

Department of Homeland Security **Office of Inspector General**

Review of Allegations of Misconduct and
Mismanagement Within TSA's
Office of Global Strategies

(Redacted)





Homeland
Security

July 2, 2012

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.

The Administrator, Transportation Security Administration, asked that we review several allegations of management misconduct and program mismanagement within the Office of Global Strategies. Our review focused on these allegations as well as related administrative and operational issues. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, 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. We trust 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 black ink that reads "Charles K. Edwards".

Charles K. Edwards
Acting Inspector General

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Abbreviations

ASSIST	Aviation Security Sustainable International Standards Team
BMO	Business Management Office
CAP	Cap Haitian International Airport
CBP	Customs and Border Protection
CDB	Capacity Development Branch
DHS	Department of Homeland Security
EA	Emergency Amendment
EEO	Equal Employment Opportunity
FY	fiscal year
GAO	Government Accountability Office
GC	Global Compliance
GPP	Global Policy and Programs
ICAO	International Civil Aviation Organization
IIR	International Industry Representative
IO	International Operations
IPS	Integrated Plans and Support
MSPB	Merit Systems Protection Board
NSDD	National Security Decision Directive
OCC	Office of Chief Counsel
OGS	Office of Global Strategies
OIG	Office of Inspector General
OSO	Office of Security Operations
PAP	Toussaint L'Ouverture International Airport
RIPR	Risk/Incident-Driven Policy Review
SARP	Standard and Recommended Practices
SD	Security Directive
SOP	Standard Operating Procedure
TSA	Transportation Security Administration
TSAR	Transportation Security Administration Representative
TSNM	Transportation Sector Network Management
TSS	Transportation Security Specialist

OIG

*Department of Homeland Security
Office of Inspector General*

Executive Summary

On May 18, 2011, Transportation Security Administration (TSA) Administrator John Pistole received a letter from an anonymous author who made several allegations of misconduct and mismanagement within TSA's Office of Global Strategies. Administrator Pistole asked us to review the allegations.

The author provided only a general description of the allegations and little or no supporting information or examples, and appeared to have little understanding of some of the policies or programs implicated in the allegations. The allegations fell into three broad categories: security concerns, waste and inefficiency, and workplace issues.

We were unable to substantiate most of the author's allegations. Office of Global Strategies took corrective actions on assessments conducted in Haiti, is methodical in determining where to deploy its representatives around the world, and did not circumvent the hiring process or take improper actions to select two regional directors. The Capacity Development Branch has spent thousands of dollars on its training programs, but the allegation that its programs provide little more than basic screener training is inaccurate. However, we confirmed that TSA did not issue a timely Emergency Amendment for Haiti following the 2010 earthquake, and has not evaluated all preclearance airports as required. Office of Global Strategies is taking action to strengthen the Emergency Amendment process and the preclearance program.

We did not identify any discrepancies or evidence of favoritism regarding Office of Global Strategies' administration of awards, promotions and in-position increases, training, and hiring processes, but some employees perceive problems in these areas. Many employees claimed to be fearful of retaliation, but few said they actually experienced it. We have made two recommendations in this report.

Background

In October 2007, the TSA established the Office of Global Strategies (OGS) to consolidate all TSA international activities under one office, streamline operations, and ensure a cohesive approach in support of TSA's international aviation security mission. TSA brought together under the direction of one Assistant Administrator personnel from several offices, including the Office of Transportation Security Policy, the Office of Security Operations (OSO), Transportation Sector Network Management (TSNM), and Maritime and Land Security.

OGS' mission is to develop and promote the implementation of effective/enhanced global transportation security processes and structures worldwide while ensuring compliance with international and TSA standards. To accomplish this mission, OGS works with foreign partners and transportation entities operating overseas by identifying risk through compliance assessments and inspections, mitigating risk through capacity development and outreach/engagement, and responding to international incidents as they occur.

OGS currently has approximately 240 personnel operating at various domestic and international locations, and is organized into five divisions:

- Global Compliance (GC) evaluates foreign airport security postures in accordance with recognized security standards established by the International Civil Aviation Organization (ICAO), a specialized agency within the United Nations. The division is also responsible for conducting assessments on foreign and domestic air carriers that provide international service to the United States. To carry out its responsibilities for conducting foreign airport and air carrier assessments, GC employs Transportation Security Specialists (TSSs) who operate out of one of the five Regional Operations Centers.
- International Operations (IO) executes TSA's international outreach and engagement strategy. To carry out its mission, IO employs Transportation Security Agency Representatives (TSARs). TSARs are stationed at diplomatic posts and serve

as agency representatives to foreign governments and their aviation authorities. They liaise with foreign governments to initiate corrective actions and mitigate security deficiencies identified in GC's foreign airport assessments, ensuring that foreign air transportation systems meet international standards for aviation security. TSARs also work toward the immediate implementation of enhanced security measures to counter terrorism threats not originally identified when international aviation security standards were developed.

- Global Policy and Programs (GPP) is the primary aviation security policy office in OGS. GPP is divided into three branches. The Global Policy and Programs Branch develops transportation security processes. The International Air Carrier Program Branch consists of a group of International Industry Representatives (IIRs) who serve as the primary liaison between TSA and foreign air carriers and foreign all-cargo carriers regarding aviation security matters. The Cargo Branch advises OGS leadership on air cargo security matters and manages OGS involvement in international air cargo security programs.
- Integrated Plans and Support (IPS) serves both an operational and internal support mission. IPS is divided into four branches. The Capacity Development Branch (CDB) provides targeted assistance to foreign aviation security partners in countries where aviation security assistance is necessary for the enhancement of security or where measures in place do not meet either international or U.S. standards. The Training and Development Branch manages OGS employee training and professional development programs. The Rapid Response Branch manages OGS critical incident or disaster response operations. The Risk/Systems Branch supports OGS by managing technical innovation and risk analysis programs.
- Business Management Office (BMO) oversees resources and services in support of OGS operational readiness. It is divided into Human Resources, Budget, and Logistics branches.

In response to new challenges in securing inbound international flights, most notably the failed 2009 Christmas Day bombing, Congress has allocated additional resources to OGS. For example, in fiscal year (FY) 2011, Congress provided an additional \$32.2 million to fund 74 new positions to enhance and manage international programs at 25 offices in high-risk areas, in order to train host nations to mitigate vulnerabilities and ensure that they comply with international aviation standards. In FY 2012, OGS plans to hire an additional 53 personnel, including seven Supervisory TSSs and 35 TSSs, when funds become available.

The Allegations

On May 18, 2011, TSA Administrator Pistole received a letter from an anonymous author who made several allegations of misconduct and mismanagement within OGS. The author also wrote that many believe that TSA's Deputy Administrator knew misconduct and mismanagement existed and withheld information from the TSA Administrator.

The author provided only a general description of the allegations and little or no supporting information or examples, and appeared to have little understanding of the many policies or programs implicated in the allegations. The author remained anonymous during this review. Based on what we could infer from the letter, the allegations fell into three categories:

1. Security concerns resulting from the failure to—
 - Take corrective actions with regard to TSA assessments conducted in Haiti;
 - Issue Emergency Amendments in a timely manner; and
 - Address deficiencies at preclearance airports promptly.

2. Waste and inefficiency due to the—
 - Creation of the Regional Director position;
 - Random placement of TSARs;
 - Programs administered by CDB; and

- Volume of unnecessary travel.
3. Workplace issues involving—
- Discrimination;
 - Favoritism; and
 - Abuse of power

Results of Review

We were unable to substantiate most of the anonymous author’s allegations. OGS took corrective actions on assessments conducted in Haiti, is methodical in determining where to deploy its representatives around the world, and did not circumvent the hiring process or take improper actions to select two regional directors. CDB has expended significant resources on training, and the allegation that its programs provide little more than basic screener training is inaccurate. We confirmed that TSA did not issue a timely Emergency Amendment for Haiti after the 2010 earthquake and that TSA has not evaluated all preclearance airports. TSA is taking action to strengthen the Emergency Amendment process and the preclearance program. We also determined that OGS follows a thorough process to evaluate, select, and deploy TSARs.

Immediately after we initiated our review, several current and former employees contacted us to talk about their experiences in OGS. Employees were less concerned about the “security” and “waste and inefficiencies” issues raised in the email—some challenged that these were even issues—and were much more interested in discussing possible acts of discrimination, favoritism, and abuse of power. We engaged with employees at all levels of OGS to gain a better understanding of the work environment and how OGS carries out its mission. We seldom heard concerns about how OGS accomplishes its aviation security responsibilities.

Some employees made allegations against specific supervisors or managers. Although we obtained a general understanding about those situations, we did not review these individual allegations in depth because the determination of whether one employee was retaliated against, discriminated against, or favored over another is a complex matter that may not be resolved until reviewed by the Equal Employment Opportunity Commission, Merit Systems Protection Board (MSPB), or a court of law. Overall, employees’ opinions of management were mixed, although few

employees complained that OGS is not carrying out its aviation security responsibilities adequately.

OGS Took Corrective Actions on Assessments Conducted in Haiti

The author of the letter characterized OGS' involvement in Haiti after the January 2010 earthquake as "disastrous." The author alleged that, although numerous deficiencies in critical areas were identified, OGS failed to follow its own security policies and procedures and, most important, failed to take immediate action to correct identified vulnerabilities. This, the author alleged, meant that the Haitian airports operated with great risk and vulnerabilities for months. To protect sensitive security information, the author did not provide any details.

