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Testimony

Before the Subcommittee on Aviation,  
Committee on Transportation and  
Infrastructure, House of  
Representatives

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# AIR PASSENGER SCREENING

## Transportation Security Administration Needs to Improve Complaint Processes

Statement of Stephen M. Lord, Director  
Homeland Security and Justice Issues



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United States Government Accountability Office  
Washington, DC 20548

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Chairman Petri, Ranking Member Costello, and Members of the Subcommittee:

I am pleased to be here to discuss the findings of our November 2012 report assessing the Transportation Security Administration's (TSA) efforts to improve the air passenger screening complaints processes.<sup>1</sup> TSA screens or oversees the screening of more than 650 million air passengers per year at 752 security checkpoints in more than 440 commercial airports nationwide, and must attempt to balance its aviation security mission with competing goals of efficiency and respecting the privacy of the traveling public. The agency relies upon multiple layers of security to deter, detect, and disrupt persons posing a potential risk to aviation security. These layers focus on screening millions of passengers and pieces of carry-on and checked baggage, as well as tons of air cargo, on a daily basis.

Given TSA's daily interaction with members of the traveling public, air passenger screening complaints reflect a wide range of concerns about, for example, the systems, procedures, and staff that TSA has used for screening air passengers at security checkpoints. This includes concerns related to the use of Advanced Imaging Technology and enhanced pat-down procedures.<sup>2</sup> TSA has processes for addressing complaints about air passengers' screening experience at security checkpoints, but concerns have been raised about these processes. Also, TSA is implementing a Pre✓™ program to expedite screening at security checkpoints.

My statement today is primarily based on our November 2012 report and, like the report, discusses the extent to which TSA has (1) policies and processes to guide the receipt of air passenger screening complaints, and uses this information to monitor or enhance screening operations, (2) a

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<sup>1</sup>GAO, *Air Passenger Screening: Transportation Security Administration Could Improve Complaint Processes*, [GAO-13-43](#) (Washington, D.C.: Nov. 15, 2012).

<sup>2</sup> The December 2009 terrorist attempt to detonate an explosive device during an international flight bound for Detroit prompted TSA to implement changes to air passenger screening, including accelerating the nationwide deployment of Advanced Imaging Technology (body scanners) and introducing enhanced pat-down procedures in October 2010 to screen air passengers who, for example, opt out of Advanced Imaging Technology-based screening.

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consistent process for informing passengers about how to make complaints, and (3) complaint resolution processes that conform to independence standards to help ensure that these processes are fair and impartial.<sup>3</sup> As requested, my statement also describes TSA's recent efforts to make the screening process more risk-based and selective through use of TSA's Pre✓™ program.

For our November 2012 report, we obtained and analyzed air passenger screening complaint data from October 2009 through June 2012 from four TSA headquarters units.<sup>4</sup> In addition, we obtained and analyzed air passenger screening complaint data from April 2011 through June 2012 from a database TSA uses to document screening complaints collected through TSA's Talk to TSA web-based portal.<sup>5</sup> On the basis of information from and discussions with TSA officials related to the controls in place to maintain the integrity of TSA's complaint data, we determined that the data from each database were sufficiently reliable for our purposes. We also reviewed TSA documentation and interviewed TSA officials from headquarters offices and 6 airports selected for the type of security and screening equipment used, among other things. The airport interviews are not generalizable, but provide insights. Additional details on the scope and methodology, including our assessment of data reliability, can be found within that report. To obtain information about TSA's Pre✓™ program, we analyzed TSA program documentation, interviewed TSA officials, and reviewed TSA's website information in November 2012. We discussed this information with TSA officials and incorporated their technical comments as appropriate. We conducted all of this work in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

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<sup>3</sup>[GAO-13-43](#).

