

DEPARTMENT OF HOMELAND SECURITY
Office of Inspector General

**TSA's Management of Aviation Security
Activities at Jackson-Evers International and
Other Selected Airports**

(Unclassified Summary)





Homeland
Security

Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002 (Public Law 107-296)* by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

In response to a congressional request from U.S. Representative Bennie Thompson, Chairman of the House Committee on Homeland Security, our report addresses the Transportation Security Administration's (TSA) management of its aviation security activities at the Jackson-Evers International Airport in Mississippi. We also addressed the aviation security activities at five other airports as a means of comparison. We based this review on interviews with TSA employees, federal, state, and local law enforcement officers, commercial airline carrier employees, airport authority staff, direct observations, statistical analysis, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

Table of Contents/Abbreviations

| | |
|--------------------------------------|---|
| Unclassified Summary | 1 |
| Background..... | 2 |
| Scope, Purpose, and Methodology..... | 5 |

Appendices

| | |
|---|----|
| Appendix A: Congressional Request Letter..... | 7 |
| Appendix B: Major Contributors to this Report | 9 |
| Appendix C: Report Distribution..... | 10 |

Abbreviations

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| DHS | Department of Homeland Security |
| JAN | Jackson-Evers International Airport |
| LEO | Law Enforcement Officer |
| OIG | Office of Inspector General |
| TSA | Transportation Security Administration |
| TSO | Transportation Security Officer |

OIG

*Department of Homeland Security
Office of Inspector General*

Unclassified Summary

We reviewed the Transportation Security Administration's (TSA) management of aviation security activities at Jackson-Evers International and other selected airports as requested by United States Representative Bennie Thompson, Chairman of the House Committee on Homeland Security. Specifically, we assessed (1) whether existing processes, which authorize certain individuals to fly while armed, need strengthening; (2) whether Transportation Security Officers (TSO) received advanced notice of any internal TSA covert testing; and, (3) whether TSOs report the discovery of firearms and other dangerous prohibited items as required by TSA policy and directives.

At the request of Chairman Thompson, we expanded our review in November 2007 and investigated whether TSA compromised any covert testing conducted by another federal government entity.

TSA has made progress toward improving its internal covert testing. Increased resources have allowed the administration to adjust its testing methodology, use sophisticated test equipment, and employ trend analysis to ensure greater testing integrity.

However, additional work is necessary. Most notably, TSA can take steps to improve security activities within commercial aviation by eliminating the vulnerabilities associated with the current flying armed processes, strengthening covert testing procedures, and improving its processes for reporting security incidents.

Given the size and scope of its airport operations, we are not suggesting that these issues are prevalent across TSA. However, we note some areas of concern that highlight the need for improvement. Therefore, we are making 12 recommendations to improve TSA's management of aviation security. These recommendations address near- and long-term solutions to deficiencies we observed. TSA should work to address the near- and long-term recommendations simultaneously to strengthen its overall layered security approach.

In response to our report, TSA has proposed plans and actions that, once implemented, will reduce a number of the deficiencies we identified. TSA concurred with nine recommendations, concurred in part with two recommendations, and did not concur with one recommendation, which we have since modified.

Background

On September 10, 2006, *The Clarion-Ledger*, a local Mississippi newspaper, alleged in the article “*How Safe Are We?*” that the security and integrity of the passenger screening process at the Jackson-Evers International Airport (JAN) was being compromised routinely by TSA employees.

Allegations in the article, made by current and former TSA employees at JAN, concerned three areas:

- First, that TSOs at JAN received advanced warning of covert testing, even though this testing is to assess airport security operations without notice.
- Second, that JAN management disregarded standard operating procedures by not reporting incidents involving dangerous or deadly items discovered at the airport screening checkpoints.
- Finally, that a passenger at JAN was allowed to board a commercial aircraft armed on at least six occasions, even though this individual did not meet relevant flying armed criteria as set forth in the U.S. Code of Federal Regulations.