Based on the security assessments OGS conducted in Haiti, the actions OGS has taken to address the deficiencies identified in those assessments, and additional actions OGS has taken in Haiti, we determined that TSA took appropriate corrective actions in Haiti.

OGS Deployed Incident Response Teams to Haiti After the Catastrophic Earthquake in January 2010

The Republic of Haiti has two international airports that operate flights to the United States. Toussaint L'Ouverture International Airport (PAP) in the capital city of Port-au-Prince is the country's primary airport, offering commercial air service by major U.S. and international air carriers. PAP security staff includes 165 Security Agents and 15 supervisory staff. Cap Haitian International Airport (CAP) is located in the northern coast city of Cap Haitian. CAP, which operates a small number of charter and cargo carrier flights to the United States, is staffed by 20 Security Agents and five supervisors.

On January 12, 2010, a catastrophic earthquake struck Haiti. The magnitude 7.0 earthquake's epicenter was approximately 16 miles southwest of Port-au-Prince. This earthquake caused extensive damage to buildings and infrastructure, including significant damage to PAP. The Haitian Government reported that between 217,000 and

230,000 people died, and estimated that 1 million people were left homeless.

On January 13, 2010, OGS activated a Crisis Incident Management Group. TSA's mission in response to the earthquake was to protect passengers traveling on U.S. and non-U.S. aircraft operating to and from the United States. After the earthquake, OGS deployed "Go Teams" to Port-au-Prince and Santo Domingo, Dominican Republic. The Go Team deployed to Santo Domingo, which arrived on January 19, 2010, provided aviation security oversight at Las Americas International Airport and coordinated with the Department of State for the evacuation of U.S. citizens from the U.S. Embassy in Haiti to San Ysidro Air Base in Santo Domingo. After conducting an initial airport security assessment, the Go Team noted no security deficiencies at either Las Americas International Airport or San Ysidro Air Base. The Go Team operating in Santo Domingo departed January 28, 2010.

The Go Team assigned to PAP in Port-au-Prince arrived on January 20, 2010. After its initial assessment of PAP security operations, the Go Team identified the following problems:

[REDACTED]

The Haiti Go Team's efforts included establishing security checkpoints to conduct evacuee operations, assisting in perimeter control, reducing tarmac congestion, providing logistical support, facilitating incoming relief supplies, and assisting in the restoration of commercial flight operations at PAP. On February 3, 2010, TSA screening equipment and technology were deployed to PAP by military aircraft. This shipment included five x-ray machines, five walk-through metal detectors, three explosive trace detection machines, 25 handheld metal detectors, and 60 storage bins for passengers' use at the x-ray screening stations. Beginning on February 9, 2010, OGS staff trained 89 Haitian National Airports Authority security employees and 15 U.S. Air Force personnel on how to set up a checkpoint and how to calibrate and operate the screening equipment.

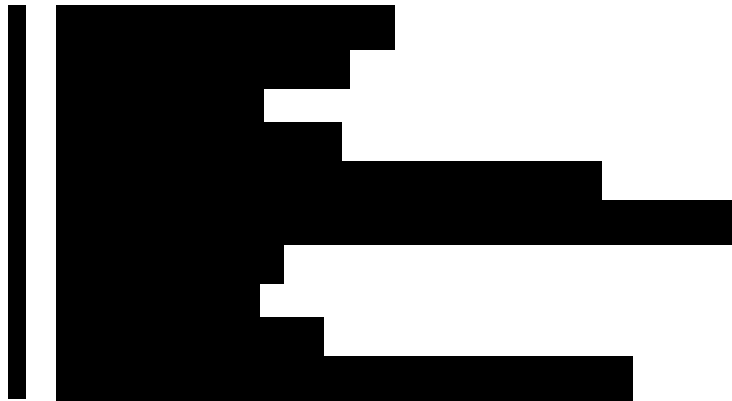
[REDACTED]

On February 19, 2010, limited commercial air service from PAP to the United States was resumed. Over the next few days, the Go Team observed security operations for the screening of commercial flights to the United States, and made on-the-spot adjustments to procedures until the Go Team's post-earthquake assistance at PAP ended on February 21, 2010.

OGS Took Actions To Address Security Concerns

OGS conducted an assessment of PAP from March 24 through April 2, 2010. The assessment team concluded that most security measures at PAP did not meet minimum international security standards for civil aviation. The team identified five of the critical ICAO Standard and Recommended Practices (SARP) categories as deficient. [REDACTED]

[REDACTED] The assessment team documented security deficiencies in the following categories:



In August 2010, OGS initiated the Aviation Security Sustainable International Standards Team (ASSIST) program for Haiti to improve aviation security procedures and raise the security level in Haiti to international standards.² The Haiti ASSIST program employed a two-phase approach. The first phase focused on mitigating the critical SARPs identified in the March 2010 Foreign Airport Assessment

² See p. 31 for a detailed description of the ASSIST program.

Report.³ The second phase is to advance the long-term sustainability of Haitian aviation security programs. Although the program aims to enhance the security posture at both Haitian airports, OGS has focused most of its resources on PAP, the nation's major international airport as PAP has a significantly larger volume of commercial service to the United States than CAP.

From October 13 to 24, 2010, and with the assistance of Transport Canada and the Canadian Air Transport Security Authority, OGS conducted ASSIST Security Screener Training at PAP. Screening techniques training included instruction on improving security procedures to identify and prevent the introduction of prohibited items onto aircraft and in secure areas. ASSIST trainers presented a screening instructor skills course to five security supervisors and two National Airports Authority security operations employees. It was OGS' intent to certify local screening instructors to train the National Airports Authority screening workforce. The newly certified Haitian security instructors, with support from ASSIST staff, then provided screening techniques training for eight National Airports Authority Security Agents. Following screener training, the ASSIST team provided management training to 14 screening supervisors.

OGS conducted a foreign airport assessment of PAP approximately 1 year after the March 2010 assessment, from February 14 to 22, 2011. The assessment team documented security deficiencies in the following categories:

[REDACTED]

Although the assessment team did observe several security deficiencies, including [REDACTED] the airport's security posture had improved from the March [REDACTED]

³ Foreign Airport Assessment Reports document information gathered during Global Compliance assessments of international airports. The reports contain an overview of assessment findings, operational information, and recommendations for mitigating security deficiencies.

2010 assessment. [REDACTED]

[REDACTED] The assessment team identified only one critical SARP deficiency, which improved PAP's overall vulnerability rating. After that assessment, OGS conducted ASSIST [REDACTED] Training in Port-au-Prince. From April 24 to 28, 2011, ASSIST trainers provided [REDACTED] training to 11 Haitian security screeners. The training was based on ICAO security standards and focused on [REDACTED]

OGS uses the Open SARP Tracking Tool to monitor deficiencies noted in the assessment reports. This tool provides a record of any unresolved or open deficiency noted after it is first reported until it is resolved and closed. To further determine whether OGS has taken actions to address security concerns, we reviewed Haiti aviation security vulnerabilities documented in the Open SARP Tracking Tool.

We determined that OGS is mitigating security concerns at PAP. As of October 19, 2011, either the TSAR for Haiti or the Haitian Government began correcting seven of the eight open security items listed in the Open SARP Tracking Tool. The open SARP item, which did not list specific mitigating actions by either the TSAR or the government, was the absence of an updated Airport Security Program for PAP. However, OGS wrote a corrective action plan to assist Haiti in updating the Airport Security Program.

OGS Has Developed a Long-Term Plan to Assist Haiti in Establishing Sustainable Aviation Security Operations

In addition to providing training and technology to Haitian security staff to mitigate critical SARPs, OGS has acknowledged the need to address broader strategic issues in Haiti's aviation security programs.

For example, OGS has established a long-term strategy to address the need to implement a sustainable aviation security framework in Haiti. OGS implemented the Haiti Aviation Security Engagement Strategy and Action Plan on August 1, 2011. The plan aims to enhance TSA's efforts to assist the Government of Haiti in building an aviation

security framework, at both the national and airport level, which provides for more effective aviation security measures to protect travelers who fly.

In addition to identifying actions for mitigating specific aviation security deficiencies, the plan specifies a comprehensive strategy to improve Haitian airport security, which includes multilateral and bilateral engagement among stakeholder nations, international outreach to include other donor states, technical assistance for national and airport security plans, and training courses, and continues needs assessment. OGS plans to conduct modified airport assessments and air carrier inspections in Haiti to evaluate the effectiveness of its efforts.

The plan was scheduled to go into effect during the fourth quarter of FY 2010 and remain in effect through FY 2013. However, OGS management told us that continued political instability, as well as the inability of Haiti to maintain security technology and equipment, have hindered the plan's implementation and OGS's pursuit of long-term strategic goals in the country.

TSA Did Not Issue a Timely Emergency Amendment for Haiti

The author of the letter alleged that security is being compromised because OGS is taking too long to draft and release Emergency Amendments (EAs). The author claimed that Haiti is just one example of how time-consuming the EA process is. The author pointed out that an EA should have been drafted immediately after deficiencies were identified, but OGS took months to draft and release an EA. The author did not provide other examples.

