DEPARTMENT OF HOMELAND SECURITY

SENSITIVE SECURITY INFORMATION
Cover Sheet

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September 27, 2023

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-19-2379

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the Department of Homeland Security in response to the Special Counsel’s referral of disclosures of wrongdoing at the Transportation Security Administration (TSA), Oakland International Airport (Oakland), Oakland, California. The whistleblower, Mr. [REDACTED], a Transportation Security Officer (TSO) who consented to the release of his name, alleged that agency officials engaged in conduct that constituted a violation of law, rule or regulation, gross mismanagement, and a substantial and specific danger to public safety. The agency substantiated the allegations in part. I have reviewed the agency report and whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), determined that the report’s findings appear reasonable. The following is a summary of the report, the whistleblower comments, and my findings.¹

Mr. [REDACTED] reported that during times of less passenger volume, the security procedures implemented by TSA in Oakland did not include a dedicated TSA Pre-Check lane and, instead, combined standard and Pre-Check security lanes to form “blended lanes.” During this use of blended lanes, Mr. [REDACTED] alleged that Oakland TSOs routinely provided expedited screening to TSA Pre-Check passengers with mobile boarding passes without positive communication from the Travel Document Checker (TDC) to the Divestiture Officer (DO) or Walk Through Metal Detector (WTMD) TSOs, in violation of TSA Standard Operating Procedures (SOPs).²

¹ The allegations were referred to former Secretary Kristjen Nielsen for investigation pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Nielsen referred the inquiry to TSA for investigation and delegated the authority to review and sign the agency report to former TSA Acting Administrator Patricia F.S. Cogswell.
² These SOPs require that TDCs communicate an individual’s confirmed status as Pre-Check to the DO, WTMD, or Advanced Imaging Technology Screening Operator. Travel Document Check SOP, Chapter 2, Section 3 (policies), Shift Brief.

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The agency substantiated Mr. allegations in part, determining that prior to June 10, 2019, when Pre-Check lanes were open, all eligible Pre-Check passengers were screened in designated Pre-Check lanes. However, when the agency utilized blended lanes, expedited screening was offered to Pre-Check passengers after they processed through the TDC, who verified the passenger’s identification and scanned the boarding pass with a boarding pass scanner. The agency determined that the TDC instructed Pre-Check passengers with mobile boarding passes to show the mobile boarding passes to the DO and the WTMD TSO to receive the expedited screening, and that this visual verification protocol violated the agency SOPs. The agency noted that after June 10, 2019, the Acting Federal Security Director (FSD) of the region, changed the TDC procedures for positive communication of Pre-Check status, by using numbered, laminated cards issued to all Pre-Check passengers, instead of the visual verification protocol. The agency asserted this change in procedure should eliminate further violation of the SOPs.

In his comments, Mr. noted that the laminated card protocols used after June 10, 2019, while technically compliant with the SOP, do not alleviate the greater, continuing risk to traveler security arising from human error and introduce exploitable gaps in security. Mr. expressed concern that despite these additional measures, there is nothing to prevent a “malicious or dishonest” passenger from entering a security checkpoint and presenting any mobile boarding pass with TSA Pre-Check to the DO or WTMD TSO and receiving the expedited screening without the positive communication intended for low-risk individuals. Finally, Mr. emphasized that the concerns he raised are likely widespread, and urged airports nationwide to apply defined, dependable methods of communication amongst TSOs to ensure adherence to public safety.

I thank Mr. for bringing this serious matter to OSC’s attention. OSC referred similar allegations to the Secretary of Homeland Security during the same timeframe as Mr. disclosure. In this related matter, also transmitted to you today, Mr. , a TSA FSD, alleged that in 2019, TSA officials implemented procedures for blended lanes that included multiple steps, thereby increasing opportunities for human error and introducing exploitable gaps in security. Through the review of this additional matter, OSC ascertained that the laminated cards procedures remain in effect but have evolved and are one element of a continuous process of evaluating the risks associated with blended lanes. These procedures set forth in DI-20-000038 include deployment of Credential Authentication Technology, which validates the authenticity of an identification document and match biographical information from the ID to flight information, and Computed Tomography X-ray technology, which will reduce cognitive burden on X-ray officers.

For the reasons outlined in my letter in OSC File No. DI-20-000038, I have determined the findings of this report appear reasonable. As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency report, and the whistleblower comments to the Chairs and Ranking Members

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3 See OSC File No. DI-20-000038, the agency did not substantiate the allegations. I determined the finding appear reasonable.
The President  
September 27, 2023  
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of the Senate and House Committees on Homeland Security. I have also filed redacted copies of these documents and the redacted referral letter in our public file, which is available at www.osc.gov. This matter is now closed.

Respectfully,

[Signature]

Henry J. Kerner
Special Counsel

Enclosures