

April 2007

# TRANSPORTATION SECURITY

## DHS Efforts to Eliminate Redundant Background Check Investigations





Highlights of [GAO-07-756](#), a report to congressional committees

## Why GAO Did This Study

Since 9/11, the federal government has taken steps to ensure that transportation workers are screened to ensure that they do not pose a security risk. However, the number of DHS background check programs has raised concerns that such workers may be subject to redundant background check programs. The Security and Accountability for Every Port Act of 2006 required GAO to conduct a study of those DHS background check programs similar to the one required of truck drivers to obtain a hazardous material endorsement (HME). For this study, GAO examined DHS background check programs to identify (1) potential redundancies and inconsistencies, if any, connected with these programs, and (2) actions, if any, DHS is taking or planning to coordinate its background check programs. To address these objectives, GAO examined selected background check programs, interviewed DHS officials and private stakeholders, and reviewed relevant documents.

## What GAO Recommends

GAO recommends that DHS ensure that its coordination plan (1) includes implementation steps, time frames, and budget requirements, (2) discusses potential costs/benefits of program standardization, and (3) explore options for coordinating and aligning background checks within DHS and other federal agencies. DHS generally agreed with GAO's findings and recommendations.

[www.gao.gov/cgi-bin/getrpt?GAO-07-756](http://www.gao.gov/cgi-bin/getrpt?GAO-07-756)

To view the full product, including the scope and methodology, click on the link above. For more information, contact Robert Goldenkoff at (202) 512-2757 or [GoldenkoffR@gao.gov](mailto:GoldenkoffR@gao.gov).

# TRANSPORTATION SECURITY

## DHS Efforts to Eliminate Redundant Background Check Investigations

### What GAO Found

The six programs GAO reviewed—HME, Transportation Worker Identification Credential, Merchant Mariner Document, Free and Secure Trade, Secure Identification Display Areas, and Air Cargo—are conducted independently of one another and collect similar information and use similar background check processes. Also, each program operates separate enrollment facilities to collect background information and does not share it with the other programs. In some cases, GAO found variations in the fees applicants are charged, as well as differences in disqualifying offenses and renewal requirements between the programs. Redundant background checks will affect program costs to workers and the government, for example through inefficient use of existing facilities. However, DHS does not keep track of the number of those workers who, needing multiple credentials, are subjected to multiple background check programs. Thus, DHS is not able to determine either potential costs associated with redundant checks or potential benefits to be derived from eliminating redundant checks by aligning the background check requirements to make the programs more consistent.

Several DHS components are in the initial stages of initiatives to consolidate, coordinate, and align background check programs, thereby potentially reducing redundancies among these programs. For example, in January 2007, TSA determined that the background checks required for an HME, Free and Secure Trade card, and Merchant Mariner Document issued during certain periods satisfy the background check requirement for a Transportation Worker Identification Credential. In addition, the Screening Coordination Office (SCO) was established in July 2006, in part, to coordinate DHS screening programs. In December 2006, SCO issued a report identifying common problems, challenges, and needed improvements in the credentialing programs and processes across the department. The SCO awarded a contract in April 2007 that will provide the methodology and support for developing an implementation plan to include common design and comparability standards and related milestones to coordinate DHS screening and credentialing programs. At the time of GAO's review, DHS did not have a plan with budget requirements or implementation steps, and related milestones for consolidating, coordinating, and aligning its screening programs. Prior GAO work has shown that it is essential to establish long-term action-oriented implementation goals and a time frame with milestone dates to track an organization's progress toward its goals and that uncoordinated program efforts can exceed budget requirements. Further, other federal agencies have background check programs as well. A governmentwide examination of such programs is beyond the scope of GAO's mandate; however, redundancies and inefficiencies may exist in the background check programs that GAO did not examine. Because DHS is responsible for a large number of background check programs, the department might be best positioned to explore—with other federal agencies—possible options to coordinate and align background check programs governmentwide.

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## Abbreviations

ATSA	Aviation and Transportation Security Act
CBP	Customs and Border Protection
CDL	commercial driver's license
DHS	Department of Homeland Security
DOT	Department of Transportation
FAA	Federal Aviation Administration
FAST	Free and Secure Trade
FBI	Federal Bureau of Investigation
HME	Hazardous Materials Endorsement
HSPD	Homeland Security Presidential Directive
MMC	Merchant Mariner Credential
MMD	Merchant Mariner Document
MML	Merchant Mariner License
MTSA	Maritime Transportation Security Act
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users
SCO	Screening Coordination Office
SIDA	Security Identification Display Areas
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
TSA	Transportation Security Administration
TWIC	Transportation Worker Identification Credential

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United States Government Accountability Office  
Washington, DC 20548

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April 26, 2007

### Congressional Committees

Since the terrorist attacks on September 11, 2001, the federal government has taken steps to ensure that transportation workers, particularly those that transport hazardous materials or have access to secure areas, are properly screened to ensure they do not pose a security risk. For example, the USA PATRIOT Act in October 2001 prohibited states from issuing hazardous material endorsements (HME) for a commercial driver's license (CDL) without a federally conducted, fingerprint-based applicant background check. In November 2002, the Maritime Transportation Security Act required the Department of Homeland Security (DHS) to conduct background checks on and issue credentials to merchant mariners and certain workers at seaports. The DHS background check programs prompted by these and other legal requirements have raised questions as to whether transportation workers may be subject to multiple background check programs with different standards and credentialing systems.

The Security and Accountability for Every Port Act of 2006 (SAFE Port Act)<sup>1</sup> required GAO to conduct a study of the DHS background check programs that are similar to those required of truck drivers to obtain an HME. The act required us to (1) identify any redundancies and inefficiencies in connection with such programs, and (2) recommend ways of eliminating any redundancies and inefficiencies. To fulfill this requirement, we examined—in consultation with committee staff—DHS background record check programs with requirements that are similar to the HME-related background check to identify:

- potential redundancies and inconsistencies, if any, in connection with these background check programs, and
- actions, if any, DHS is taking or planning to coordinate its background check programs.