We confirmed that it took TSA several months to issue the EA for Haiti and that TSA's internal processes may have contributed to this delay. TSA issued the EA for Haiti on November 29, 2010, more than 10 months after the earthquake. However, in addition to OGS, several other TSA offices are involved in drafting and releasing EAs. Additionally, at the time TSA was preparing the Haiti EA, it did not have a Management Directive or Standard Operating Procedure (SOP) setting forth guidance and timelines for issuing EAs.

Many Offices Have a Role in the EA Process

TSA uses EAs to revise the security requirements placed on foreign air carriers in response to a specific incident or to mitigate an imminent threat. When an incident occurs—such as the attempted terrorist attack on Christmas Day 2009 or the attempted Yemen cargo-based attack in October 2010—or an imminent threat arises, TSA evaluates whether an EA is needed. As part of this process, OGS (and other offices as appropriate) consults with TSA’s Office of Intelligence. If it decides that the severity of the situation or additional intelligence justifies an EA, OGS identifies countermeasures that may be required to mitigate the situation. All EAs are initially issued with a temporary status, but they usually have a defined end date. EAs may be permanently integrated into the baseline security requirements contained in TSA’s Model Security Program, which foreign air carriers must adopt for permission to fly into and out of the United States.

Although OGS has a major role in drafting and issuing EAs, OGS is not the only TSA component involved in the process. Because EAs must be co-drafted with Security Directives (SDs) issued to U.S. carriers, OSO and TSNM share responsibility for creating an EA. TSA’s Office of Chief Counsel (OCC) provides legal guidance and opinion on the nature and scope of the actions under consideration. Depending on the issue being addressed, other DHS components and other federal agencies may also be involved in the process. Some EAs might require a final review by the White House National Security Strategy Office. At a minimum, once TSA issues an EA, the Department of State will facilitate distribution of advance copies to the embassies. The responsible TSAR will communicate the technicalities of the EA to the appropriate officials at the embassy.

Although TSA should issue EAs promptly, the timeframe from drafting to issuance varies by the severity of the incident or vulnerability. TSA can issue incident-driven EAs quickly. However, EAs driven by security deficiencies, such as the situation in Haiti, take longer to prepare because they must include recommendations for

corrective actions. These recommendations provide a basis of comparison once the airports and air carriers are reassessed to determine whether the issues have been resolved.

TSA issues EAs infrequently. TSA issued only 1 EA in 2009, 8 in 2010, and 13 in 2011. Of these 22 EAs, 3 were canceled, 2 expired and were not reissued, and 1 was superseded. Accordingly, there are only 16 active EAs. TSA has considered whether to issue other EAs. However, given the nature of the incident or vulnerability and the analysis of the threat, some proposed EAs were canceled during the review process or when the situation that led to drafting the EA no longer existed.

TSA Took at Least 4½ Months To Issue the EA for Haiti

On November 29, 2010, TSA issued an EA for Haiti. This was at least 4½ months after OGS finished drafting the EA and more than 10 months since the earthquake. The EA stipulated that prior to departure, foreign air carriers must perform additional security measures for flights bound for the United States from airports in Haiti.

OGS officials agreed that serious delays occurred between drafting and releasing the Haiti EA. OGS officials could not identify the date OGS began to draft the EA, nor could they estimate how long it took for OGS to complete the initial drafting and review. They provided a timeline showing that the draft EA and corresponding draft Security Directive experienced a lengthy review that involved the OSO Procedures Division, TSNM, General Aviation, and the OCC between July 15 and November 24, 2010, when Administrator Pistole signed the final EA. At the time that TSA was preparing the Haiti EA, there was no established Management Directive or SOP concerning the issuance of EAs. According to OGS management officials, this fact contributed to the amount of time it took to issue the Haiti EA.

TSA Has Established a New EA Process

On July 22, 2011, TSA implemented the Risk/Incident-Driven Policy Review (RIPR) process and assigned its oversight and responsibility to OSO. RIPR establishes procedures for assessing requests for and

developing EAs, SDs, or other policies. It mandates that the TSA Administrator, Deputy Administrator, or the Assistant Administrator of OSO is responsible for determining when a RIPR working group will review an issue and for assigning a RIPR team lead.

The team lead of RIPR is usually the Deputy Assistant Administrator of OSO, OGS, or TSNM, and is authorized under the SOP to complete a problem statement of the event that initiated the working group. The team lead works with the Assistant Administrators to discuss and select the team members.

In developing the policy, EA, or SD to implement, the RIPR working group determines what countermeasure will be implemented to mitigate the threat and provides its recommendations to the Senior Leadership Team of TSA. Upon review and approval by the Senior Leadership Team, the RIPR working group finalizes the documents and distributes them to their respective Assistant Administrators. Once the Assistant Administrators approve the package, all internal and external stakeholders are briefed on the specific actions to be implemented. OGS management officials are optimistic that the new process will significantly reduce the amount of time needed to issue future EAs.

Although the RIPR process was only implemented in July 2011, TSA has since changed the process through the issuance of a Management Directive. TSA Management Directive No. 2100.5, which covers all security program amendments, including EAs, was signed by the TSA Administrator in March 2012. It includes several new contributors to the EA creation, review, and approval process. These contributors include the Office of Security Operations, Office of Chief Counsel, Office of Intelligence and Analysis, Office of Security Capabilities, Office of Law Enforcement/Federal Air Marshal Service, and Office of Policy Coordination and Intergovernmental Affairs. The directive assigns primary oversight to the Office of Security Policy and Industry Engagement (formerly known as TSNM), and secondary oversight to OGS. However, the directive does not establish timeframes within which each office must complete its actions with regard to the EA drafting process.

Recommendation

We recommend that the TSA Administrator:

Recommendation #1: Establish and implement timeframes for issuing Emergency Amendments, including deadlines for TSA offices involved in reviewing and providing comments on them.

Management Comments and OIG Analysis

Management Comments to Recommendation #1

TSA concurred with the recommendation. In its response, TSA indicated that it has realigned its RIPR process in order to solidify responsibility for policy, including the development of SDs and EAs, within the newly created Office of Security Policy and Industry Engagement (OSPIE). Additionally, TSA stated that the new process is codified in Management Directive 2100.5, which was issued by the TSA Administrator on March 15, 2012. Finally, TSA advised that the new directive will be further supported by a standard operating procedure that will specify timelines, roles, and responsibilities.

OIG Analysis

We concur with TSA's response. In its action plan, TSA should provide a copy of the standard operating procedure developed to support Management Directive 2100.5. We will close this recommendation pending review and concurrence with this document.

This recommendation is Resolved – Open.

TSA Has Not Evaluated Passenger Screening Procedures at All Preclearance Airports

DHS operates customs preclearance services at 14 international airports. Title 19 USC 1629 grants the Secretary, when authorized by treaty or executive agreement, the authority to station customs officers at foreign locations to examine people, cargo, and merchandise prior to their or its arrival in the United States.

Customs and Border Protection (CBP) has primary responsibility for preclearance operations. At designated preclearance airports, CBP inspectors use customs procedures comparable to those conducted at U.S. ports of entry to clear passengers and their belongings for entry into the United States. TSA, through its Preclearance Aviation Security Operations Program, is responsible for assessing the host airport's passenger checkpoint screening to determine whether the foreign airport's screening procedures are comparable to aviation security standards for U.S. airports.

TSA conducts comparability observations, or evaluations, of preclearance airports and documents results in preclearance evaluation reports. Observation teams led by an IPS manager from the OGS Technical Assistance Group conduct the preclearance comparability observations. In addition to IPS staff, comparability observation teams often include the TSAR who is responsible for the preclearance airport and a TSA expert in domestic screening procedures.

For preclearance comparability observations, TSA teams evaluate the airport's passenger security screening procedures and the implementation of passenger checkpoint screening measures to assess comparability with U.S. standards for domestic screening. Teams analyze passenger, crew, and property screening; screening equipment; checkpoint design; and screener training and supervision to determine whether the airport is comparable to U.S. standards based on its observations.

DHS preclearance services allow passengers who undergo CBP inspection and checkpoint screening at preclearance airports to deplane into the sterile area of a U.S. airport and continue domestic travel without undergoing further CBP or TSA screening. However, TSA still screens checked baggage from

preclearance locations at the U.S. port of entry. Preclearance airports are located in Canada, Ireland, and the Caribbean and account for 16 percent of all international inbound traffic to the United States.

OGS Has Never Assessed Some Preclearance Locations and, Until Recently, Did Not Have Written Guidance for Their Evaluation

The author of the letter alleged that OGS has been “very slow” in addressing deficiencies at preclearance airports. The author did not identify or explain the deficiencies.

We validated the author’s allegation. [REDACTED]

The evaluation process was slow for two reasons. First, memorandums of cooperation between TSA and host governments recognizing preclearance operations and cooperative efforts to enhance security screening do not exist for all 14 preclearance locations. [REDACTED]

[REDACTED] OGS management officials advised us that efforts are underway to establish these agreements, but could not tell us when these actions would be completed.

Second, although OGS has been responsible for the preclearance program since late 2007, headquarters was not managing the program until the program transferred to IPS in 2010. Instead, individual TSARs managed the preclearance process at airports within their areas of operation. During this time, TSA did not have standard processes and procedures for conducting comparability observations, or a schedule for executing the assessments. Without established operating

procedures, a policy to define comparable security screening did not exist. As a result, it is possible that TSA used inconsistent evaluation standards and metrics to determine whether screening procedures at preclearance locations are comparable to U.S. standards.