<sup>4</sup>The TSA units are the TSA Contact Center, the Office of the Executive Secretariat, the Disability Branch, and the Multicultural Branch. We selected October 2009 as the starting point because it was the first month of the fiscal year that included the December 2009 terrorist attempt to detonate an explosive device during an international flight bound for Detroit, which prompted TSA to implement changes to its air passenger screening operations.

<sup>5</sup>This database became operational in April 2011, according to TSA officials.

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the evidence obtained provides a reasonable basis for our findings based on our audit objectives.

In summary, TSA receives thousands of air passenger screening complaints through five central mechanisms, but does not have an agencywide policy, consistent processes, or a focal point to guide receipt and use of such information. Also, while the agency has several methods to inform passengers about its complaint processes, it does not have an agencywide policy or mechanism to ensure consistent use of these methods among commercial airports. In addition, TSA's complaint resolution processes do not fully conform to standards of independence to ensure that these processes are fair, impartial, and credible, but the agency is taking steps to improve independence. To address these issues, we made four recommendations to TSA with which the agency concurred, and it indicated actions it is taking in response. Finally, TSA officials stated that the agency is undertaking efforts to focus its resources and improve the passenger experience at security checkpoints by applying new intelligence-driven, risk-based screening procedures, including expanding its Pre✓™ program. TSA plans to have this program in place at 35 airports by the end of the calendar year and estimates that it has screened more than 4 million passengers to date through this program.

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## Lack of an Agencywide Policy, Consistent Processes, and Agency Focal Point Limits TSA's Ability to Receive and Use Complaint Information

TSA receives thousands of air passenger screening complaints through five centralized mechanisms but does not have an agencywide policy, consistent processes, or an agency focal point to guide the receipt of these complaints, or “mine” these data to inform management about the nature and extent of the screening complaints to help improve screening operations and customer service.<sup>6</sup> For example, TSA data indicate the following:

- From October 2009 through June 2012, TSA received more than 39,000 screening complaints through its TSA Contact Center (TCC), including more than 17,000 complaints about pat-down procedures.<sup>7</sup>
- From October 2009 through June 2012, TSA's Office of the Executive Secretariat received approximately 4,000 complaints that air passengers submitted by mail.
- From April 2011 (when it was launched) through June 2012, the agency's Talk to TSA web-based mechanism received approximately 4,500 air passenger screening complaints, including 1,512 complaints about the professionalism of TSA staff during the screening process.<sup>8</sup>

However, the data from the five centralized mechanisms do not reflect the full nature and extent of complaints because local TSA staff have discretion in implementing TSA's complaint processes, including how they receive and document complaints. For example, comment cards were used in varying ways at 6 airports we contacted.<sup>9</sup> Specifically, customer comment cards were not used at 2 of these airports, were on display at 2 airports, and were available upon request at the remaining 2 airports we contacted. TSA does not have a policy requiring that complaints submitted using the cards be tracked or reported centrally.

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<sup>6</sup>TSA's five centralized mechanisms include TSA's Contact Center, Office of the Executive Secretariat, Disability Branch, Multicultural Branch, and Talk to TSA web-based mechanism.

<sup>7</sup>The TCC receives, documents, and helps resolve screening complaints that air passengers make by telephone or e-mail. The TCC is TSA's primary point of contact for collecting, documenting, and responding to public questions, concerns, or complaints regarding, among other things, TSA security policies, procedures, and programs.

<sup>8</sup>For further information on the complaint data from TSA's five centralized mechanisms, see [GAO-13-43](#).

<sup>9</sup>We visited 4 of the 6 airports that we contacted.

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We concluded that a consistent policy to guide all TSA efforts to receive and document complaints would improve TSA's oversight of these activities and help ensure consistent implementation. TSA also uses TCC data to inform the public about air passenger screening complaints, monitor operational effectiveness of airport security checkpoints, and make changes as needed. However, TSA does not use data from its other four mechanisms, in part because the complaint categories differ, making data consolidation difficult. A process to systematically collect information from all mechanisms, including standard complaint categories, would better enable TSA to improve operations and customer service. Further, at the time of our review, TSA had not designated a focal point for coordinating agencywide policy and processes related to receiving, tracking, documenting, reporting, and acting on screening complaints. Without a focal point at TSA headquarters, the agency does not have a centralized entity to guide and coordinate these processes, or to suggest any additional refinements to the system.