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<sup>1</sup> Pub. L. No. 109-347, § 105 (2006).

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DHS components are in the preliminary stages of implementing several initiatives, that may consolidate, coordinate, and harmonize<sup>2</sup> such background check programs. Because it is too early to determine the effectiveness of these initiatives, we did not make specific recommendations to eliminate any redundancies and inefficiencies specific to the DHS background check programs examined.

To identify programs with background check requirements similar to those for the HME program, we examined the various programs' background check requirements and held discussions with Transportation Security Administration (TSA), Coast Guard, Customs and Border Protection (CBP), and DHS Screening Coordination Office (SCO) officials. On the basis of this information and as agreed with committee offices, we compared the HME program to the following five DHS programs:

- Transportation Worker Identification Credential (TWIC) for credentialed merchant mariners and personnel requiring unescorted access to secure areas at maritime facilities and vessels;
- Coast Guard's Merchant Mariner Document (MMD) for mariners on merchant vessels, which serves as a qualification and identity document;
- Customs and Border Protection's Free and Secure Trade (FAST), a voluntary program for commercial drivers to receive expedited border processing;
- Security Identification Display Areas (SIDA) badges for aviation workers who have unescorted access to an airport's secure areas; and
- Air Cargo security threat assessment for certain individuals with unescorted access to air cargo.

To identify any redundancies and inconsistencies, we examined the background check requirements and interviewed DHS and private stakeholders representing trucking, rail, and aviation transportation workers to help identify any gaps or overlaps in their coverage. We also spoke with the Federal Bureau of Investigation (FBI) and the Department of Transportation (DOT) concerning their roles in the background check programs. Further, we reviewed relevant laws—such as the USA PATRIOT Act, the Aviation and Transportation Security Act, and the Maritime Transportation Security Act—and agency actions, such as the TSA and

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<sup>2</sup> The term harmonize is used to describe efforts to increase efficiency and reduce redundancies by aligning the background check requirements to make the programs more consistent.

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Coast Guard rulemakings. We discussed with TSA's Transportation Threat Assessment and Credentialing Office the data collection methods and process that transportation workers may undergo. We did not (1) evaluate the effectiveness of the background check programs and (2) include other potential DHS programs or any other federal agencies that also have background check programs.

To identify how redundancies and inefficiencies might be eliminated, we identified actions that DHS has taken or is planning to take to coordinate its background check programs by reviewing reports completed by the TSA, SCO, and Coast Guard, as well as relevant TSA regulations. We used prior GAO work on performance management to evaluate DHS efforts to minimize redundancies and inefficiencies in its background check programs.

In April 2007, we briefed your offices on the results of our work. This report conveys the information provided during those discussions in appendix I.

We performed our work from November 2006 through April 2007 in accordance with generally accepted government auditing standards.

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## DHS Actions to Reduce Redundancies in Background Check Programs

The six programs we reviewed for this report are conducted independently; that is, they collect similar information and use similar background check processes. Also, each program operates separate enrollment facilities to collect information and does not share background information with the other programs. In some instances, we found variations in the fees applicants are charged as well as differences in disqualifying offenses and renewal requirements between the programs. DHS does not keep track of the number of those workers who, needing multiple credentials, are subjected to multiple background check programs. As a result, DHS is not in a position to determine the costs/benefits associated with reducing the number of redundant background checks.

At the time of our review, DHS did not have a plan that included the development of a common set of design and comparability standards, implementation steps, budget requirements, or related milestones for consolidating, coordinating, and aligning DHS screening programs. As our

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prior work has shown,<sup>3</sup> linking costs with performance data and budgetary deliberations prompts agencies to reassess their performance goals and strategies. In July 2006, DHS created SCO to coordinate DHS background check programs. The SCO was established, in part, to coordinate DHS screening programs, but the SCO is in the early stages of developing its plans to coordinate DHS's screening programs. In December 2006, SCO issued a report identifying common problems, challenges, and needed improvements in the credentialing programs and processes across the department. The office awarded a contract in April 2007 that will provide the methodology and support for developing an implementation plan to include common design and comparability standards and related milestones to coordinate DHS screening and credentialing programs. Prior GAO work has shown that long-term action-oriented goals and a timeline with milestones are necessary to track an organization's progress toward its goals.<sup>4</sup>

DHS components have also taken steps to reduce redundancies. For example, in January 2007, TSA determined that the background checks required for an HME, FAST card, and MMD (issued between Feb. 3, 2003, and Mar. 26, 2007) satisfy the background check requirement for a TWIC. Further, the TWIC and HME background check requirements were designed to closely resemble each other to reduce redundancy. Meanwhile, the Coast Guard plans to consolidate four credentials and require that pertinent information previously submitted by an applicant at a Coast Guard Regional Examination Center be submitted to TSA through the TWIC enrollment process and be shared with the Coast Guard by TSA. Other federal agencies such as the Departments of Defense and Energy also have background check programs. A governmentwide examination of such programs is beyond the scope of our mandate; however, the existence of redundancies and inefficiencies in the programs that we did examine may not be unique. Homeland Security Presidential Directive -11 (HSPD-11) on comprehensive terrorist-related screening procedures directs DHS to coordinate with other federal agencies to develop a strategy for developing coordinated terrorist screening procedures and capabilities.

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<sup>3</sup> GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: September 2005).

<sup>4</sup> GAO, *Highlights of a GAO Forum: Mergers and Transformation: Lessons Learned For a Department of Homeland Security and Other Federal Agencies*, [GAO-03-293SP](#) (Washington, D.C.: November 2002).