However, OGS has made programmatic changes bringing greater focus to the program. In December 2010, IPS assumed responsibility for the program. Since then, OGS has taken several steps to strengthen the program, including reinitiating preclearance comparability assessments and establishing an SOP. Table 1 shows the dates of the most recent assessments and the schedule for upcoming assessments.

To standardize the program, OGS issued an Operations Directive that provides a foundation for the program and delineates a four phase process for evaluating Preclearance Aviation Security Operations Program locations. Under the directive, OGS will conduct preclearance comparability evaluations visits annually. The process includes a baseline visit to assess comparability to domestic screening standards, followed by period of remediation in which security gaps are resolved. Should remediation of a security concern be required, an airport will be reevaluated to determine the status of any comparability gap. The operations directive further clarifies the roles and responsibilities of TSA program offices outside of OGS that are involved in the Preclearance Aviation Security Operations Program. OCC is responsible for negotiating memorandums of cooperation for each preclearance location, including any technical annexes, while OSO assists in the development of evaluation criteria, training activities, and preclearance evaluations.

In addition to the operational directive, OGS drafted a comprehensive SOP which provides specific operational steps and guidance for administering the Preclearance Aviation Security Operations Program. The document includes program goals and objectives, defined roles and responsibilities, a description of the program's process and procedures for conducting comparability assessments, and strategies for mitigating security risks. In developing this document, OGS has conducted several site visits to test and assess the SOP's methodology.

In November 2011, OGS began piloting a new reporting format and scoring system for Preclearance evaluation reports. The results of the evaluation, a comparability score, and recommended corrective actions for any identified gaps will be presented in a Preclearance Observation Summary Report. Evaluation teams document their observations of 41 screening categories in a detailed Preclearance Comparability Analysis. Preclearance airports must attain a Preclearance Comparability Analysis score that meets or exceeds a certain threshold to achieve comparable status.

Recommendation

We recommend that the TSA Administrator:

Recommendation #2: Require rescreening of all passengers arriving at U.S. ports of entry from preclearance airports that fail to achieve comparable status.

Management Comments and OIG Analysis

Management Comments to Recommendation #2

TSA concurred with the recommendation. In its response, TSA stated that the preclearance program established within OGS will provide ongoing evaluation of the security operations at preclearance airports to ensure that they are comparable with U.S. standards. Where these procedures are found to be deficient, TSA will work with the appropriate authorities to achieve comparability so that operations may continue and that passengers arriving in the United States from preclearance airports can seamlessly transfer to flights.

OIG Analysis

Although TSA indicated concurrence with the recommendation, its response indicates only partial concurrence. TSA stated that in cases where a preclearance airport has significant areas of noncomparability or where the risk is too great, TSA may require the rescreening of passengers and property arriving in the United States from that location until such time as the appropriate authority implements adequate security measures to ensure comparability with U.S. standards. TSA explained that it has several options available to address preclearance flights from locations where deficiencies exist. In addition to rescreening passengers and baggage, other options include issuance of a location specific SD and/or EA, and/or a reevaluation of the preclearance program at that location. While we appreciate that TSA has other options available to it, we believe that TSA should issue guidance that makes it clear that, at a minimum, passengers and property arriving from any preclearance airport that does not maintain comparability with U.S. standards will be rescreened. We will close this recommendation pending receipt and review of this guidance.

This recommendation is Resolved - Open

Creation of the Regional Director Position Raised Concerns

The author of the letter alleged that the creation of the regional director position added an unnecessary layer of bureaucracy and is a waste of government funds. The author asserted that the TSARs are K-band employees who should not require close supervision by a regional director and should be able to work effectively with foreign governments without the presence of a regional director. The author alleged that the costs of sending the regional directors and their families overseas, overseas education for their children, and acquiring overseas real estate were a waste of government funds. One of the positions was in Frankfurt, Germany, and the other was in the Republic of Singapore.

OGS provided ample justification for creating the positions, which were vetted by TSA's Executive Resources Council. The Executive Resources

Council provides guidance and recommendations to the Deputy Administrator and Administrator regarding recruitment and selection of individuals at the senior-executive level. Because we determined that there was ample justification for creating the positions, we were less concerned with the costs involved in their deployment. The costs incurred are the same as would be expected for any overseas assignment of OGS personnel.

OGS management's communication regarding the roles and responsibilities of the position, as well as other actions, were legitimate reasons for the author and others to question the need for the positions and whether OGS might have created these positions for the individuals now occupying them. Further, OGS management provided conflicting descriptions of the regional director's roles and responsibilities and did not implement the position as originally approved by the Executive Resources Council. However, OGS did not circumvent the hiring process or take improper actions to select either the Frankfurt or Singapore regional directors.

The allegation called attention to an area of ongoing tension within OGS. Management believes that executive-level experience is required to represent TSA's interests when dealing with foreign governments or a crisis, but support for this approach is not unanimous within OGS. The decision to create and deploy regional directors caused mixed reactions by OGS staff. We spoke with 29 K-band employees about the new regional director positions. K-band employees in OGS tend to be Regional Managers located at TSA headquarters, Regional Operations Center Managers, and TSARs. They are the employees who are most likely to have direct interaction with the regional directors. Fourteen K-band employees said that they either support the establishment of regional director positions or believe that the position has the potential to enhance OGS operations. Two employees supported the establishment of a regional director in Europe, but felt that individual directors were not necessary for other regions.

Eight employees did not support the new position. They gave a variety of reasons. For example, one employee questioned the need for a field executive to direct TSA operations during crisis situations, explaining that incidents of a scale requiring crisis response occur infrequently. Another employee believed that the implementation of regional directors duplicates efforts already undertaken by TSARs, and three TSARs believed that the money to fund the regional director position would be better spent on hiring additional inspectors

or support staff at lower pay bands. Five K-band employees offered no opinion concerning the positions.

Some of the 29 K-band staff cited a need for better communication from OGS management about justifying, establishing, and deploying new regional directors. Eight K-band employees said they understood the role of the regional director and how the position fit into the OGS organizational structure. Eight others said they did not clearly understand the role and responsibilities of the regional director and how the new directors fit into the OGS organizational structure, with three of these employees saying they were unclear about how the reporting structure would change.

OGS's Justification for the Regional Director Position

Regional directors are executives who oversee international field operations and manage interagency relationships to mitigate international transportation security vulnerabilities. OGS created the position to provide TSA with executive-level representation for the Assistant Administrator in meetings and negotiations with foreign governments. TSA initially authorized the international deployment of two regional directors in December 2010.

First, regional directors serve as advisors and experts to foreign officials to consult on security procedures, share best practices, and identify common policies to minimize duplication of effort. Second, they are charged with integrating and unifying the efforts of the various OGS operational directorates. OGS management officials described this as the ability to cut across directorate lines in order to advance a more consistent international strategy. Third, they will lead OGS efforts during a crisis and incident response situations within their area of operation. Because of time differences between TSA headquarters and the various international locations where TSA operates, regional directors have a great deal of autonomy and are expected to exercise independent judgment while making time-sensitive decisions for the agency.

OGS originally requested approval of four regional director positions to cover Asia/Pacific, Europe, Western Hemisphere, and Africa/Middle

East. The Executive Resources Council authorized only the Asia/Pacific (Singapore) and Europe (Frankfurt) positions.

OGS Management Has Provided Conflicting Descriptions of the Regional Director's Roles and Responsibilities

Contributing to the uncertainty of the need for new regional director positions were the conflicting descriptions that OGS management provided with regard to their roles and responsibilities.

On December 22, 2010, the OGS Assistant Administrator presented a request to the Executive Resources Council for two regional director positions. The Executive Resources Council approved regional director positions for Asia/Pacific and Europe, and directed OGS to advertise the positions and evaluate funding for them.

The approved December 2010 Executive Resources Council package states that regional directors will oversee all tactical operations within their area of responsibility and have direct supervisory authority over TSARs and Regional Managers. The package further states that “reporting directly to the Director of IO, the regional director will receive guidance on outreach and engagement priorities for TSA and OGS that will then be implemented directly with high level government counterparts in the field.”

However, a March 8, 2011, action memorandum from the OGS Assistant Administrator to Administrator Pistole describes the regional director position differently. The action memo, which requested approval to forward a National Security Decision Directive (NSDD)-38 request to the DHS Office of International Affairs, stated that regional directors are responsible for *oversight* of each Regional Operations Center, TSAR, and IIR within their area of responsibility.⁴ The request did not describe the regional director's supervisory authority over TSARs and Regional Managers, as the Executive Resources Council package did. The same oversight description is written in a subsequent undated action memo from Administrator

⁴ NSDD-38 gives the Chief of Mission control of the size, composition, and mandate of overseas full-time mission staffing for all U.S. Government agencies. An NSDD-38 request is required to initiate DHS staffing changes at overseas diplomatic posts.

Pistole to DHS Deputy Secretary Jane Lute requesting that DHS initiate the NSDD-38 process.