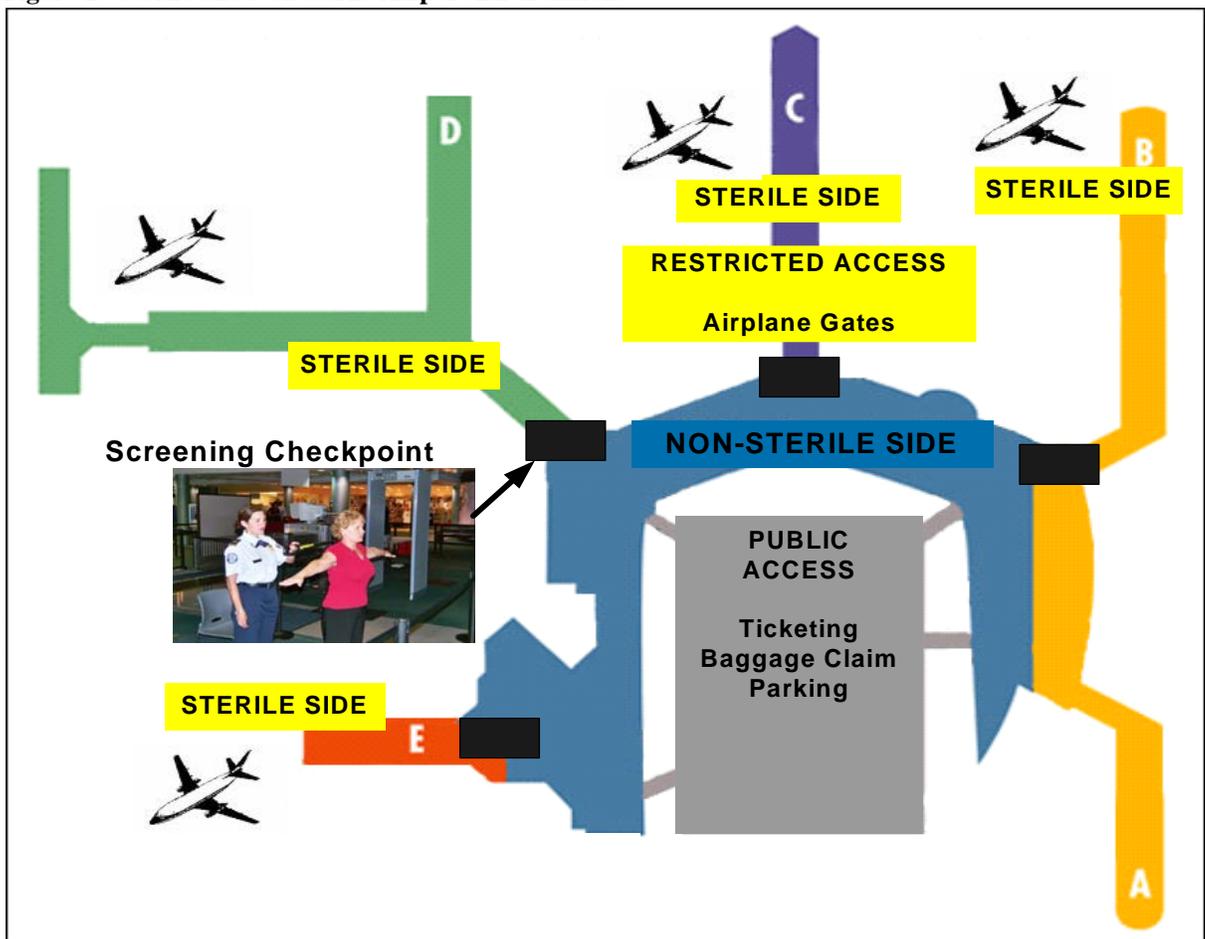
On September 11, 2006, Representative Bennie Thompson requested that we review the allegations mentioned in *The Clarion-Ledger* article. On September 12, 2006, Representative Thompson also sent a letter notifying TSA’s Assistant Secretary of his request. On October 4, 2006, we referred this matter to TSA’s Office of Inspection for review. On October 6, 2006, Representative Thompson asked that we reconsider our decision, noting that these allegations raised concerns about the integrity of specific processes and protocols across all of TSA. A copy of the October 6, 2006, request letter is in Appendix A. After reviewing the subsequent request, we agreed to conduct a review of the allegations.