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## Conclusions

Recent TSA and Coast Guard initiatives to harmonize background check programs are useful first steps. However, because workers are potentially subject to redundant information requests if they apply for more than one background check, duplication of efforts may continue until DHS further develops common standards for its background check programs.

The costs and benefits that can ultimately be derived by harmonizing background check programs will be determined in part by the number of individuals currently subject to multiple background check programs, as the costs of fees and inconvenience to workers and costs to government from inefficient use of facilities may be reduced by eliminating redundant checks. As our prior work has shown,<sup>5</sup> agencies can use performance information to make decisions that affect future strategies, planning and budgeting, identifying priorities, and allocating resources. Without knowing the potential costs/benefits associated with the number of redundant background checks that would be eliminated through harmonization, DHS lacks the performance information that would allow its program managers to compare their program results with goals and thus determine where to target program resources to improve performance.

Coordinating federal background check programs is a cross-cutting, governmentwide issue. Other federal agencies also have background check programs. Although these programs are outside the scope of this study, the existence of multiple programs highlights the importance of interagency coordination to ensure the most efficient use of resources. As a result of its current and planned initiatives, DHS should be in a position to support the needed coordination, in accordance with HSPD-11.

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## Recommendations for Executive Action

To help prevent redundancies and inefficiencies, we recommend that the Secretary of Homeland Security take the following three actions:

- Ensure that the plan being developed by DHS for coordinating its background check programs include, at a minimum, the steps the agency will take to align its screening and credentialing activities and include specific time frames and budget requirements for implementation. In addition, the plan should describe how and when

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<sup>5</sup> GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, GAO-05-927 (Washington, D.C.: September 2005).

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DHS will establish and apply a common set of design and comparability standards for DHS's background check programs.

- Ensure that the plan being developed by DHS for coordinating its background check programs include, at a minimum, a discussion of the potential costs/benefits associated with the number of redundant background checks that would be eliminated through harmonization.
- Because of DHS's responsibility for a large number of background check programs, explore with other federal agencies options for harmonizing background check programs within DHS and other federal agencies.

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## Agency Comments and Our Evaluation

We provided a draft of this report to DHS, FBI, and DOT for review and comment. On April 20, 2007, we received technical comments on the draft report, which we incorporated where appropriate. DHS, FBI, and DOT generally agreed with our findings and recommendations. DHS component agencies provided technical comments on our draft report, which we have incorporated where appropriate.

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We are sending copies to DHS, FBI, and DOT and other interested congressional committees. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff has any further questions about this report, please contact me at (202)-512-2757 or [goldenkoffr@gao.gov](mailto:goldenkoffr@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix III.



Robert N. Goldenkoff  
Acting Director, Homeland Security and Justice Issues

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*List of Committees*

The Honorable Robert C. Byrd  
Chairman

The Honorable Thad Cochran  
Ranking Minority Member  
Committee on Appropriations  
United States Senate

The Honorable Frank R. Lautenberg  
Chairman

The Honorable Gordon H. Smith  
Ranking Minority Member  
Subcommittee on Surface Transportation and Merchant Marine,  
Infrastructure, Safety and Security  
Committee on Commerce, Science and Transportation  
United States Senate

The Honorable Joseph I. Lieberman,  
Chairman

The Honorable Susan M. Collins  
Ranking Minority Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable David R. Obey  
Chairman

The Honorable Jerry Lewis  
Ranking Minority Member  
Committee on Appropriations  
House of Representatives

The Honorable Bennie G. Thompson  
Chairman

The Honorable Peter T. King  
Ranking Minority Member  
Committee on Homeland Security  
House of Representatives

The Honorable Elijah E. Cummings  
Chairman

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The Honorable Steven C. LaTourette  
Ranking Minority Member  
Subcommittee on Coast Guard and Maritime Transportation  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Charles B. Rangel  
Chairman  
The Honorable Jim McCrery  
Ranking Minority Member  
Committee on Ways and Means  
House of Representatives

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# Appendix I: Briefing for Interested Committees and Subcommittees

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## Transportation Security: DHS Efforts to Eliminate Redundant Background Check Investigations

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Briefing Prepared for Staff of:

- Subcommittee on Surface Transportation and Merchant Marine, Infrastructure, Safety and Security, Committee on Commerce, Science, and Transportation, U.S. Senate
- Committee on Homeland Security and Governmental Affairs, U.S. Senate
- Subcommittee on Coast Guard and Maritime Transportation, Committee on Transportation and Infrastructure, U.S. House of Representatives
- Committee on Homeland Security, U.S. House of Representatives



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## OVERVIEW

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- Objectives, Scope, and Methodology
  - Summary
  - Background
  - DHS Background Check Programs
  - Efforts to Streamline Background Check Programs
  - Conclusions
  - Recommendations
  - Appendixes
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## **OBJECTIVES, SCOPE, AND METHODOLOGY**

### **Objectives**

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- This study responds to a mandate in the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Pub. L. No. 109-347, Section 105, which requires GAO to examine DHS background check programs that are similar to those that require truck drivers to obtain a hazardous materials endorsement (HME) for their commercial driver's licenses (CDL). The Act required us to:
    - identify any redundancies and inefficiencies in connection with such programs, and
    - recommend ways of eliminating any redundancies and inefficiencies.
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## OBJECTIVES, SCOPE, AND METHODOLOGY

### Objectives

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- In conducting our study and in consultation with committee staff, we examined DHS background record check programs with requirements that are similar to the HME related background check to identify:
  - potential redundancies and inconsistencies, if any, in connection with these background check programs, and
  - actions, if any, DHS is taking or planning to coordinate its background check programs.

DHS components are in the initial stages of a number of initiatives intended to consolidate, coordinate, and harmonize\* such background check programs. Because it is too early to determine the effectiveness of these initiatives, we are not making specific recommendations to eliminate redundancies and inefficiencies in the DHS background check programs examined.