Then, in a March 15, 2011, action memorandum from the Assistant Secretary for Policy to Secretary Janet Napolitano, the regional director position is described differently again. The memorandum requests authorization for the Office of Policy to initiate the formal NSDD-38 process with the Department of State, thus allowing TSA to post Senior Executive Service-level regional directors in Singapore and Frankfurt. Similar to the preceding action memos, the document states that the regional directors will be responsible for oversight of each Regional Operations Center, the TSAR, and the IIR within their area of responsibility, but does not mention supervisory responsibilities over TSARs. However, this action memo states that the regional director “would be the supervisor of all TSA personnel at post,” meaning “nine staff in Singapore and 33 staff in Frankfurt.” This description of the regional director position is different from all the previous documents. On March 30, 2011, Secretary Napolitano approved the request for action.

Finally, TSA’s formal NSDD-38 applications for Singapore and Frankfurt, which were approved by the Department of State, says in the “Justification for Requested Position” section that regional directors will be responsible for administrative and technical oversight of each Regional Operations Center, TSAR, and IIR in their respective areas of responsibility. The request does not call for supervisory authority over OGS employees, as had previously been approved by the Secretary of DHS.

The regional director position has not been implemented as originally approved by the Executive Resources Council. Regional directors have no supervisory responsibilities over OGS employees. When OGS leaders announced the regional director position, they explained that the reporting structure for staff in GC and IO would not change. TSARs, Regional Managers, and the IO Director have maintained their reporting relationship, although TSARs and Regional Managers have been instructed to coordinate their efforts and share pertinent information with the regional director so they can continue to implement TSA’s strategic direction within their region. Furthermore,

the Singapore and Frankfurt regional directors do not report to the Director of IO as approved by the Executive Resources Council. Instead, the regional director position reports directly to the Assistant Administrator. The Singapore regional director told us that while he partners with the Director for IO, he has always operated under the assumption that he would report directly to the Assistant Administrator. The Singapore regional director added that the original justification for the regional director position offered two possible reporting structures. However, these documents did not mention alternate reporting structures in the justification package approved by the Executive Resources Council.

The Selection of One Regional Director Led to Perceptions That OGS Created the Position for Him

Prior to the Executive Resources Council's approval of the current regional director positions, OGS had proposed to the council a new TSA Senior Executive Service position called an International Transportation Security Executive to be based in Sydney, Australia. On April 1, 2010, OGS asked the Executive Resources Council whether it could create this position and sought approval for a specific candidate to fill it. The Executive Resources Council postponed a decision pending further discussion. We could find no record that the establishment of this position received any further consideration.

However, the fact that OGS had considered a candidate for placement in an international OGS position before the position existed raised legitimate concerns. We spoke with 46 OGS employees who said they were aware of instances where they believed a position was created for a particular individual. Nine employees specifically cited the creation of the regional director as an example.

The manner in which OGS selected the former OGS Deputy Assistant Administrator for the Singapore regional director position was not improper. He applied for the position through a vacancy announcement posted on USAJobs and was ultimately determined to be the best qualified candidate. The Executive Resources Council reviewed and approved his selection at its April 14, 2011 meeting.

We found nothing improper in the selection of the former Assistant Administrator of OSO for the regional director position in Frankfurt. The Executive Resources Council also approved his selection at its April 14, 2011, meeting.

TSAR Positions Are Properly Placed

The author of the letter alleged that the random placement of TSAR positions has resulted in waste and inefficiency. The author suggested that OGS has too many (three) TSARs in the Caribbean because it is not a high threat level area, and too many in Europe because the current OGS leadership is very Eurocentric. The author believes that OGS should spend more “energy working with developing countries. Several employees also expressed to us their concerns about how OGS selects TSARs, their qualifications, and, in some cases, where they are located.

Based on our review of TSAR positions in the Caribbean and Europe, and their areas of responsibility, we determined that management’s rationale for placing TSARs globally is sound.

Overview of the TSAR Position

The current TSAR position came out of a program established by the Federal Aviation Administration as a result of the *Aviation Security Improvement Act of 1990* (P.L. 101-604), which mandated that the Federal Aviation Administration take initiatives to enhance international aviation security. As a result, Civil Aviation Security Liaison Officers were created and posted at 20 different locations overseas. The first one was deployed to the American Embassy in London and was involved in ICAO conferences and assisted with furthering U.S. security initiatives with the United Kingdom’s airports and air carriers. This initial engagement with foreign aviation security officials served as a significant precedent for future initiatives between the United States and partnering governments.

The current TSARs are K-band employees who rely on their knowledge and experiences in diplomacy and aviation security to negotiate with foreign countries. They help TSA and DHS carry out

critical U.S. initiatives regarding aviation security. TSARs work to advance TSA objectives overseas, while enhancing partnerships with foreign governments. They must be politically savvy and able to negotiate with high-level foreign government officials, develop and maintain partnerships in the aviation security community, and provide quick resolutions in crisis situations. The TSAR serves as the coordinator for TSA and DHS teams regarding transportation-related security incidents that involve U.S. interests. Within each area of responsibility, the TSAR must also develop engagement strategies for the countries, as well as prepare budgetary requests to fund program requirements.

TSARs Are Selected Based on a Standardized Process That Includes TSA Senior Management

OGS considers many different factors when deciding whether a candidate is qualified to be a TSAR. Prospective candidates must have knowledge of international transportation security standards, 3 to 5 years of TSA and international experience, as well as 1 year of specialized experience at the J-band level. TSARs are deployed to countries with various economic and cultural standards, so it is also important for prospective TSARs to be open and understanding of the diverse cultures that may be present in the area of responsibility to which they are assigned. Finally, the TSAR must be able to communicate diplomatically, both orally and in writing, and to maintain poise in stressful situations.

Once OGS determines that a prospective TSAR is qualified, the candidate undergoes a rigorous interview and testing process. The process begins with a selection panel consisting of the Regional Managers within IO, who review resumes and extend invitations to top candidates for interviews. The candidates must also complete an essay question within 25 minutes, and the scores from the interview and writing sample are combined for the candidate's final ranking. These scores are provided to the IO Director along with the panel's recommendations. The IO Director identifies and recommends the candidate to the Deputy Assistant Administrator and Assistant Administrator. Upon their review and approval, the Executive

Resources Council approves the selection of a candidate. OGS then extends a formal offer to the candidate.

Our review of the background and qualifications of the current TSARs indicated that they appear to be well-qualified for their positions. Most of the current TSARs have significant overseas experience. Additionally, most have significant prior work experience in either TSA components such as Federal Air Marshal Service, OCC, or OSO, or other federal agencies such as the Federal Aviation Administration, National Aeronautics and Space Administration, or the Office of Personnel Management. Several TSARs also have aviation security and law enforcement backgrounds. All of the TSARs underwent the aforementioned selection process and were approved by the Executive Resources Council. We found no evidence that OGS selected any TSARs solely on the basis of their prior acquaintance with the former Deputy Assistant Administrator or Assistant Administrator.

TSARs Are Deployed Throughout the World

TSA deploys TSARs worldwide. With the exception of three TSARs who are co-located at the Miami Regional Operations Center, TSARs are stationed at diplomatic posts and are considered a part of the diplomatic staff of the embassy to which they are assigned. TSARs are assigned a geographic area of responsibility that usually includes several countries. Appendix D provides the current TSAR locations and their areas of responsibility.

OGS periodically reviews every area of responsibility to ensure that the workload of each TSAR is balanced with that of other TSARs in the region. Among the factors that can cause a change to a TSAR's area of responsibility is a change in the volume of U.S.-bound flights from countries within that area or a decision to create a new TSAR position. For example, OGS might add Turkey to TSAR Madrid's area of responsibility because it is an emerging market that requires additional attention. In fact, the IO Director told us that OGS is currently considering a realignment of all TSARs in Europe. OGS is also considering the creation of a TSAR position in India because of U.S. plans to engage the Indian Government. Other factors that might lead OGS to realign areas of responsibility include a specific TSAR's

unique language skills or cultural ties that may be more relevant to one country than another.

While we were conducting our fieldwork, OGS requested the approval of a new TSAR position that would have responsibility for Oceania. We reviewed OGS' analysis of the need for the position, the justification it provided to the Executive Resources Council with regard to the position, and the council's subsequent approval of the position and the candidate. We found no discrepancies or causes for concern. The actual deployment of the TSAR Oceania position is on hold pending the availability of funding.

OGS Is Reviewing TSARs Deployed to the Caribbean

The author alleged that having three TSARs for the Caribbean is wasteful and inefficient because the Caribbean is not a high-level threat area.

Presently, TSAR Nassau, TSAR Caribbean North, and TSAR Caribbean South are responsible for liaising with foreign governments in the Caribbean region. Additionally, TSAR Central America is responsible for one Caribbean country, the Dominican Republic. Among these TSARs, TSAR Nassau is responsible for eight countries with 22 last points of departure airports to the United States, while TSAR Caribbean South is responsible for 10 countries with 13 last points of departure airports.⁵ TSAR Caribbean North handles 12 countries with eight last points of departure airports, and the Dominican Republic has five last points of departure airports.

OGS is considering realigning the Caribbean areas of responsibility again and deploying only two TSARs to the region, as in the past. The IO Director told us that prior to October 2010, only two TSARs had been responsible for the Caribbean region. When OGS determined that there was too much work for them, OGS realigned the area of responsibility and added another TSAR. Since deploying the third TSAR, it has become increasingly apparent that dividing the

⁵ Last points of departure airports are overseas airports from which U.S. and foreign air carriers operate flights directly into the United States.

