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DHS Form 11054 (8/10)
Reference: 49 CFR § 1520.13, Marking SSI
September 27, 2023

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

Re: OSC File No. DI-20-000038

Dear Mr. President:

I am forwarding to you reports 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), Washington, D.C. The whistleblower, Mr. [redacted], who consented to the release of his name, alleged that agency officials engaged in conduct that constituted gross mismanagement and a substantial and specific danger to public safety. The agency did not substantiate the allegations. I have reviewed the agency reports and whistleblower comments¹ and, in accordance with 5 U.S.C. § 1213(e), have determined that the reports contain the information required by statute and the findings appear reasonable. The following is a summary of the reports, the whistleblower’s comments, and my findings.²

The Allegations

Mr. [redacted] alleged that in 2019, TSA officials implemented procedures for combining standard and Pre-Check security lanes, known as “blended lanes,” which include multiple steps that increase opportunities for human error and introduce exploitable gaps in security. Mr. [redacted] asserted that with respect to the TSA policy of giving paper cards to identified Pre-Check passengers, there are no controls in place to prevent an individual from passing his or her Pre-Check or crew card to a standard passenger, introducing a potential security gap. Similarly, after identifying the status of the passenger, current agency guidance requires the Divestiture Officer to

¹ Unfortunately, Mr. [redacted] died during the pendency of this matter, prior to OSC’s receipt of the agency’s supplemental report. His comments on the first report are referenced herein.
² The allegations were referred to former Secretary Kristjen Nielsen for investigation pursuant to 5 U.S.C. § 1213(c) and (d). Former Secretary Nielsen referred the matter to TSA for investigation, and delegated the authority to oversee the investigation, take appropriate action, and sign the report to former TSA Deputy Administrator [redacted].
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.\textsuperscript{3} Mr. \textsuperscript{[redacted]} noted that TSA introduced the use of blended lanes notwithstanding consistent findings of the DHS Office of Inspector General. Further, Mr. \textsuperscript{[redacted]} alleged that the agency has not undertaken any analysis of potential security concerns inherent to the screening process for blended lanes.

Mr. \textsuperscript{[redacted]} also alleged that TSA instituted additional screening policies that compromised security, including (1) allowing Transportation Security Officers (TSO) to permit passengers without identification through security when identity verification call center (IVCC) wait times are more than 30 minutes; (2) allowing Federal Security Directors (FSD) to reduce the use of black lights and loupes during screening from \textsuperscript{[redacted]} of passengers; and (3) permitting passengers who present a self-printed Pre-Check boarding pass that cannot be scanned to proceed through standard security lanes without requiring them to obtain an official boarding pass from their airline.

The Agency’s Report

The agency did not substantiate the allegations. The agency confirmed Mr. \textsuperscript{[redacted]} description of the process for vetting passengers in blended lanes and noted that TSA conducted a blended lane pilot project at Jackson-Medgar Wiley Evers International Airport in Jackson, Mississippi, in 2018.\textsuperscript{4} Based on these results, the agency extended the use of vetting indicators to two additional airports to address any issues with the related training and procedure documents and allowed TSA’s Human Performance Branch (HPB) to conduct a review of the blended lanes operation. The HPB review produced an assessment of the blended lane procedure that included 18 recommendations for successful implementation, which reflected the same concerns outlined in Mr. \textsuperscript{[redacted]} disclosure.

After the pilot project concluded, TSA’s Lean Six Sigma team rolled out guidance that incorporated many of the HPB recommendations. In June 2019, the agency notified Federal Safety Directors (FSDs) that blended lanes were in operation immediately and could be used at their discretion. In response to the study findings, the RCA Assistant Administrator provided a memorandum to the investigators that noted the lower passenger volume criteria associated with the use of blended lanes. The memorandum also highlighted RCA’s action plan to assess the

\textsuperscript{3} These levels include crew, Pre-Check, standard, or comprehensive screening for passengers designated as high-risk.

\textsuperscript{4} The project compared the use of labeled bins for standard and Pre-Check passengers against the vetting indicator bricks. The project demonstrated that throughput of bins and indicators was relatively equal between the two methods, as was the number of times the X-ray operator had to switch between standard and Pre-Check screening procedures. However, the use of vetting indicators demonstrated increased efficiency and higher officer and passenger satisfaction.