To address these weaknesses, we recommended that TSA

- establish a consistent policy to guide agencywide efforts for receiving, tracking, and reporting air passenger screening complaints;
- establish a process to systematically compile and analyze information on air passenger screening complaints from all complaint mechanisms; and
- designate a focal point to develop and coordinate agencywide policy on screening complaint processes, guide the analysis and use of the agency's screening complaint data, and inform the public about the nature and extent of screening complaints.

The Department of Homeland Security (DHS) concurred with the recommendations and indicated actions that TSA had taken, had underway, and was planning to take in response. For example, DHS stated that TSA would review current intake and processing procedures at headquarters and in the field and develop policy, as appropriate, to better guide the complaint receipt, tracking, and reporting processes. We believe that these are beneficial steps that would address the recommendation, provided that the resulting policy refinements improve the existing processes for receiving, tracking, and reporting all air passenger screening complaints, including the screening complaints that air passengers submit locally at airports through comment cards or in person at security checkpoints.

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In commenting on a draft of our November 2012 report, TSA also stated that the agency began channeling information from the Talk to TSA database to the TCC in October 2012. However, DHS did not specify in its letter whether TSA will compile and analyze data from the Talk to TSA database and its other centralized mechanisms in its efforts to inform the public about the nature and extent of screening complaints, and whether these efforts will include data on screening complaints submitted locally at airports through customer comment cards or in person at airport security checkpoints. DHS also did not provide sufficient detail for us to assess whether TSA's planned actions will address the difficulties we identified in collecting standardized screening data across different complaint categories and mechanisms. DHS stated that the Assistant Administrator for the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement was now the focal point for overseeing the key TSA entities involved with processing passenger screening complaints. It will be important for the Assistant Administrator to work closely with, among others, the office of the Assistant Administrator of Security Operations because this office oversees screening operations at commercial airports and security operations staff in the field who receive screening complaints submitted through customer comment cards or in person at airport security checkpoints. We will continue to monitor TSA's progress in implementing these recommendations.

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## TSA Has Several Methods to Inform Air Passengers about Making Screening Complaints, but Does Not Consistently Implement Them

TSA has several methods to inform passengers about its complaint processes, but does not have an agencywide policy or mechanism to ensure consistent use of these methods among commercial airports. For example, TSA has developed standard signs, stickers, and customer comment cards that can be used at airport checkpoints to inform passengers about how to submit feedback to TSA; however, we found inconsistent use at the 6 airports we contacted.

For example, customer comment cards were displayed in the checkpoints at 2 airports, while at 2 others the cards were provided upon request. However, we found that passengers may be reluctant to ask for such cards, according to TSA. TSA officials at 4 of the 6 airports also said that the agency could do more to share best practices for informing passengers about complaint processes. For example, TSA holds periodic conference calls for its Customer Support Managers—TSA staff at certain commercial airports who work in conjunction with other local TSA staff to resolve customer complaints and communicate the status and resolution of complaints to air passengers—to discuss customer service. However, Customer Support Managers have not used this mechanism to discuss

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best practices for informing air passengers about processes for submitting complaints, according to the officials we interviewed. Policies for informing the public about complaint processes and mechanisms for sharing best practices among local TSA officials could help provide TSA reasonable assurance that these activities are being conducted consistently and help local TSA officials learn from one another about what practices work well.