Caribbean into three areas of responsibility may have been ill-conceived because some of the TSARs are underutilized. OGS continues to review workloads and may consider adjustments as warranted.

Appendix D shows the current areas of responsibility for the three Caribbean TSARs and TSAR Central America.

The Effectiveness of Capacity Development Programs Is Difficult To Measure

The author of the letter wrote that OGS' Capacity Development efforts are ineffective and wasteful, particularly because of programs like ASSIST. ASSIST was created to help developing countries enhance their aviation security capacity and effectively build sustainable long-term programs. The plan was to work with local alliances to conduct assessments, develop aviation security programs and procedures, and share best practices with neighboring countries. The author alleged that thousands of dollars have been spent on the program, which has done very little other than offer basic screener training.

We were not able to substantiate this allegation, mostly because it is very difficult to quantify the effectiveness of the training that OGS provides.

OGS's Capacity Development Branch Provides Training on a Variety of Technical Subjects

In 2007, OGS established the CDB from elements of the former international training component of the OSO's Security Enforcement Training Academy. CDB's task is to develop competencies in global aviation security standards and practices among security staff from international partner organizations. CDB carries out training not only for TSA, but also in partnership with ICAO, the Department of State's Anti-Terrorism Assistance Program, the Organization of American States, and the Department of Transportation's Safe Skies for Africa Program.

In addition to individual training missions and assignments, CDB manages the ASSIST program. ASSIST, established in FY 2009, conducts structured, long-term aviation security development assistance for countries that have failed to meet international aviation security standards set by ICAO. The program’s goal is to enable nations to maintain sustained aviation security capabilities by conducting needs assessments, executing training programs, and developing sustainment practices. ASSIST engagements generally last 12 to 18 months.

OGS spent \$798,016 on capacity development programs between FY 2009 and FY 2011 (see table 2).

Table 2: OGS Funding for Capacity Development

Fiscal Year	Total Amount Spent
2009	\$388,777
2010	\$243,646
2011	\$165,593
Total	\$798,016

A number of external organizations, including the Organization of American States and Safe Skies for Africa, provide financial assistance to help cover travel and per diem expenses. For example, the Organization of American States provided \$83,677 in FY 2010 and \$102,470 in FY 2011, and has committed to provide funds for FY 2012. Safe Skies for Africa has committed \$1.2 million in FY 2012 and FY 2013 for regional training in Safe Skies countries. However, the implementation plan for these funds is still being developed. Because they are providing funding, external organizations have a great deal of influence on what training is provided and to what countries it is provided.

Although the anonymous author correctly pointed out that CDB has spent thousands of dollars on this program, the author’s assertion that capacity development programs provide little more than basic screener training is inaccurate. CDB coordinates with TSARs, foreign counterparts, and international organizations to identify security development opportunities and implement training programs. CDB instructors, along with subject matter experts from other TSA offices,

conduct training sessions on a variety of technical subjects, including inspector skills, screening techniques, quality control, incident management, security instructor skills, and the development of national programs.

The distribution of funds for countries receiving capacity development assistance is determined by analyzing the number of last points of departure, annual flight volume to the United States, threat and vulnerability ratings, and training requests made by TSARs and host countries. After evaluating the different factors and determining a final rating, CDB prioritizes the locations and determines what percentage of its funds will be used to address security vulnerabilities in each country. Although CDB also aims to train underdeveloped countries to increase their security posture, these countries do not have a large volume of passengers traveling to the United States.

Perceptions of Discrimination, Favoritism, and the Abuse of Power Do Exist

The author of the letter alleged that the perception in OGS is that the Assistant Administrator favors young and attractive females and discriminates against older employees, especially women and minorities. The author provided no details concerning specific instances of discrimination. The author alleged that OGS gives the majority of awards and promotions to younger employees and those who work in the front office, adding that this applies to training and travel opportunities as well. The author did not provide specific examples. Additionally, the author asserted that favoritism is most apparent in OGS's hiring practices, and that there is no fairness or transparency. The author asserted that the best qualification anyone could have when wanting to work for OGS was to be a friend of the Assistant Administrator or the former Deputy Assistant Administrator. Finally, the author claimed that abuse of power in OGS is egregious and that OGS leadership manages through fear and intimidation.

While we could not substantiate the allegations, there is a perception among some OGS employees that some or all of these issues exist. Several employees said that they had personally experienced some of these issues or knew of someone who had.

Discrimination, Retaliation, and Favoritism

Discrimination and retaliation are commonly used terms that involve complex areas of law. Each requires specific elements of evidence to meet its legal threshold. Federal employees and job applicants are protected against discrimination in employment on the basis of race, color, religion, sex (including pregnancy), sexual orientation, national origin, age (40 or older), or disability. In addition, federal employers are required to provide a reasonable accommodation for individuals with disabilities and for religious purposes.

Employees are protected against retaliation for two categories of activities: whistleblowing and exercising their right to engage in certain protected activities. The whistleblower category protects employees, former employees, and applicants for employment against reprisal for lawfully disclosing information they reasonably believe is evidence of a violation of a law, rule, or regulation in the workplace or by federal employees. It also protects against reprisal for disclosing gross mismanagement, gross waste of funds, abuse of authority, or substantial or specific danger to public health and safety. The second category protects employees from reprisal for exercising their right to engage in certain protected activities, including the following:

- Filing an appeal, complaint, or grievance;
- Testifying for or assisting another in exercising such a right;
- Cooperating with or disclosing information to the Special Counsel or to an Inspector General; or
- Refusing to obey an order that would require the individual to violate the law.

Sometimes employees believe that supervisors have discriminated or retaliated against them by giving preferential treatment to other employees based on biases or personal relationships. Although an act of favoritism is not the same as discrimination or retaliation, employees are protected against favoritism, and employment decisions must be based on objective factors. However, favoritism can be difficult to identify because of insufficient evidence. An employee might interpret as favoritism what in reality could be fair, merit-based

behavior by a supervisor in a given instance. For example, differentiating among employees based strictly on performance would not be favoritism. Employees enter into positions with different skills and prior work experience and may be given assignments of differing complexities. One employee might have the expertise to complete an assignment with minimal guidance from a supervisor, whereas another employee might need more coaching or supervision. It would not be favoritism to treat employees differently under these circumstances; rather, it would be good management. However, if a supervisor gave an assignment to one employee over another because of a personal friendship with that employee, rather than basing the assignment on legitimate business factors such as expertise, workload, or performance, that could be favoritism.

Discrimination and Inequitable Treatment

We could not confirm that the Assistant Administrator favors young and attractive females and discriminates against older employees, particularly women and minorities. However, 18 of 144 employees interviewed, or 13 percent, felt directly discriminated against. Of the 18 employees, 1 said that the discrimination was based on race; 2 said that it was based on their prior employment; and 5 said that they had been discriminated against when they were not given proper consideration for in-position increases, promotions, or selection to positions for which they had applied. The remaining employees chose not to provide additional explanation.

A similar number of employees reported that they were aware of acts of discrimination or inequitable treatment. Approximately 20 employees interviewed, or 14 percent, indicated that they were aware of various instances of discrimination or inequitable treatment. Among these 20 employees, 4 believed that promotions and selections to positions were handled in a discriminatory manner.

We reviewed demographic data for OGS. The percentage of females has grown 11 percent since 2009; from 29 percent in 2009, to 36 percent in 2010, and to 40 percent in 2011. On the surface, these data appear to support the author's claim. However, our review supported the following assessments:

- We did not identify any anomalies in the hiring process that would have indicated a preference for hiring younger employees or females;
- The administration of awards, promotions and in-position increases, and training did not appear to favor younger employees or females;
- There were no determinations made against the agency concerning the hiring of younger employees or females; and
- Our comparison of OGS demographics to that of TSA indicated that the average age of OGS employees is still well above the average age of TSA employees. The percentage of females in TSA has remained around 37 percent during the same period, which is consistent with the percentages of females employed in OGS.

Awards, Promotions and In-Position Increases, Training, and Hiring

The author of the letter also alleged that OGS gives awards and promotions to younger employees and those who work in the front office. The author alleged that favoritism toward young and female staff is a major factor in the selection of employees for training opportunities. For example, some employees are approved for training that costs up to \$10,000, while other employees struggle getting approval for courses that cost \$500. Finally, the author alleged that favoritism is particularly prevalent in OGS' hiring practices, and asserted that OGS chose individuals for positions who did not apply formally because they knew the Assistant Administrator or Deputy Assistant Administrator. Several employees also perceive that favoritism exists in awards, promotions and in-position increases, training, and hiring.

We did not identify any obvious discrepancies or evidence of favoritism regarding OGS' administration of awards, promotions and in-position increases, training, or hiring processes. The results of our

review were consistent with those of TSA Office of Inspection’s March 2011 comprehensive review of the same records.

Awards

Awards such as certificates, time off, or cash bonuses are given in recognition of an employee’s work contributions. Eighty-two or 57 percent of the 144 employees we interviewed said that they received at least one award since joining OGS. Still, some employees felt that these awards were not administered equitably. Of the 144 employees, 14 (10 percent) said that they were aware of employees who, in their opinion, received awards that they did not deserve. Of these employees, two said that those who work in the front office of OGS should not have received awards. Another employee alleged knowing of TSARs with no aviation backgrounds who received awards, and two others said the management team at Regional Operations Centers received awards despite not completing their duties. We were not provided sufficient information to further review these matters.