During discussions with Chairman Thompson and his staff, we also agreed to broaden the scope of our review and address four questions:

- Did TSOs at JAN receive any advanced notice of internal TSA covert testing being conducted?
- Did TSOs report the discovery of firearms and other dangerous or deadly items as required by TSA policies and directives?
- Do existing processes, which authorize certain individuals to fly armed, need strengthening? and
- Did TSA compromise any covert testing conducted by another federal government entity?

While each question is distinct, all deal with issues concerning the integrity of an airport’s sterile environment – the controlled portion of an airport that is only accessible by screened or authorized individuals. Figure 1 shows the sterile and non-sterile airport environments.

Figure 1: Sterile and Non-sterile Airport Environment



In addition to our review, TSA’s Office of Inspection conducted two internal reviews pertaining to these allegations. The first review, completed in

September 2006, addressed the issue regarding an individual boarding a commercial aircraft while armed. The second review, completed in November 2006, focused on determining whether JAN's Federal Security Director specifically compromised the integrity of the internal TSA covert tests.

Ensuring the integrity of our nation's transportation systems, including the sterile environment of all airports, remains the principal concern of TSA, and any compromises to its security are serious.

TSA's Flying Armed Program

TSA's Office of Law Enforcement/Federal Air Marshal Service and the Office of Security Operations have responsibility for the Law Enforcement Officers Flying Armed Program. Title 49, Section 1544 of the U.S. Code of Federal Regulations, Aircraft Operator Security: Air Carriers and Commercial Operators, provides for the authorization of select law enforcement officers (LEO) to fly commercially while armed, providing they satisfy certain eligibility requirements.

To meet these requirements, an individual must:

- Be a federal LEO or a full time municipal, county, or state LEO who is a direct employee of a government agency;
- Be sworn and commissioned to enforce criminal statutes or immigration statutes;
- Be authorized by the employing agency to have the weapon in connection with assigned duties;
- Have completed the training program "Law Enforcement Officers Flying Armed;" and
- Comply with all appropriate notification requirements as set forth in the regulations.¹

Compliance with federal regulations requires that each party involved, the LEO, the aircraft operator, and TSA, satisfy specific responsibilities so that a LEO can access the sterile area with their firearm and board the aircraft to meet the LEO's mission requirements.

All armed LEOs, upon arrival at an airport, must identify themselves to the aircraft operator by presenting their credentials and badge. For state, county, or municipal LEOs, they must also present an "original letter of authority,

¹ 49 CFR 1544.219 (a)(1), 49 CFR 1544.219 (a)(2), 49 CFR 1544.219 (a)(3)

signed by an authorizing official” that confirms the state or local LEO’s need to travel armed and the details of their itinerary.²

The aircraft operator is then required to review the officer’s badge, credentials, authorizing letter if applicable, and determine whether the officer has completed the official *Law Enforcement Officers Flying Armed* training. The training is required for all federal, state, or local LEOs before they are authorized to fly armed.³ The training acquaints the officer with the protocols for handling dangerous or prohibited items, prisoner transport, as well as information on avoiding situations that could affect the officer’s ability to complete their mission.

To facilitate an armed LEO’s authorized access to a sterile area, TSA has established an alternative process that allows officers to bypass regular passenger screening operations.

Scope, Purpose, and Methodology

We assessed TSA’s management of its aviation security activities at JAN. Our assessment focused on TSA’s:

- Authorization of certain individuals to fly armed;
- Covert testing of its airport security operations; and
- The process of reporting security incidents that occur at an airport

To accomplish our objectives, we also reviewed the management of aviation security operations at five other airports, including Baltimore/Washington International Airport in Maryland, Charlotte-Dougllass International Airport in North Carolina, Dulles International Airport in Virginia, Lubbock International Airport in Texas, and Ronald Reagan Washington National Airport in Virginia.

We chose three of the airports because they processed a large volume of individuals flying armed. We chose one of the airports because it closely mirrored the size and scope of operations at JAN. While every airport is unique, these additional site visits provided us with a better overall understanding of TSA operations with respect to these assessed areas.

At each airport, we met with relevant TSA field personnel, including the Federal Security Directors, the Assistant Federal Security Directors, Security

² 49 CFR 1544.219(a)(3)(iii)

³ 49 CFR 1544.219(a)(1)(iv)

Managers, and TSOs. We also met with a number of TSA's partners, including each airport authority and several commercial airline representatives. Each partner has some operational nexus to our three areas.

