

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA
STAFF BRIEFING

Item No. 3c
Date of Meeting May 24, 2016

DATE: April 12, 2016
TO: Ted Fick, Chief Executive Officer
FROM: Wendy Reiter, Director Security and Emergency Preparedness
SUBJECT: Airport Security Screening Partnership Program

SYNOPSIS

Secure and efficient screening at Seattle-Tacoma International Airport (Sea-Tac Airport) is a top priority for port management as passenger volume continues to increase year over year, and especially during busy summer travel months. Airport staff continues to investigate a wide range of operational efficiencies to improve line management and passenger handling prior to the security screening conducted by Transportation Security Administration (TSA) personnel. With increasing numbers of passengers, concerns remain regarding the Transportation Security Administration's ability to adequately staff checkpoint lanes causing unreasonable delays for Airport passengers. Port management considers this both a customer service issue as well as a possible security vulnerability.

At the Commission meeting on April 26, staff will discuss a range of options to improve passenger screening at Sea-Tac Airport, including operational changes and efficiencies, increased personnel and the Transportation Security Administration Screening Partnership Program (SPP). External speakers will provide additional context to the Commission on SPP.

OPERATIONAL EFFICIENCIES

Beginning in March, airport staff has implemented additional measures in response to increased wait times leading up to screening checkpoints.

- Arranging Pathfinders to arrive and begin working earlier, in advance of morning schedule peaks.
- Arranging canine units to begin earlier, in response to morning schedule peaks.
- Instituting an operational staff team to balance flow across the five checkpoints staffed each morning and move passengers where there is more capacity.

INCREASED PERSONNEL

- Hiring additional Pathfinders, customer service positions who interface with passengers and keep lines organized.

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- Adding more volunteers to the Airport Volunteer program and increasing use of Airport volunteers throughout the day, especially during schedule peaks.
- Hiring contractor services to manage the lines at the screening checkpoint, freeing up TSA agents to perform more screening work.
- Conducting a LEAN process to determine efficiencies in passenger divesting processes.
- Reviewing procedures at other airports for other program improvements and efficiencies.

SCREENING PARTNERSHIP PROGRAM

TSA maintains a presence at all Federalized Airports regardless of whether the screening is conducted by federal employees or the workforce of a qualified private screening vendor.

- Every airport is different and it is up to the airport operator to make a decision as to whether to use federal screeners or contract with qualified vendor who provides the screener workforce.
- The Federal Security Director (FSD), a TSA executive, remains responsible for overall security at the airport and stakeholder engagement/management.
- The FSD/staff continue to conduct inherently governmental functions such as regulatory compliance, TSA led canine teams, Transportation Security Explosives Specialists.
- Airports are not allowed partial opt-outs. Airports will have to choose both checkpoint and baggage screening.

Under the SPP program, TSA regulations cap the SPP cost at agency cost, so the contractor receives the same budget allocation that TSA receives. Approximately 85% of the cost is in wages, which may limit a vendor from hiring more officers than is currently allocated (vendors are required to compensate the screeners at a level equal or greater than Federal screeners).

- TSA solicits for screening services under Federal Acquisition Regulations, selects the vendor, and awards the contract
- The airport authority does not participate in the source selection as it is an inherently governmental function as defined by OMB for all Federal agencies
- The screening vendor works for TSA and not the airport authority
- On average it takes 18 month from receipt of application until private screeners are in place. TSA has 120 days to approve an application, 12 months from receipt of application to award a contract, and a 6 month transition period for an airport of Seattle-Tacoma's size.

SPP vendors must comply with all TSA Standard Operating Procedures and Operational Directives to include enhanced pat downs and Advanced Imaging Technology.

- SPP vendors must use TSA provided screening technologies and cannot use their own.

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Private security screening companies are subject to the same security screener hiring restrictions and challenges as the Federal government.

- Contract security screener candidates receive the same security background and medical checks as prospective Federal security screeners
- Hiring and retention are affected by the airport's local economy
- Contract screeners must attend all TSA provided training to include training administrated at FLETC

BACKGROUND

Congress, through the Aviation and Transportation Security Act (ATSA) which created the Transportation Security Administration (TSA), mandated a Security Screening Pilot Program to be conducted at 1 airport from each of the 5 risk categories (CAT X, I, II, III and IV).