OGS gave cash awards to 161 employees in FY 2010 and 155 employees in FY 2011, and distributed the awards throughout the organization (see table 3):

Table 3: Distribution of Cash Awards for FY 2010 and FY 2011.

Location	Number of Employees	
	FY 2010	FY 2011
Headquarters	64	70
Miami	18	16
Dallas-Fort Worth	16	17
Los Angeles	5	4
Frankfurt	12	15
Singapore	5	5
TSAR	22	20
IIR	8	8
N/A	11	0

N/A represents employees who were on temporary detail to OGS from other TSA offices. This category is unique to the FY 2010 data provided to us by OGS.

OGS appeared to administer other types of awards in a similar manner. According to the data provided by TSA Office of Human Capital, OGS distributed time-off, monetary, and nonmonetary awards throughout the organization to all races and genders for fiscal years 2009, 2010, and 2011 (see table 4). The table accounts for all awards administered in OGS from FY 2009 through 2011. There is the possibility of multiple awards given to the same individuals.

Table 4: OGS Awards for FYs 2009–2011

Categories		FY 2009	FY 2010	FY 2011
Gender	Male	159	227	134
	Female	87	136	99
Ethnicity	Asian, American Indian, or Alaska Native	17	29	18
	Black or African American	39	48	36
	Hispanic/Latino	44	54	50
	White	146	232	129
Average Age		46.6	45.9	44.0
Total Number of Awards		246	363	233

Promotions and In-Position Increases

An in-position increase is a raise to an employee’s basic pay rate, with no change in position or pay band. OGS awards in-position increases to its top-performing employees. With regard to whether OGS management exhibited favoritism in promotions or in-position increases, 61 out of 144 employees interviewed, or 42 percent, indicated that they have received either a promotion or an in-position increase since joining OGS.

Twenty-one employees (15 percent) said that employees received promotions that, in their opinion, were not justified. Of those 21 employees, 5 said that OGS was promoting unqualified individuals. One employee said that an employee’s resume was altered after submitting it in order to qualify for a position. Five claimed that OGS had not properly selected TSARs and awarded in-position increases to TSARs who did not deserve them.

We analyzed promotions data for OGS for FYs 2009, 2010, and 2011 (see table 5). Although the data—particularly that for FY 2010—appeared to indicate some inequity in the promotions, our review of the records revealed no indications that particular groups of employees were favored.

Table 5: OGS Promotions for FYs 2009–2011

Categories		FY 2009	FY 2010	FY 2011
Gender	Male	7	8	9
	Female	6	7	2
Ethnicity	American Indian or Alaska Native	0	0	0
	Asian	2	0	0
	Black or African American	2	0	4
	Hispanic/Latino	2	1	3
	White	7	14	4
Average Age		42.3	41.2	43.3
Total Number of Promotions		13	15	11

We also analyzed the in-position increases for FY 2010 and FY 2011. OGS awarded increases to 40 employees in FY 2010 and 52 employees in FY 2011. Like awards, OGS allocated in-position increases throughout the organization (see table 6). When granting in-position increases, managers consider performance appraisal scores and the date their last increase was awarded. OGS utilized this criterion in determining in-position increases for FY 2011.

Table 6: Distribution of In-position Increases for FY 2010 and FY 2011

Location	Number of Employees	
	FY 2010	FY 2011
Headquarters	18	23
Miami	6	7
Dallas-Fort Worth	3	2
Los Angeles	2	1
Frankfurt	5	6
Singapore	1	3
TSAR	3	9
IIR	2	1

To determine whether OGS was awarding promotions and in-position increases according to the applicable TSA Management Directives, we reviewed selected administrative and personnel records. We determined that OGS followed procedures, which includes a promotion board, with regard to promotions. The promotion board's records showed that each applicant was asked standard questions and that the applicant's responses were scored. Of the cases we reviewed, OGS selected the highest rated applicant. In addition, when personnel are promoted to supervisory positions, TSA's Office of Human Capital must approve the selection.

Training

The author alleged that management favors young and attractive female staff when selecting employees for training opportunities. The author also alleged that while some employees are approved for training that costs as much as \$10,000, other employees struggle for permission to attend training courses that cost \$500. The author did not identify any employees management has allegedly favored when approving training, or specific training opportunities that it denied to certain individuals. Twenty-five of 144 employees (17 percent) we interviewed did not believe that OGS offered training opportunities equitably. Of the 25 employees, 5 inspectors said that they did not feel that management afforded their Regional Operations Center the same training opportunities as other OGS offices. Four employees said that OGS management permitted certain employees to attend

specialized technical training courses that were not relevant to their current position and duties. Other employees did not provide explanations of their responses.

Without knowing which OGS employees expressed an interest in training but were denied, and for which training, it is difficult to assess the extent to which management may have favored individuals when approving training. Very few employees have attended training costing \$10,000 (see table 7). In addition, training records do not support the allegation that management favors females when approving training. However, we learned of situations that might have provided the basis for the allegation. In one instance, management approved training for one female and one male employee at a cost of almost \$8,000 each, but the training was canceled and OGS did not incur any costs. We also noted that employees in two Regional Operations Centers had not attended external training in recent years. Finally, 76 percent, or 110, of the 144 employees we interviewed said OGS administers training equitably. For these reasons, we did not conclude that management was favoring particular employees.

According to OGS' training records for FYs 2010, 2011, and the first quarter of FY 2012, only TSARs have attended training costing \$10,000.⁶ In FY 2010, nine TSARs attended the mandatory TSAR Training Academy at a cost of \$9,980 each. In addition, two of these TSARs attended security training at the Department of State's Foreign Service Institute at a cost of \$335 each, and one TSAR attended language training at a cost of \$8,750. In FY 2011, one TSAR attended a Foreign Service Institute language training course at a cost of \$8,560. In FY 2010, one OGS inspector attended three training courses totaling \$8,452 to prepare for deployment to Iraq. In FY 2012, the most training money that OGS has spent on one employee is \$3,700. Table 7 shows the total amount spent on employees who attended training during FYs 2010 and 2011, and the first quarter of FY 2012.

⁶ We requested, and OGS provided, data for external training only. We did not review in-house training provided to OGS employees.

Table 7: Total Cost of Recent External Training by Employee

\$	FY 2010	FY 2011	FY 2012
\$0–999	16	20	12
\$1,000–1,999	5	15	5
\$2,000–2,999	2	0	3
\$3,000–3,999	2	2	1
\$4,000–4,999	7	5	0
\$5,000–5,999	0	2	0
\$6,000–6,999	0	0	0
\$7,000–7,999	0	0	0
\$8,000–8,999	1	1	0
\$9,000–9,999	6	0	0
\$10,000 +	3	0	0

The ratio of male to female employees who have attended training outside of OGS does not support the author’s claim that management favors female employees when approving training. In FY 2010, 42 employees attended external training courses. Of these 42 employees, 14 (33 percent) were females. In FY 2011, 45 employees attended training, 12 (27 percent) of whom were females. In the first quarter of FY 2012, 21 employees attended training, 7 (33 percent) of whom were female.

Twenty-one of 144 employees told us that they had been denied a training opportunity. Employees gave many reasons for why their requests were denied. For example, four said that the continuing resolution was the cause for their training request denial, and three said that their denial was based on their workload. While four other employees chose not to elaborate on their answers, the remaining responses varied from their lack of initiative to request training and the limited slots available for popular courses. One other employee felt that they were denied training because of age discrimination. However, this employee chose not to provide further explanation. Training records indicate that employees in headquarters; the Miami, Frankfurt, and Singapore Regional Operations Centers; TSARs; and IIRs have attended external training, while employees from the Los Angeles and Dallas Regional Operations Centers have not attended any outside training courses (see table 8). However, there was no

indication that employees at these Regional Operations Centers had been denied external training opportunities that they had requested.

Table 8: External Training Throughout OGS

Location	FY 2010	FY 2011	FY 2012
Headquarters	11	12	5
Miami	3	9	2
Dallas-Fort Worth	0	0	0
Los Angeles	0	0	0
Frankfurt	9	9	4
Singapore	5	4	2
TSAR	13	9	4
IIR	0	2	2
Locally employed staff*	1	1	2

*Locally employed staff are foreign nationals hired to provide administrative support to the TSARs. OGS pays for their training, even though they are not OGS employees.

OGS management officials speculated that the approval of two employees, both of whom were females, to attend training at George Mason University’s Mason Institute for Leadership Excellence at a cost of \$4,000 each might have contributed to the author’s allegation. In December 2010, the Office of Human Capital solicited nominations from Assistant Administrators for high-performing I- and J-band employees to attend the leadership program. The OGS Assistant Administrator selected and nominated three female employees assigned to OGS headquarters. Across TSA, Assistant Administrators nominated 16 employees for the program. An Agency Review Panel selected 10 candidates, 2 of whom were OGS nominees. On February 3, 2011, the Executive Resources Council approved the panel’s selections. Employees completed the training in March 2011.