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\*The term "harmonize" is used to describe efforts to increase efficiency and reduce redundancies by aligning the background check requirements to make the programs more consistent.



## OBJECTIVES, SCOPE, AND METHODOLOGY

### Scope and Methodology

In order to identify programs with background check requirements similar to those for the HME program, we examined various programs' background check requirements and held discussions with Transportation Security Administration (TSA), Coast Guard, Customs and Border Protection (CBP), and Screening and Coordination Office (SCO) officials. We also consulted with committee staff, who confirmed that their primary interest was in the HME, Transportation Worker Identification Credential (TWIC), and merchant mariner document programs, and agreed to examine, in addition to the HME program, the following five programs:

- **Transportation Worker Identification Credential (TWIC)** - a tamper-resistant biometric credential for credentialed merchant mariners and personnel requiring unescorted access to secure areas at maritime facilities and vessels.
- **Merchant Mariner Document (MMD)** - required for mariners who serve on merchant vessels of at least 100 gross tons and serves as a qualification and identity document, specifying each rating for which the holder is qualified.
- **Free and Secure Trade (FAST)** - a voluntary program for commercial drivers as part of a border accord Initiative between the United States, Mexico, and Canada to allow known low-risk participants to receive expedited border processing.
- **Security Identification Display Areas (SIDA)** - a security threat assessment for aviation workers who hold airport badges and have unescorted access to airport secure areas.
- **Air Cargo** - requires a security threat assessment for individuals with unescorted access to air cargo who are employees or agents of certain aircraft operators, foreign air carriers, or indirect air carriers.



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## **OBJECTIVES, SCOPE, AND METHODOLOGY**

### **Scope and Methodology**

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In conducting our study, we:

- Reviewed relevant laws, strategies, directives, plans, and agency guidance to determine the objective and scope of the programs and DHS plans to implement the programs.
  - Interviewed DHS officials responsible for managing the programs to determine how the programs are implemented and who is subject to the programs' requirements.
  - Reviewed which industries were subject to the programs, type of information collected, fees, and the data bases used.
  - Used prior GAO work on performance management as criteria to evaluate DHS coordination and planning efforts to minimize redundancies and inefficiencies in its background check programs.
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## **OBJECTIVES, SCOPE, AND METHODOLOGY**

### **Scope and Methodology**

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- In accordance with the SAFE Port Act, the scope of the study was limited to DHS background check programs for transportation workers with special privileges or unescorted access to controlled locations (such as secure areas at ports and airports) and did not include other potential DHS programs or any other federal agencies that also have background check programs, such as agencies within the Department of Defense, U.S. Postal Service, or the Department of Energy.
  - The study did not evaluate the effectiveness of the background check programs.
  - We conducted our work between November 2006 and April 2007 in accordance with generally accepted government auditing standards.
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## SUMMARY

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- The six programs we examined collect similar information and use similar background check processes.
  - Each background check program operates separate enrollment facilities for collecting biometric and biographic information.
  - In some instances, we found variations among the DHS background programs we reviewed.
  - DHS does not keep track by individual background check program of the number of workers who are subjected to multiple background check programs for each of DHS's background check programs.
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## SUMMARY

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- In July 2006, DHS announced the creation of the Screening Coordination Office (SCO) within the Office of the Secretary to coordinate DHS programs.
  - In December 2006, SCO issued a report identifying common problems, challenges, and areas where DHS can improve credentialing programs and processes Department wide.
  - The SCO is developing a plan for coordinating background check programs and common design and comparability standards for these programs.
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## SUMMARY

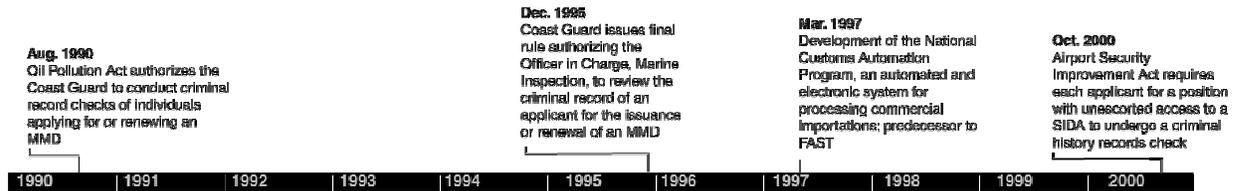
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- In January 2007, the Transportation Security Administration (TSA) announced standards to determine if a background check conducted by another government agency or by TSA is comparable to two of its background check programs, TWIC or HME, the application of which could help minimize duplication and inefficiencies.
  - TSA's HME and TWIC background check requirements were designed to closely resemble each other to reduce redundancy.
  - The Coast Guard plans to consolidate four credentials including the Merchant Mariner Document and require pertinent information previously submitted by an applicant at a Coast Guard Regional Exam Center be submitted to TSA through the TWIC enrollment process and be shared with the Coast Guard by TSA.
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## BACKGROUND

