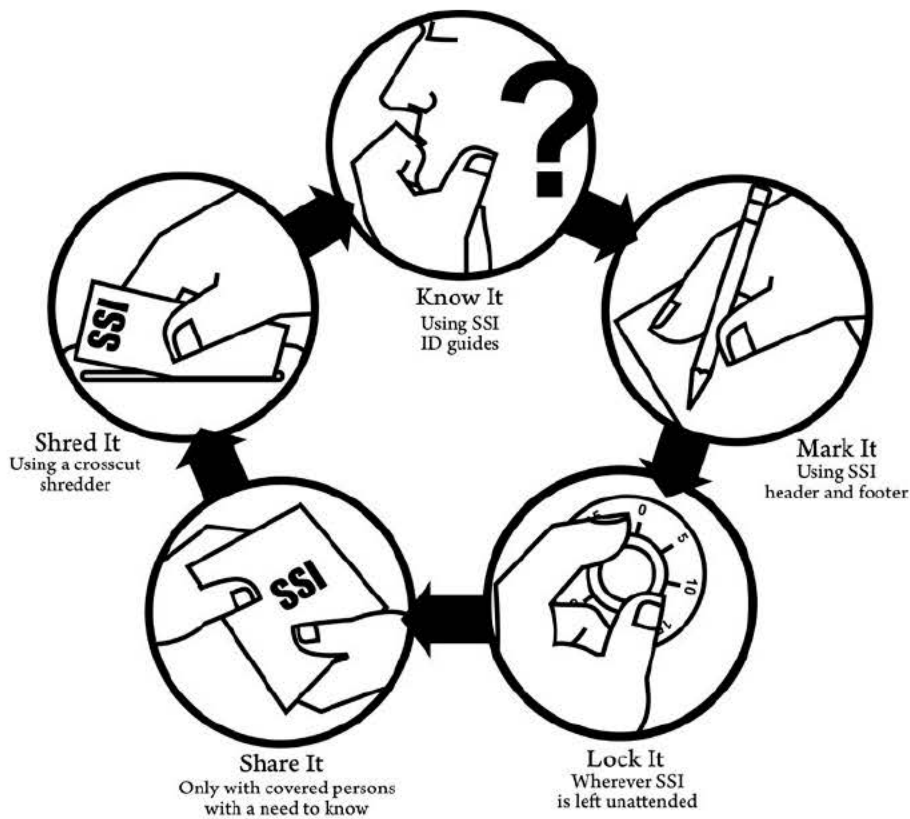


DEPARTMENT OF HOMELAND SECURITY

SENSITIVE SECURITY INFORMATION

Cover Sheet



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U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

November 14, 2019

The Honorable Chad F. Wolf
Acting Secretary
Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Re: OSC File No. DI-20-000038
Referral for Investigation--5 U.S.C. § 1213(c)

Dear Acting Secretary Wolf:

I am referring to you for investigation a whistleblower disclosure that officials at the Department of Homeland Security, Transportation Security Administration (TSA), Washington, D.C., engaged in actions that constitute gross mismanagement and a substantial and specific danger to public safety. A report of your investigation of these allegations and any related matters is due to the Office of Special Counsel on January 13, 2020.

██████████, a Federal Security Director, who consented to the release of his name, disclosed that TSA officials have approved airport security policies that place public safety at risk.¹ Specifically, the allegation to be investigated is that:

- TSA officials implemented procedures for combining standard and Pre-Check security lanes that introduce exploitable security gaps into the passenger screening process.

██████████ disclosed that in April 2019 TSA officials mandated a new security process called "blended lanes" at airports nationwide.² Blended lanes permit TSA officials to combine Pre-Check, standard passenger, and crew member screening in one security lane at airports that do not maintain a dedicated Pre-Check lane, or during times when maintaining a dedicated Pre-Check lane is not feasible.

██████████ alleged that the screening procedures for blended lanes include multiple steps that increase opportunities for human error and introduce exploitable gaps in the security

¹The Department of Homeland Security has designated the standard operating procedures discussed in this referral as Sensitive Security Information. Pursuant to the agency's September 28, 2018, email request, OSC has marked this letter accordingly.

²TSA Security Operations, Leader Rollout Guidance: Blended Lane TSA Pre ✓ Operations (April 21, 2019)

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screening process. For example, in a blended lane, the TSA Travel Document Checker is required to identify Pre-Check passengers and provide them with a Pre-Check card to present to the Divestiture Officer. ██████████ argues that there are no controls in place to prevent an individual from passing his or her Pre-Check or crew card to a standard passenger, immediately introducing a potential security gap into the process.³

██████████ alleged that the screening process used in “blended lanes” is confusing and unwieldy and that there are inadequate measures in place to control the vetting indicators after screening is completed. According to ██████████, after identifying the status of the passenger, agency guidance requires the Divestiture Officer to place a colored brick known as a “vetting indicator” in front of each passenger’s property on the screening belt, letting the X-ray operator know which level of screening the property should receive—crew, Pre-Check, standard, or comprehensive screening for passengers designated as high-risk. The X-ray operator must also flip a manual Pre-Check/standard switch at the X-ray machine each time the screening level changes to assist in keeping track of the appropriate screening level for each item. After screening, the Property Search Officers are required to collect the vetting indicators and return them to the Divestiture Officer for reuse. ██████████ further alleged that requiring employees to screen Pre-Check and standard passengers at random intervals via the same X-ray machine increases the likelihood that errors will occur.

██████████ noted that TSA introduced the use of blended lanes even though tests conducted by the DHS Inspector General have consistently found a near 100% failure rate for detecting deadly items in dedicated Pre-Check or standard lanes. ██████████ further noted that, to his knowledge, there has been no analysis of the potential security concerns inherent in the screening process for blended lanes in light of TSA’s continued failure to meet basic screening proficiency. Thus, ██████████ alleged that the introduction of blended lanes compromises TSA’s ability to screen passengers properly and places the public at risk of exploitable security gaps in the screening process.

Pursuant to my authority under 5 U.S.C. § 1213(c), I have concluded that there is a substantial likelihood that the information provided to OSC discloses gross mismanagement and a substantial and specific danger to public safety. Please note that specific allegations and references to specific violations of law, rule, or regulation are not intended to be exclusive. If, in the course of your investigation, you discover additional violations, please include your findings on these additional matters in the report to OSC. As previously noted, your agency must conduct

³Also of concern, and as noted in our referral dated July 26, 2018, is that the majority of Pre-Check passengers are selected from the general passenger population based on a computer algorithm that assesses their security risk. The whistleblower argues that they have not received prior enhanced security scrutiny and that the introduction of blended lanes further reduces the level of screening these passengers receive.

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an investigation of these matters and produce a report, which must be reviewed and signed by you. Per statutory requirements, I will review the report for sufficiency and reasonableness before sending copies of the agency report, along with the whistleblower's comments and any comments or recommendations I may have, to the President and congressional oversight committees and making these documents publicly available.

Additional important requirements and guidance on the agency report are included in the attached Appendix, which can also be accessed at <https://osc.gov/Pages/DOW.aspx>. If your investigators have questions regarding the statutory process or the report required under 5 U.S.C. §1213, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 804-7088 for assistance. I am also available for any questions you may have.

Sincerely,



Henry J. Kerner
Special Counsel

Enclosure

cc: The Honorable Joseph V. Cuffari, Inspector General