We recommended that TSA establish an agencywide policy to guide its efforts to inform air passengers about the screening complaint processes and establish mechanisms, particularly at the airport level, to share information on best practices for informing air passengers about the screening complaint processes. DHS concurred with the recommendation and stated that TSA would develop a policy to better inform air passengers about the screening complaint processes. We will continue to monitor TSA's progress in implementing this recommendation.

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## **TSA's Complaint Resolution Processes Do Not Fully Conform to Standards of Independence, but TSA Is Taking Steps to Increase Independence**

TSA's complaint resolution processes do not fully conform to standards of independence to ensure that these processes are fair, impartial, and credible, but the agency is taking steps to improve independence. Specifically, TSA airport officials responsible for resolving air passenger complaints are generally in the same chain of command as TSA airport staff who are the subjects of the complaints. While TSA has an Ombudsman Division that could help ensure greater independence in the complaint processes, the division primarily focuses on handling internal personnel matters and is not yet fully equipped to address external complaints from air passengers, according to the head of the division.

TSA is developing a new process for referring air passenger complaints directly to the Ombudsman Division from airports and for providing air passengers an independent avenue to make complaints about airport security checkpoint screening. In August 2012, TSA's Ombudsman Division began addressing a small number of air passenger complaints forwarded from the TCC, according to the head of that division. TSA also began advertising the division's new role in addressing passenger screening complaints via the TSA website in October 2012. According to the Assistant Administrator of TSA's Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement, the division will not handle complaints for which there exists an established process that includes an appeals function, such as disability complaints or other civil rights or civil liberties complaints, in order to avoid duplication of currently established processes. According to the Assistant Administrator, the agency also



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plans to initiate a Passenger Advocate Program by January 2013, in which selected TSA airport staff will be trained to take on a collateral passenger advocate role, respond in real time to identify and resolve traveler-related screening complaints, and assist air passengers with medical conditions or disabilities, among other things. It is too early to assess the extent to which these initiatives will help mitigate possible concerns about independence.

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## TSA Is Expanding Its Risk-Based Programs, Including the Pre✓™ Program

TSA officials stated that the agency is undertaking efforts to focus its resources and improve the passenger experience at security checkpoints by applying new intelligence-driven, risk-based screening procedures and enhancing its use of technology.

One component of TSA's risk-based approach to passenger screening is the Pre✓™ program, which was introduced at 32 airports in 2012, and which the agency plans to expand to 3 additional airports by the end of the calendar year. The program allows frequent flyers of five airlines, as well as individuals enrolled in other departmental trusted traveler programs—where passengers are pre-vetted and deemed trusted travelers—to be screened on an expedited basis. This program is intended to allow TSA to focus its resources on high-risk travelers. According to TSA, more than 4 million passengers have been screened through this program to date. Agency officials have reported that with the deployment of this program and other risk-based security initiatives, such as modifying screening procedures for passengers 75 and over and active duty service members, TSA has achieved its stated goal of doubling the number of passengers going through expedited screening. According to TSA, as of the end of fiscal year 2012, over 7 percent of daily passengers were eligible for expedited screening based on low risk. However, the estimated number of passengers that will be screened on an expedited basis is still a relatively small percentage of air passengers subject to TSA screening protocols each year. We plan to begin an assessment of TSA's progress in implementing the TSA Pre✓™ program in 2013.<sup>10</sup>

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<sup>10</sup>This work is at the request of the Chairmen of the Subcommittees on Transportation Security and Oversight, Investigations, and Management of the Committee on Homeland Security, House of Representatives.

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Chairman Petri, Ranking Member Costello, and Members of the Subcommittee, this concludes my prepared remarks. I look forward to responding to any questions that you may have.

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## **GAO Contact and Staff Acknowledgments**

For questions about this statement, please contact Steve Lord at (202) 512-4379 or [lords@gao.gov](mailto:lords@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals making key contributions to this statement include Jessica Lucas-Judy (Assistant Director), David Alexander, Thomas Lombardi, Anthony Pordes, and Juan Tapia-Videla.

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