### TIME LINE -- The Number of Background Check Programs Increased Since 9/11

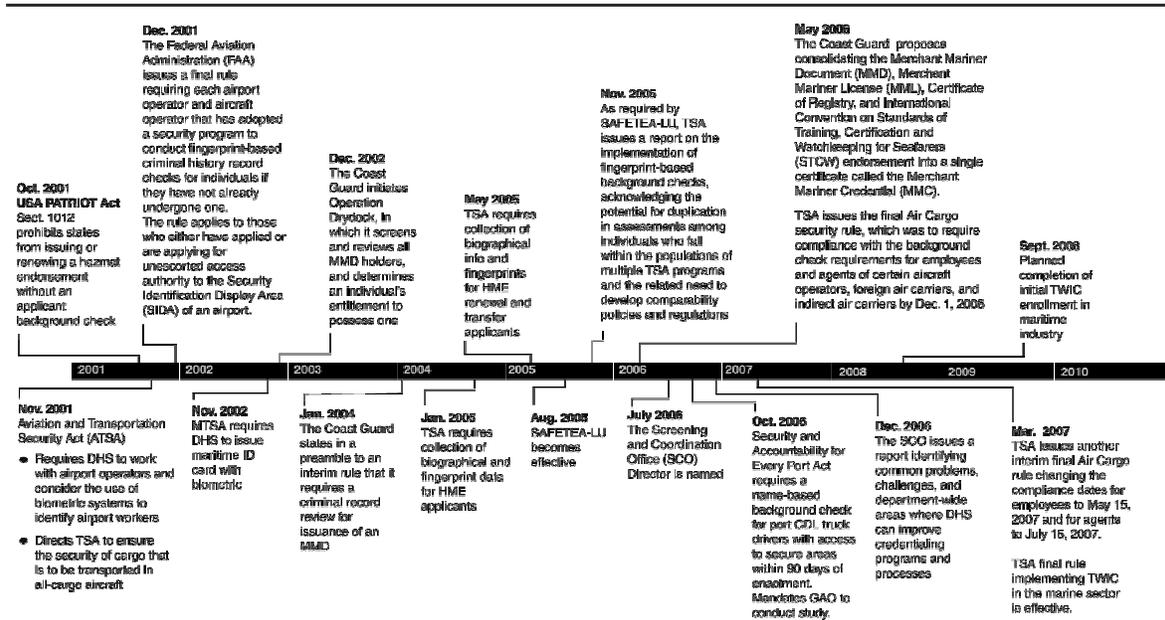


Source: GAO analysis of DHS provided information and related rules and regulations.



# BACKGROUND

## TIME LINE -- The Number of Background Check Programs Increased Since 9/11



Source: GAO analysis of DHS provided information and related rules and regulations.



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## **BACKGROUND**

### **Background Check Programs Exist In Multiple Federal Agencies**

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Coordinating federal background check programs is a cross-cutting, government wide issue. Other federal agencies also have background check programs, such as agencies within the Departments of Defense and Energy. Although these programs are outside the scope of this study, the existence of multiple programs highlights the importance of interagency coordination to ensure the most efficient use of resources.



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## BACKGROUND

### Various Laws, Directives, and Studies Have Called For Increased Coordination

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As GAO has reported in the past, uncoordinated program efforts can waste scarce funds, confuse and frustrate program customers, and limit the overall effectiveness of the federal effort.

In July 2004, the **9/11 Commission** reported that having too many different biometric standards, travel facilitation systems, credentialing systems, and screening requirements:

- Hampers the development of information crucial for stopping terrorists from entering the country,
- Is expensive, and
- Is inefficient.

The **9/11 Commission** further reported that:

- A coordinating body should raise standards, facilitate information-sharing, and survey systems for potential problems,
  - The President should direct DHS to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with system-wide goals in mind, and
  - Only presidential leadership can develop government wide concepts and standards.
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## **BACKGROUND**

**Various Laws, Directives, and Studies Have Called For Increased Coordination**

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**Homeland Security Presidential Directive 11 (HSPD-11)** (August 2004), announced a new U.S. policy to “implement a coordinated and comprehensive approach to terrorist-related screening - in immigration, law enforcement, intelligence, counterintelligence, and protection of the border, transportation systems, and critical infrastructure - that supports homeland security, at home and abroad.”

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## **BACKGROUND**

### **Various Laws, Directives, and Studies Have Called For Increased Coordination**

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In November 2005, as required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. No. 109-59, August 2005), TSA issued a report on the implementation of fingerprint-based background checks. TSA acknowledged the potential for duplication in assessments among individuals who fall within the populations of multiple TSA programs and the related need to develop policies and/or regulations on comparability. The report stated that:

- TSA intended to establish a baseline “standard” of comparison for determining comparability.
  - TSA could develop either a single or graduated standard of comparability that other federal agencies would be required to meet.
  - When comparing TSA vetting and credentialing programs, similar requirements could be grouped together to develop thresholds of comparability under which multiple TSA programs would fall.
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## BACKGROUND

### How The Hazardous Materials Endorsement Program Is Conducted

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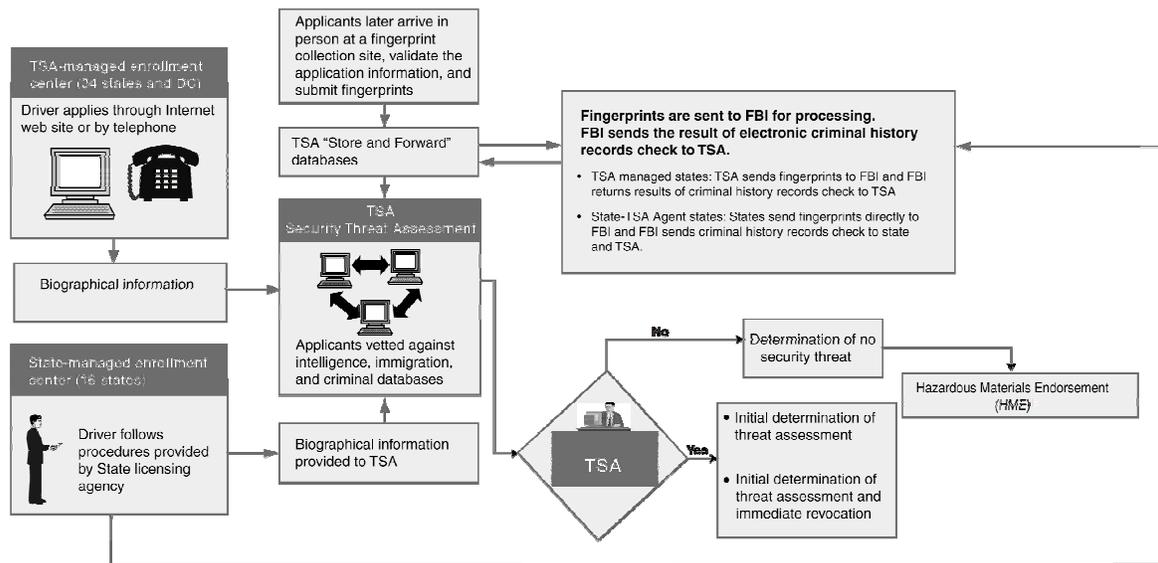
**Hazardous Materials Endorsement (HME)** - authorizes an individual to transport hazardous materials (Hazmat) for commerce. HME must be indicated on an individual's CDL.

