Postal Service has voiced strong opposition to proposals to expand customs mail search authority for several fundamental reasons. First, the Postal Service does not believe that the search authority sought is necessary for law enforcement purposes. As it pertains to aviation security and the protection of the nation's airlines against acts of terrorism, the Postal Service believes that customs searches of outbound mail would duplicate existing efforts by the Postal Inspection Service and efforts initiated by the Postal Service's Aviation Mail Security Committee, created by Postmaster General Runyon and approved by the Federal Aviation Administration in 1997. Other active efforts to make the mail more secure include tightened audit and review processes, and new security measures which prevent stamped Priority Mail parcels, 16 ounces or over, which are placed in collection boxes, from being placed on aircraft for transport to either domestic or international destinations.

We are also highly concerned about the effect of the proposed expanded search authority on international mail operations. International mail sent by the American public has tight service commitments, and must be handled in a timely manner in order to avoid serious disruption of service. Blanket authority for customs search of outbound international would create operational problems unique to the Postal Service, because of the sheer volume of such mail sent each year. For example, in fiscal year 1996, over one billion, 53 million pieces of international mail were sent from the United States to international destinations. Due to the volume and expeditious handling required to meet operational deadlines, outbound search procedures would significantly increase costs, both for the Customs Service and the Postal Service. Moreover, volume and handling considerations would increase the overall transit time for such mail thus providing diminished service to postal customers.

The Postal Service is also highly concerned that such authority would interfere with citizens' interest in the privacy of their mail under the Constitution, and would also conflict with the Postal Service's statutory commitment to safeguard the mail and to provide such mail its most expeditious handling. For nearly three centuries, the American public has had an expectation of privacy, validated by decisions of the Supreme Court, that the contents of their sealed mail would be afforded the same protection from warrantless government surveillance as if it had remained in their home. Since no one has demonstrated how aviation security concerns would be mitigated by this proposed authority, it is not necessary to diminish citizens' privacy rights.

We are also troubled that we were not directly consulted during the development of the outbound mail search provision, which was inserted in the International Crime Control proposal despite our opposition. Moreover, we are concerned that when we expressed opposition, our concerns were not addressed.

While the Postal Service has a statutory commitment to protect mail security and mail operations, we remain a firmly committed partner in a wide range of Federal anti-crime and aviation security efforts, and remain interested in further exploring aviation security issues.

Our position continues to be that there is not a compelling government interest to override the constitutional requirement of a search warrant for sealed mail that has long been incorporated into the current statute, 39 U.S.C. 3623(d). We have also suggested that any such legislative search provision should be the subject of public hearings before it is further considered.

Thank you for the opportunity to express the views of the Postal Service, and we would be pleased to discuss these issues in further detail.

Sincerely,

Deborah K. Willhite

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