



United States Department of Transportation  
TRANSPORTATION SECURITY ADMINISTRATION

400 Seventh Street, S.W.  
Washington D.C. 20590

FEB 24 2003

The Honorable Elaine Kaplan  
Special Counsel  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

RE: OSC File No. DI-02-0207

Dear Ms. Kaplan:

Secretary Mineta asked that I respond to your letter of January 30, 2003, requesting information on actions taken by the Transportation Security Administration (TSA) pursuant to the Department of Transportation, Office of Inspector General's (OIG) recommendations regarding deficiencies in the Federal Aviation Administration's (FAA) Red Team program.

Accordingly, I am pleased to describe our Special Operations Testing Program, which is the responsibility of TSA's Office of Internal Affairs and Program Review (OIAPR), and respond to the five specific concerns pertaining to FAA's Red Team contained in the OIG's report issued in August 2002. These concerns were:

- Frequency of testing, sample sizes, and vectors checked.
- Categories of airports covered.
- Standard operating procedures instituted by TSA.
- Units in the TSA organizational structure that receive reports on the results of the covert testing, what is done with these reports, and which offices have accountability for follow-up remedial actions to ensure that appropriate measures have been taken to address any deficiencies.
- Mechanisms implemented to provide feedback to members of TSA covert testing teams.

In addition, you requested information on TSA actions to identify and hold accountable the individuals responsible for the mismanagement of FAA's Red Team program, and steps taken to prevent a recurrence of the problem. Lastly, you inquired as to the status of Mr. Bogdan Dzakovic's current employment situation.

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## Mission

The Aviation Transportation and Security Act (ATSA) requires TSA to protect the Nation's transportation systems. Within TSA, OLAPR is responsible for ensuring the integrity of its programs and operations. As TSA implements its security programs, OLAPR conducts investigations, inspections, and program reviews to assess whether these programs are achieving their objectives and to ensure accountability of TSA's employees. To accomplish this mission, OLAPR developed program objectives to evaluate the performance of TSA's newly hired and trained screener workforce and to assess the adequacy of security systems and controls at commercial airports nationwide. As part of its mission, OLAPR conducts covert testing to assess the effectiveness of aviation security.

OLAPR's covert testing is the responsibility of its Special Operations Program. Before implementing the Special Operations Program, OLAPR took several steps to create a skilled special operations team to conduct the testing and to develop a relevant and challenging testing protocol that would ensure the integrity of TSA operations. These steps included the following activities:

- Researched testing methods at FAA's Technology Center and contacted TSA's Chief Technology Officer to learn about the capabilities and concerns pertaining to technology in place at airports and to prepare for TSA's future equipment requirements and capabilities.
- Coordinated with TSA's Office of Training and Quality Performance to undergo specialized training in TSA mandated checkpoint screening procedures, including walk-through metal detectors, hand-held metal detectors, physical search techniques, and alarm resolution procedures.
- Attended classes in x-ray image interpretation, threat-image projection (TIP) detection procedures, explosive detection systems (EDS), and explosive trace detection systems (ETD). The teams also met with equipment vendors so that the inspectors could assess equipment functionality and operability when conducting tests at the airports.
- Met with former FAA Red Team staff to discuss its protocols, scheduling methodology, airport selections criteria, and reporting procedures. Additionally, to ensure that the covert testing program was effectively transferred to TSA, OLAPR teams inventoried the former Red Team's testing material and equipment and examined its testing protocols, test results, and record-keeping procedures.

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- Met with the OIG to discuss its findings and concerns pertaining to the FAA's Red Team. In addition, OLAPR participated in OIG teams conducting airport security tests in order to observe testing techniques and protocols.

OLAPR utilized this experience and information learned to develop its own testing program. Since initiating the Special Operations Program in September 2002, OLAPR has continued to improve its testing program, testing equipment, data collection and analysis techniques, and process of reporting the results of its tests.

Special Operations Program

OLAPR has implemented Special Operations Teams, consisting of experienced special agents, security specialists, and analysts, to conduct covert testing. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Airport Selection Criteria

The Special Operations Teams select (and schedule) airports for covert testing based on criteria that includes [REDACTED] maintained by TSA.

[REDACTED]

Airport Coverage

[REDACTED]

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[REDACTED]

TSA is creating five Mission Support Centers that will support TSA's programs on a regional basis. Once OIAPR places staff in each of the TSA's five mission support centers, OIAPR will increase the scope, number, and frequency of its tests. OIAPR intends to place [REDACTED] special agents, transportation security specialists, and administrative staff at each of the five regional centers. These employees will provide operational and administrative support to our investigative and testing program.

Dissemination of Test Results

The OIAPR provides information on the results of the tests in several ways: immediate feedback and training to airport screeners, supervisors, and security officials who were tested; site specific and summary reports to TSA officials; and more frequent ad hoc reports as requested.