**TSA** determines that an individual poses a security threat if he or she:

- Is not a U.S. citizen, lawful permanent resident, refugee, alien granted asylum, or alien with a specified status or work authorization.
  - Is wanted or under indictment for certain felonies.
  - Has been convicted, or found not guilty by reason of insanity, of certain permanent disqualifying felonies.
  - Has been convicted, or found not guilty by reason of insanity, of certain interim disqualifying crimes within the preceding seven years, or released from incarceration within the preceding five years after being convicted of an interim disqualifying crime.
  - Has been adjudicated as lacking mental capacity or has been involuntarily committed to a mental institution.
  - Is considered to pose a security threat based on review of pertinent intelligence, criminal, and immigration data bases.
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# BACKGROUND

## Overview Of HME Background Check Process



Source: GAO analysis of TSA provided information.



**Objective 1**

**BACKGROUND CHECK PROGRAM COMPARISON:  
Frequency and Content**

Program	Enrollment frequency	What's checked <small>(A) criminal offenses, (B) immigration status, (C) mental capacity, (D) nexus to terrorism, (E) drug use</small>	How checked <small>(1) fingerprint-based criminal history check, (2) name-based biographic check*, (3) drug test, (4) national driver registry, (5) interview</small>
<b>HME</b>	<b>5 years</b>	<b>A, B, C, D</b>	<b>1, 2</b>
TWIC	5 years	A, B, C, D	1, 2
MMD	5 years	A, B, C, D, E	1, 2, 3, 4
FAST	5 years	A, B, D	1, 2, 5
SIDA	Once, if continuously employed	A, B, D	1, 2
Air Cargo	Once, if continuously employed	B, D	2

\*TSA checks a list of all individuals who have completed a TSA background check against databases that are updated regularly.

Source: GAO based on review of DHS provided program information.



Objective 1

**BACKGROUND CHECK PROGRAM COMPARISON:**  
Profile of Each Program

Program	Agency	Sector	Number of Enrollment Centers	Number of Workers	Cost to Applicant
<b>HME</b>	<b>TSA</b>	<b>Trucking (Hazmat)</b>	<b>189 TSA managed</b> (fingerprint and application) <b>366 State managed</b> (fingerprint) <b>887 State managed</b> (application)	<b>2.7 million</b>	<b>\$94</b> (TSA managed) <b>\$58 - \$138</b> (State managed)*
TWIC	TSA	All, except aviation	130+	750,000	\$105.25 – \$137.25
MMD	Coast Guard	Maritime	17	210,000	\$45 – \$140*****
FAST	CBP	Trucking	17	78,862	\$50
SIDA	TSA	Aviation, trucking****	Not applicable**	2 million	\$29***
Air Cargo	TSA	Aviation, trucking	Not applicable**	51,625	\$28

\*16 states manage the collection of HME background information.  
 \*\* Enrollment is conducted by airport, aircraft operator, or air carrier.  
 \*\*\*Airport and aircraft operators may charge additional fees

\*\*\*\*The number of truck drivers that apply for a SIDA is limited and does not occur often, according to TSA.  
 \*\*\*\*\* The Coast Guard does not charge a fee for the background check. MMD cost to applicant includes evaluation of medical fitness and professional qualifications.

Source: GAO analysis of DHS provided information.

Objective 1



**BACKGROUND CHECK PROGRAM COMPARISON:**  
Programs Determined Comparable by TSA

Program	Other Background Check Programs That Meet Program Requirements
HME	TWIC, FAST
TWIC	HME, FAST, or MMD or Merchant Mariner License (issued during certain periods)
MMD	None
FAST	None
SIDA	None
Air Cargo	SIDA, HME, TWIC, FAST

In the future, TSA may determine other background checks may be substituted for the for TWIC and HME background checks in order to satisfy the TWIC and HME related background check requirements.

Source: GAO analysis based on review of DHS provided program information.

Objective 1



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## BACKGROUND CHECK PROGRAM COMPARISON: Redundancy

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For the six programs we reviewed, we found several instances in which DHS component agencies:

- Use the same or similar background check process already completed on an individual by another program.
- **Possible Effect:** Workers are potentially subject to redundant information requests if they apply for more than one background check, although TSA and the Coast Guard have taken actions to reduce the redundancies. For example, TSA and the Coast Guard plan to share background check information for the TWIC and MMD programs.

Objective 1



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**BACKGROUND CHECK PROGRAM COMPARISON:  
Redundancy**

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Each background check program operates separate enrollment facilities for collecting biometric and biographic information.

**Possible Effect:** DHS may incur additional start-up and development costs.

**Possible Effect:** Workers may have to enroll at a facility with less convenient location and hours than a comparable one in a different program.