We interviewed more than 160 people including TSA personnel from TSA headquarters, the Office of Inspection, the Office of Law Enforcement, the Office of Security Operations, the Freedom Center, formerly the Transportation Security Operations Center, and TSOs in the field. We also spoke with personnel from U.S. Immigration and Customs Enforcement's Fraudulent Document Laboratory, Federal Law Enforcement Training Center, and DHS' Office of Operations Coordination and Planning.

We spoke with 43 LEOs from 17 different federal, state, and local law enforcement agencies. Each officer had experience dealing with the flying armed process.

We reviewed relevant laws, regulations, policies, procedures, statistical information, and airport practices related to these three areas. Given the size and scope of TSA's airport operations, we are not suggesting these issues are prevalent across TSA. However, we note some areas of concern that highlight the need for some systemic internal assessments.

Our fieldwork began in February 2007 and concluded in June 2007. At the request of Chairman Thompson, we expanded our review in November 2007 and investigated whether the TSA compromised any covert testing by another federal government entity. We initiated this review under the authority of the *Inspector General Act of 1978*, as amended, and according to the "Quality Standards for Inspections," issued by the President's Council of Integrity and Efficiency.

Appendix A Congressional Request Letter

PETER T. AMEL, NEW YORK
CHAIRMAN



SENTE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Ninth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

October 6, 2006

The Honorable Richard Skinner
Inspector General
Office of the Inspector General
Department of Homeland Security
Washington, DC 20528

Dear Inspector General Skinner:

I am writing to respectfully request that you reconsider your October 4th decision to decline to investigate the management of aviation security activities at Jackson-Evers International Airport and instead refer the matter to K. David Holmes, the Assistant Administrator for the Office of Investigations at the Transportation Security Administration (TSA). I strongly believe that this decision was a wrong one for the reasons set forth below.

First, my September 11th request covered not only the allegations of misconduct by Jackson-Evers International Airport managers but questions about whether TSA personnel can be improperly provided notice as to when a covert testing team is en route. I urged you to take a look at what safeguards are in place to ensure the secrecy of covert testing of aviation security when conducted by your office, the Government Accountability Office, and others. It is important for the integrity of the process that any weaknesses in the covert testing procedures be identified and addressed. To my knowledge, the TSA Office of Investigations' inquiry is not looking into these larger systematic questions. Therefore, you must.

Second, I asked you to look at what protocols and procedures are in place to ensure that when an individual comes to the airport with a firearm or other dangerous prohibited item in their carry-on, TSA headquarters is informed. I wanted you to look at what oversight activities are in place to ensure adherence to these protocols and procedures and whether there are audits of airport records. These questions first arose in relation to the Jackson Airport but I would like a full assessment of the current process and to get some recommendations from you on how the system can be strengthened to ensure that individuals not authorized under Federal law to fly armed cannot do so.

Finally, I believe that an Office of Inspector General inquiry is necessary because there are some concerns as to the manner in which this matter is being examined by TSA's Office of Investigations. Just this week, I wrote to Assistant Secretary Kip

Appendix A

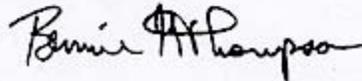
Congressional Request Letter

October 6, 2006
Page 2

Hawley to convey the concerns of dozens of Jackson personnel who have personally contacted me. They tell me that only a select few employees, possibly hand-picked by those being investigated, are being interviewed by TSA investigators. I am also concerned that the likelihood of these employees being forthright about problems they observe may be undermined by the location where many of the interviews are being conducted. Jackson staff tell me that the interviews are being done in rooms adjacent to the offices of Mr. Rowlett and his management team—the subjects of the investigation.

For these reasons, I respectfully request that you immediately open an investigation into the matters I have raised. The issues involved are far-reaching and warrant your careful consideration. Please direct any follow up questions you may have concerning this request to Jessica Herrera-Flanigan, Democratic Staff Director and General Counsel of the Committee on Homeland Security, at (202) 226-2616.

Sincerely,



Bennie G. Thompson
Ranking Member
Committee on Homeland Security

Appendix B
Major Contributors to this Report

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Ryan Carr, Inspector, Department of Homeland Security, Office of Inspector
General, Office of Inspections

Appendix C

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