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security effectiveness of blended lanes more accurately and to make future recommendations. RCA also stated its intention to assess procedural changes to reduce task switching and the feasibility of incorporating an automated display of the required SOPs.

The agency’s September 2020 Blended Lanes Action Plan announced the intended incorporation of blended lanes into TSA’s SOPs. The RCA Assistant Administrator asserted that the risk of card passing was a minimal vulnerability and an acceptable risk compared to the alternative, which would be handling each passenger individually and “could drive wait-time risk to an unacceptable level.” While the agency acknowledged that switching between security requirements constitutes a cognitive burden, the report emphasized the steps the agency took to minimize human error. These included HPRB recommendations on low passenger volume, enhancing officer performance, officer training, and clear delineation of duties, each of which the agency confirmed it would continue to develop. The Assistant Administrator highlighted the use of the Pre-Check card and vetting indicators as well as the toggle switch to assist officers in switching between security requirements. The agency also highlighted its analysis of Threat Image Projection (TIP)5 Detection data in August 2020 from the Phoenix International Airport, which found no statistical difference in TIP detection between standard, Pre-Check, and blended lanes.

The agency explained that with respect to boarding pass vulnerabilities, the deployment of Credential Authentication Technology (CAT) to airports began in 2019. CATs scan passenger identification cards or passports and, where deployed, are the primary tool for authenticating passenger identities, flight information, and screening status. The agency stated it is on target to have CATs installed at all security checkpoints by the end of 2026, but emphasized this target can change.

The Whistleblower Comments

In his comments, Mr. [REDACTED] asserted TSA was not using a risk-informed approach to ensuring that security operations were targeting the most likely threats. Mr. [REDACTED] noted that the report acknowledges that covert testing has not been conducted on blended lanes and that significant concerns were identified during the blended lane Pilot Project that were not addressed before the agency rolled blended lanes out nationwide. Mr. [REDACTED] asserted that TSA’s policy of employing “Intelligence Driven Risk Based Security” completely ignores the primary risk of insider threats and emphasized that senior leaders have consistently avoided explaining the rationale behind decisions on screening security that have placed aviation security at grave risk. He further stated that TSA’s findings failed to adequately explain how the agency determines risk.

5 TIP is a computer-based program that superimposes fictional threat images onto real X-ray images of accessible property.

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Supplemental Report

OSC requested a supplemental report concerning the data the agency used to support its determinations. Specifically, OSC sought an accounting of airports in which blended lanes were in use—including checkpoint size, and size relative to other airports and passenger volumes; clarification on data presented in the agency report, taken from the blended lane pilot project brief of March 28, 2019, indicating vetting indicators generated improved efficiency and higher officer and passenger satisfaction; clarification on whether data exists indicating that failure rates would improve with the use of blended lanes; clarification concerning risk assessment results from the Phoenix airport; and an assessment of how many airports are currently covered by CAT units, which the agency indicated would negate some concerns with travel document verification; and information on a projected completion date for deployment of CAT units at airports nationwide.

The agency’s supplemental report confirmed that blended lanes were widely used across airports of varying sizes. It also clarified that the improved efficiency and satisfaction referenced from the 2019 Pilot Project brief attributed the improvement in satisfaction to utilizing vetting indicators over bins and did not refer to improvements in satisfaction and efficiency from the use of bins versus vetting indicators, not blended lanes over dedicated Pre-Check lanes. The agency indicated that it chose Phoenix because of the airport’s unique ability to collect TIP data specific to blended lanes, but noted it was not specifically because Phoenix represented airports nationwide using blended lanes. Finally, regarding current boarding pass vulnerabilities and reducing cognitive burdens on security officers, the agency emphasized that continued deployment of CAT units as well as newly developing computed tomography (CT) x-ray technology, will continue to mitigate any inherent risks in blended lanes.

Special Counsel’s Findings and Determinations

I thank Mr. [Redacted] for his disclosures, which highlight risks inherent in development of TSA procedures that combine different screening methodologies. I recognize Mr. [Redacted] concerns that blended lanes necessarily introduce a risk of human error to these procedures. I note that in light of these concerns, TSA has implemented several of the recommendations from the 2019 HPB study, continues to monitor security effectiveness of blended lanes, and has recently deployed new technologies, such as CT and CAT, that will continue to help mitigate future risk. As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency reports, and the whistleblower comments to the Chairmen and Ranking Members 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,

Henry J. Kerner
Special Counsel

Enclosures