Objective 1



**BACKGROUND CHECK PROGRAM COMPARISON:  
Redundancy Examples**

Program	Redundancy
<b>HME</b>	<b>An individual who has submitted fingerprints for the HME program and is later subject to another background check program with a criminal history records check would have to submit an additional set of fingerprints, pursuant to Public Law 105-251.</b>
<b>TWIC</b>	If an HME, MMD, or FAST cardholder applies for a TWIC background check, he or she will pay a reduced fee. To date, TSA has not worked out a process to reduce fees for an HME applicant who has completed a TWIC background check. FAST is managed by CBP and is not a TSA program; as a result, TSA cannot reduce those fees. Therefore, an individual may be subject to multiple background check fees.  Individuals who satisfied an HME background check must still provide a biometric (fingerprint) if applying for a TWIC credential.
<b>MMD</b>	An individual that has already undergone a background check in connection with another program has to undergo a separate background check for an MMD.
<b>FAST</b>	A driver that has already undergone a background check in connection with another program has to undergo a separate background check for FAST.
<b>SIDA</b>	SIDA holders may be required to undergo another background check if they go to a different airport.  An individual applying for a SIDA who already underwent an HME, TWIC, MMD, or FAST background check will need to provide fingerprints and similar biographical information for the SIDA background check.
<b>Air Cargo</b>	An individual subject to an Air Cargo background check who has already undergone an MMD background check will need to provide similar biographical information for the Air Cargo background check.

Source: GAO analysis based on review of DHS provided program information.

## Objective 1



# BACKGROUND CHECK PROGRAM COMPARISON: Variations

## In some instances, we found variations among the DHS background programs we reviewed, including:

- Disparity in the fees transportation workers are charged for the programs\*
- Varying use of comparability standards; TSA has comparability standards, but CBP and the Coast Guard do not
- Different collection methods
- Different disqualifying offenses\*\*
- Different look- back periods\*\*
- Different renewal requirements
- Different appeal processes\*\*
- Different adjudicating authorities

\*Variations in fee levels result from the agency paying for a portion of the background check (FAST and SIDA) or all of the related expenses (MMD), whereas for others, the agency covers the entire cost of the background check through fees (TWIC, HME, Air Cargo), according to DHS officials. In addition, inconsistencies in fees also results from differences in services provided. For example, TSA charges a fee to produce a credential in the TWIC program but does not provide applicants with a credential for the SIDA and air cargo security programs.

\*\*DHS officials attributed some of the variations - differences in disqualifying offenses (SIDA) and look back periods (SIDA), and appeal processes (TWIC) - to statutory requirements.

**Objective 1**



**BACKGROUND CHECK PROGRAM COMPARISON:  
Variation Examples**

Program	Variation
<b>HME</b>	<b>Fees for non-TSA agent states vary from TSA agent states.</b>
<b>TWIC</b>	At the time of our review, TSA has not worked out a process to reduce fees for an HME applicant who has completed a TWIC related background check. Therefore, an individual may be subject to greater background check fees.
<b>MMD</b>	TSA determined that TWIC, MMD, FAST, and HME are comparable programs. However, the Coast Guard does not accept other background checks in lieu of an MMD background check.
<b>FAST</b>	The FAST background check has no fixed time limit for crimes involving violence, weapons, narcotics, or customs and immigration offenses. Other felonies have a 10 year limit. In comparison, HME and TWIC have a 7 year limit from a conviction and a 5 year limit from release from incarceration for considering interim disqualifying crimes, Coast Guard looks at varying assessment periods based on the offense for the MMD program, SIDA has a 10-year limit from conviction for considering disqualifying crimes, and Air Cargo does not include disqualifying crimes.  The FAST program does not have a waiver/appeal process.
<b>SIDA</b>	Unlike the HME, TWIC, and MMD background check programs in which the component agency serves as the adjudicator, the airport operator or aircraft operator serves as the adjudicator for the Criminal History Records Check results for SIDA.
<b>Air Cargo</b>	Unlike the HME, TWIC, MMD, and FAST programs, that require applicants to submit biographical information every 5 years, the air cargo program only requires applicants to submit biographical information once, as long as they are continuously employed.  In contrast to some other programs in which the agency collects biographical information, aircraft operators and air carriers collect biographical information for Air Cargo background checks.

Source: GAO analysis based on review of DHS-provided program information.

## Objective 2



### DHS Actions Taken/Planned: Screening Coordination Office (SCO)

- In response to HSPD 11, Secretary Chertoff established the **Screening Coordination Office (SCO)** at DHS on July 31, 2006. The SCO reports to the Deputy Secretary.
- SCO **goals** include:
  - Identifying opportunities to harmonize and enhance screening and credentialing processes across DHS “people screening” programs;
  - Developing metrics for evaluating and improving screening processes and credentialing; and
  - Conducting a review of DHS credentialing programs from a business process perspective and establishing common capabilities.
- Among other duties, the SCO is responsible for coordinating background checks that are conducted on individuals to ensure that DHS’s background check programs are not duplicative, according to SCO officials.

Objective 2



**DHS Actions Taken/Planned:**  
SCO Background Check Program Initiatives

In December 2006, SCO issued a report identifying common problems, challenges, and areas where DHS can improve credentialing programs and processes department wide. As part of the report, SCO:

- developed an inventory comparing and contrasting 28 traveler/ transportation worker credentials and their supporting background checks
- identified common business processes shared by 28 programs.

## Objective 2



### **DHS Actions Taken/Planned: SCO Background Check Program Initiatives**

- The SCO awarded a contract in April 2007 to develop a methodology to coordinate credentialing programs and to serve as support for SCO's data collection and analysis efforts. This will provide the basis for developing an implementation plan and related milestones for coordinating DHS screening and credentialing programs.
- Our prior work has shown that interim goals and measures can be used to show progress or contribution to intended results. Long-term action oriented goals and a timeline with milestone dates are necessary to track the organization's progress towards its interim and long-term goals.
- In addition, an agency's planning efforts should consider and discuss efforts to coordinate its programs with other internal and external federal programs performing related activities and provide evidence of such coordination.

**Objective 2**



**DHS Actions Taken/Planned:  
SCO Background Check Program Initiatives**

- The SCO is focusing on reducing unnecessary redundancies. However, at this point they do not know the extent of unnecessary background checks. With this information SCO would be in a position to understand the extent of redundancy, the number of workers that are affected and the related potential cost implications for both the federal government and transportation workers.