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[REDACTED]

[REDACTED]

OLAPR prepares formal reports – both site-specific and summary reports – that contain extremely sensitive and classified information on the results of the covert testing for limited dissemination to TSA management. OLAPR issues monthly reports to the Assistant Administrator for Aviation Operations, the Assistant Administrator for Training and Quality Performance, and other TSA officials, who are responsible for the TSA screener program, screening equipment, and TSA’s airport security programs. The monthly reports contain the details of each of the tests conducted that month, the reasons for the failures, and recommendations for corrective action. Thus, TSA program managers have timely statistical and analytical information so that corrective action can be taken promptly.

[REDACTED] This information will be reported to TSA program officials and the reports may contain recommendations for corrective action. OLAPR asks that program officials respond to its recommendations by describing corrective actions.

OLAPR has a recommendation tracking system and will follow up with program officials if a response has not been received in a timely manner. In addition, OLAPR maintains a database of testing results to analyze overall trends and patterns, monitor performance, and compare an airport’s performance over time. OLAPR continues to refine its data collection and techniques so that testing results can be used more effectively by TSA managers.

[REDACTED]

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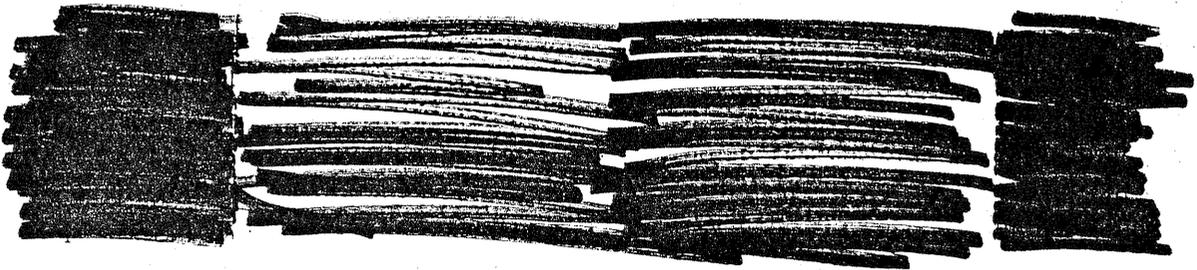
Finally, ATSA required that TSA develop a performance-based management system. Within TSA, the Office of Strategic Management and Analysis (OSMA) has developed the Performance Management Information System (PMIS) to automatically collect standard data from each airport and program. OIAPR is coordinating with OSMA to provide testing results information for performance-based management decisions.



Personnel Actions

Your letter also raised concerns regarding the actions taken with respect to individuals responsible for the mismanagement of the FAA Red Team program and regarding the status of a former Red Team member. With the establishment of TSA, the personnel formerly assigned to the FAA Red Teams were given positions within TSA, FAA, or other Department of Transportation offices. None of the FAA Red Team members were assigned to OIAPR. By not allowing any of the former Red Team members the opportunity to conduct covert testing, any concerns regarding the continued mismanagement of the program or continued questionable performance by the former Red Team members on TSA's covert testing program have been removed. OIAPR developed its own testing program after participating in TSA's screener training program, studying equipment and technology requirements, observing OIG covert testing teams, and discussing with the FAA Red Team its testing protocols.

I am also pleased to report Mr. Dzakovic's current contributions to the mission of TSA. As you know, Mr. Dzakovic was a member of the FAA covert security testing unit or Red Team under the Office of Civil Aviation Security. When TSA was created, the FAA Office of Civil Aviation Security became part of TSA and the former FAA Red Team members were reassigned. Mr. Dzakovic was assigned to TSA's Office of Aviation Operations and had been performing various duties assisting the new Federal Security Directors.



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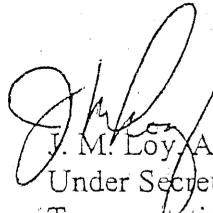
[REDACTED]

In summary, the days of the old FAA Red Team are gone. Also gone are the performance levels of the past and the construct of having a Federal agency report on the performance of regulated industry employees by sending reports to headquarters that were never acted upon. I insisted that we completely discard that failed system and design a testing protocol that would [REDACTED]

[REDACTED] Further, as I have described above, system-wide adjustments will be made from lessons learned in the visits. I am proud of the system testing protocols we've developed and point out that we will raise the bar routinely in the interest of continuous improvement. Continuous improvement must become a standard practice with TSA since by definition today's performance standards will not be good enough for tomorrow.

I hope this information is responsive to your questions on OIAPR's Special Operations Program and the personnel issues with which you had concerns. If I can provide further information or assistance, please feel free to call me or K. David Holmes, Jr., Assistant Administrator, OIAPR, on (571) 227-1689.

Sincerely yours,



J. M. Loy, ADM  
Under Secretary of  
Transportation for Security

cc. Kenneth Mead

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