In accordance with ATSA, the pilot program, called Private Pilot Five (PP5), was designed to evaluate the efficacy of screening of passengers and baggage performed by a private company under contract to and in accordance with TSA standards.

The five airports selected to participate in the pilot were: San Francisco International, CA (SFO); Kansas City International, MO (MCI); Greater Rochester International, NY (ROC); Jackson Hole, WY (JAC); and Tupelo Regional, MS (TUP).

Of note, all of the PP5 airports elected to continue to have screening provided by a private provider after the pilot rather than converting to a Federal screening workforce after the pilot, which was an option in accordance with ATSA.

ATSA also called for TSA to create a Security Screening Opt-Out Program, which became the Screening Partnership Program (SPP).

- In accordance with the program, airport operators could apply with TSA to have screening of passengers and baggage performed by a qualified private screening company.
- The screening of passengers and property at an SPP airport is carried out by the screening personnel of a qualified private screening company under a contract entered into with the TSA (TSA pays the costs of screening).
- TSA provides a Federal Security Director to oversee screening at each airport participating in the program.
- The qualified private screening company will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to Federal Government personnel.
- The TSA determines and certifies to Congress that the private screening company is owned and controlled by a U.S. citizen.

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- The level of screening services and protection provided at an SPP airport must be equal to or greater than the level that would be provided at the airport by Federal Government personnel.
- The TSA may terminate any contract with a private screening company if the agency finds that the company failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide screening.

As some airports raised concerns about liability, ACI-NA asked Congress to strengthen the protections in law for SPP participants. Current Federal law stipulates that:

- Notwithstanding any other provision of law, an operator of an airport shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to:
 - (1) such airport operator's decision to submit an application to the Secretary of Homeland Security under subsection (a) or section 44919 or such airport operator's decision not to submit an application; and
 - (2) any act of negligence, gross negligence, or intentional wrongdoing by—
 - (A) a qualified private screening company or any of its employees in any case in which the qualified private screening company is acting under a contract entered into with the Secretary of Homeland Security or the Secretary's designee; or
 - (B) employees of the Federal Government providing passenger and property security screening services at the airport.
 - (3) Nothing in this section shall relieve any airport operator from liability for its own acts or omissions related to its security responsibilities, nor except as may be provided by the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 shall it relieve any qualified private screening company or its employees from any liability related to its own acts of negligence, gross negligence, or intentional wrongdoing.
- In accordance with the FAA Modernization and Reform Act of 2012, TSA has 120 days after receipt of an application from an airport to approve or deny the application.
 - TSA must approve an application from an airport if the agency determines that the approval would not compromise security or affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport (all applications have been approved).
 - If TSA denies an application, the agency must provide to the airport and Congress, within 60 days after the date of the denial, a written report that details: the findings that were the basis for the denial; the results of any cost or security analysis conducted in considering the application; and recommendations on how the airport can address the reasons for the denial.

In late 2015, the Government Accountability Office (GAO) issued a report [Screening Partnership Program: Improved Cost Estimates Can Enhance Program Decision Making](#)

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indicating that SPP costs between two and nineteen percent less than TSA's estimated costs, with an average savings of eleven percent.

Currently, there are 22 airports participating in SPP

- <https://www.tsa.gov/for-industry/screening-partnerships>

Airport operators considering whether to participate in the program met with their counterparts at SPP airports to inquire about the program.

- Representatives at SPP airports report: better customer service, more involvement in staffing-related decisions and ability to provide input.
 - Page 3 of Mark VanLoh's [testimony](#) before the House Committee on Homeland Security provides a detailed list of SPP program benefits.

ATTACHMENTS TO THIS BRIEFING

- Presentation slides
- Mark VanLoh testimony
- 2015 GAO report on Screening Partnership Program

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

- April 12, 2016 – The Commission received a presentation on the Transportation Security Administration's plans for passenger screening for summer 2016.