## Objective 2



### **DHS Actions Taken/Planned: TSA Background Check Program Initiatives**

- In January 2007, TSA determined that the background checks required for an HME, FAST card, and MMD (issued between Feb. 3, 2003 and March 26, 2007) satisfy the background check requirement for a TWIC. Thus, a TWIC applicant who has already undergone a background check in association with the HME, FAST, or MMD program does not have to undergo an additional background check and pays a reduced fee to obtain a TWIC.
- TSA's HME and TWIC background check requirements were designed to closely resemble each other to eliminate or minimize duplication.
- TSA also promulgated a list of factors that TSA will consider to determine whether other background checks satisfy the TWIC background check requirement. The factors are:
  - The minimum standards used for the background check,
  - The frequency of the background check,
  - The date of the most recent background check, and
  - Whether the background check includes biometric identification and a biometric credential.

## Objective 2



### **DHS Actions Taken/Planned: TSA Background Check Program Initiatives**

- TSA determined that the background checks required for a SIDA ID, TWIC, HME, and FAST satisfy the background check requirement for the Air Cargo security program. Thus, an aircraft or air carrier employee or agent who is seeking unescorted access to air cargo and already has a SIDA ID, TWIC, HME, or FAST credential does not have to undergo the Air Cargo background check.
- TSA used the statutory look back periods and appeal/waiver requirements in MTSA for TWIC when developing the hazmat rule, so that when TSA issued the final TWIC rule, HME and TWIC could be harmonized.
- TSA began conducting “perpetual vetting” in 2006, reducing the effect of inconsistencies relating to renewal requirements. Perpetual vetting allows TSA to compare a list of all individuals who have completed a background check with databases that are updated regularly, so that TSA can identify individuals who have successfully completed the background check but who later appear in a database indicating the individual might be a threat, according to TSA officials.

## Objective 2



### DHS Actions Taken/Planned: Coast Guard Background Check Program Initiatives

- In May 2006, the Coast Guard issued a notice of proposed rulemaking that would:
  - Consolidate four documents including the **Merchant Mariner Document (MMD)** into one – **Merchant Mariner Credential (MMC)**.
  - Require pertinent information previously submitted by an applicant at a Coast Guard Regional Exam Center be submitted by the applicant to TSA through the TWIC enrollment process and be shared with the Coast Guard by TSA.
  - Move all identity verification and security-vetting processes from the Coast Guard to TSA. The Coast Guard would continue to conduct a safety review.
  - Result in the MMC process being completed by mail.
  - Potentially reduce mariner travel costs and time required to obtain a credential because the Coast Guard expects there to be more TWIC enrollment centers than Coast Guard's Regional Examination Centers.



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## Conclusions

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- For the programs we reviewed, we found instances of redundancies in each of the programs' use of the same or similar background check process already completed on an individual by another program. In addition, the HME, TWIC, MMD, and FAST programs operate separate enrollment facilities for collecting biometric and biographic information.
  - Redundancies may result in workers having to provide redundant information if they apply for more than one background check. In addition, DHS may incur additional start up and development costs because the HME, TWIC, MMD, and FAST programs operate their own facilities.
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## Conclusions

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- DHS components have several initiatives underway to minimize the redundancies and inefficiencies of the background check programs for determining if an individual is a low risk to transportation security.
    - The SCO was established, in part, to coordinate DHS screening programs, but the SCO is in the early stages of developing its plans to coordinate DHS's screening programs. As our prior work has shown, federal programs contributing to the same or similar results should be closely coordinated to ensure that goals are consistent and, as appropriate, program efforts are mutually reinforcing. Uncoordinated program efforts can waste scarce funds, confuse and frustrate program customers, and limit the overall effectiveness of the federal effort.
    - Recent TSA and Coast Guard initiatives to harmonize background check programs are useful steps. However, duplication of efforts may continue until DHS develops further common standards for its background check programs. As our prior work has shown, interagency coordination is often hindered by incompatible procedures, processes, data, and computer systems.
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## Conclusions

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- In addition, as our prior work has shown, intermediate goals and measures, such as outputs or intermediate outcomes, can be used to show progress or contributions to intended results. For instance, when it may take years before an agency sees the results of its programs, intermediate goals and measures can provide information on interim results. It is essential to establish long-term action-oriented implementation goals and a timeline with milestone dates to track the organization's progress towards its intermediate and long-term transformation goals.
  - The number of redundant background checks will affect background check program costs. As we have previously reported, linking cost with performance information infuses performance concerns into planning and budgetary deliberations, prompting agencies to reassess their performance goals and strategies and to more clearly understand the cost of performance.
  - Coordinating federal background check programs is a cross-cutting, government wide issue. Other federal agencies also have background check programs, such as agencies within the departments of Defense and Energy. Although these programs are outside the scope of this study, the existence of multiple programs highlights the importance of interagency coordination to ensure the most efficient use of resources. As the 9/11 Commission reported, having too many different biometric standards, travel facilitation systems, credentialing systems, and screening requirements is expensive and inefficient.
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## Recommendations

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- To help prevent redundancies and inefficiencies, we recommend that the Secretary of Homeland Security take the following three actions:
    - Ensure that the plan being developed by SCO for coordinating its background check programs include, at a minimum, the steps the agency will take to align its screening and credentialing activities and include specific time frames and budget requirements for implementation. In addition, the plan should describe how and when DHS will establish and apply a common set of design and comparability standards for DHS's background check programs.
    - Ensure that the plan being developed by DHS for coordinating its background check programs include, at a minimum, a discussion of the potential costs/benefits associated with the number of redundant background checks that would be eliminated through harmonization.
    - Because of DHS's responsibility for a large number of background check programs, explore with other federal agencies possible means to achieve harmonization and reduction of redundancies between background check programs within DHS and other agencies.
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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO Contact

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## Staff Acknowledgments

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