OGS officials also identified a second situation that may have led to this allegation. The Office of Personnel Management provides a Public Sector Leadership course through the Federal Executive Institute. This course, which costs \$7,995, engages students in a rigorous curriculum to refine their leadership strategies and develop personal visions of public service. The Executive Resources Council was not involved in the selection of the candidates to attend the

Federal Executive Institute course. The then-Deputy Assistant Administrator for OGS explained that Office of Human Capital announces the vacancies for the training. The OGS Directors nominated candidates, and he decided which candidates to recommend to the Assistant Administrator. He nominated one male and one female, both of whom were K-band employees. One was assigned to OGS headquarters and the other was a TSAR. The Federal Executive Institute leadership course was ultimately canceled due to faculty and enrollment issues, so no OGS employees attended and OGS incurred no cost.

Hiring

Of the 144 employees we interviewed, 41 (28 percent) believe that hiring in OGS is unfair. Some examples they gave included noncompetitive selections, vacancies not being advertised, employees not interviewing for positions before being hired, and inexperienced or unqualified people being hired. Additionally, 46 employees (32 percent) said that they were aware of instances where OGS created regional director, TSAR, supervisory desk officer, and other positions for specific individuals.

However, it was apparent that many employees do not fully understand all the methods that can be used to hire new employees, which contributes to perceptions that OGS hiring practices are unfair. TSA is an excepted service agency. It is not governed by most of Title 5 USC, or the policies and procedures established by the Office of Personnel Management. TSA has many hiring flexibilities, including the ability to hire competitively or noncompetitively.

To determine whether OGS has recruited and hired personnel in accordance with the applicable TSA Management Directives, we reviewed selected administrative and personnel records. We determined that personnel selected for positions were qualified for those positions. Where interviews were used as a means to select candidates, those interviews involved a set of predetermined questions, which were asked of every candidate, and a weighted scoring system for each question. Additionally, we noted that the process for hiring personnel to fill the Supervisory Desk Officer and TSAR positions

involved a selection committee composed of senior OGS personnel, usually K-band Regional Managers, and a representative of the BMO. We also reviewed interview panel notes, as well as the lists of recommended applicants referred to division directors. In most cases, OGS hired the recommended candidate. However, in the few instances where the recommended candidate was not chosen, the file contained evidence of the discussions resulting in the nonselection.

Abuse of Power

The author of the letter alleged that OGS management's abuse of power is egregious, that OGS leadership manages through fear and intimidation, and employees are fearful of retribution and retaliation.

Twenty-five of 144 employees we interviewed (17 percent) claimed that they personally felt intimidated, while 46 (32 percent) said they were aware that other employees had felt threatened by management. These employees acknowledged that they were not directly informed by the employees who felt this way. Overall, 37 percent of the employees we spoke to have either personally felt threatened or intimidated by management or have heard of others who have.

The primary reason employees gave for feeling intimidated was that they receive constant reminders from OGS management that OGS would happily transfer employees to OSO or other offices within TSA should they fail to perform up to standards. Employees also asserted that members of the management team have strong personalities and are not receptive to opinions that may challenge their authority, and that opposing viewpoints are not encouraged. Senior managers acknowledge that they want employees who want to work in the organization, readily admit that they are trying to change the culture in OGS, and believe that they are holding every employee accountable. The data suggest that many employees either are, or know of others who are, not only uncomfortable with management's approach but also feel intimidated by it. It is not clear to what extent this sentiment stems from management intimidating the employees or from the employees' perception that they are being intimidated. The number of employees in OGS who felt they have been personally retaliated

against was not as high as the number of employees who said they knew of others who feared reprisal.

Out of 144 employees we interviewed, 15 (10 percent) said that they were personally retaliated against by OGS management. A few chose not to discuss their situation, but those who did said that they were not considered for a supervisory position or for specific training. Thirty-nine (27 percent) said that either they or other employees feared retaliation for disagreeing with or questioning the actions of OGS management. Employees said repeatedly that if they did not agree with all of management's actions, they would either be subject to retaliation or be ignored and labeled as a troublemaker. One employee asserted that fear of retaliation is widespread throughout all of TSA and that the inherent fear and heightened sense of anxiety is mostly based on one's personality. Most of these 39 employees chose not to explain why they fear reprisal for questioning management.

OGS Equal Employment Opportunity and MSPB Activity

Between October 1, 2007, and December 7, 2011, OGS employees filed six informal and six formal Equal Employment Opportunity (EEO) complaints and eight MSPB appeals alleging various forms of discrimination, disability, nonsexual harassment, reprisal, whistleblower retaliation, or improper personnel actions. Some of these cases remain open and are in various stages of the complaint process. Other cases were settled prior to the issuance of an Equal Employment Opportunity Commission or MSPB decision, and the remaining cases were decided in the agency's favor. There have been no findings of discrimination against the agency with regard to current or former OGS employees.

Of the six informal complaints, two cases are pending, two cases were closed, and two cases were appealed to the MSPB. Of the six formal complaints—all of which were filed during FY 2010—three cases are pending hearings, one case was dismissed, one case was settled prior to a formal hearing, and one case was decided for the agency.

Of the eight MSPB appeals, one case was withdrawn, four cases were settled prior to an MSPB decision, one case was initially decided

against the agency but the decision was overturned upon appeal by TSA, and the two remaining cases were decided for the agency.

OGS Has Taken Actions to Address Employee Concerns

OGS Survey

Every year, DHS administers an All Employee Survey to evaluate the various components within DHS in 15 different areas concerning the workplace. After the All Employee Survey was administered in 2009, OGS conducted a follow-up survey to address the specific issues that were prevalent within OGS as indicated by the department-wide survey results. These issues were communications and business operations, which include awards, training, and development. The average percentage favorable in the communication category was 34 percent, and the average percentage favorable in business operations was 39 percent. To address the communications issues, OGS developed a Field Advisory Council, implemented annual visits to field locations by the OGS Senior Leadership Team, and began publishing a monthly newsletter. To address the business operations issues, OGS developed standardized job analysis tools, implemented an OGS employee of the quarter, developed performance metrics, and published the first OGS organizational chart. Another OGS-wide survey was conducted in 2011. The survey results showed higher favorable percentages in all 15 categories. The two lowest categories were still communications and business operations, but both showed improvement. The average percentage favorable in communications rose to 50 percent, and the average percentage favorable in business operations rose to 47 percent.

The Business Management Office

OGS management has taken action to address employees' misperceptions concerning hiring by developing and presenting training about the various avenues by which personnel can be hired. Known as the "BMO Road Show," this training has been presented by OGS' Human Resources Manager at all of the domestic Regional Operations Centers, as well as at OGS headquarters and during a

number of recent management conferences. The training seeks to educate the workforce concerning the various flexibilities available to TSA, as an excepted service agency, and how these are different from what employees may be accustomed to from nonexcepted service federal agencies.

Appendix A

Purpose, Scope, and Methodology

On May 18, 2011, the TSA Administrator received a letter from an anonymous source that contained several allegations of misconduct and mismanagement within TSA's Office of Global Strategies. The author opined that the issues were known to TSA's Deputy Administrator and that she was protecting the OGS Assistant Administrator and Deputy Assistant Administrator by withholding information from the Administrator. The Administrator referred the matter to us for review. Our objective was to determine whether the facts confirm allegations of management misconduct through favoritism, discrimination, abuse, and program mismanagement.

We initially set aside the author's statement concerning possible protection of OGS management by the TSA Deputy Administrator until we had a reason to pursue it. We found no evidence of these activities.

We did not undertake a comprehensive evaluation of OGS' airport and air carrier assessment program, in part because the Government Accountability Office (GAO) had already conducted one such review and was in the process of completing a second review at the time our fieldwork was beginning. Additionally, the TSA Office of Inspection had conducted inspections of Global Compliance operations at TSA headquarters and at each of the three domestic Regional Operations Centers that included reviews of the assessment program. We reviewed selected assessment reports, the process used to track assessment results and corrective actions, and supporting documentation.

We did not review OGS' travel records. OGS personnel travel extensively. Auditing these records would have prevented us from reviewing most of the author's allegations. Moreover, the TSA Office of Inspection had conducted an inspection of OGS travel records in the months just prior to the initiation of our review and was considering a reinspection at the time we started our review.

We reviewed applicable laws, regulations, and directives regarding EEO and the various complaint processes. We also reviewed

Appendix A

Purpose, Scope, and Methodology

demographics; awards and promotion information; training files; hiring records; and applicable DHS, TSA, and OGS personnel standards, policies, and procedures. We did not review records concerning TSA Career Residency Program personnel assigned to OGS because this program is administered by the Office of Human Capital. Additionally, we reviewed the applicable laws, regulations, and directives pertaining to a number of the operational programs for which OGS is responsible. Finally, we reviewed TSA Office of Inspection reports and GAO performance audit reports and discussed the results with officials from both organizations.

We conducted more than 225 interviews of officials within DHS, TSA, and OGS headquarters, and with current and former OGS employees. We conducted a site visit to the OGS Regional Operations Center in Miami to interview management and staff there. We conducted telephone interviews with OGS employees stationed at the Dallas, Miami, Los Angeles, Frankfurt, and Singapore Regional Operations Centers, as well as at various embassies around the world. TSA and OGS senior leadership cooperated and consulted with us throughout our review process.

We asked 144 OGS employees specific questions designed to measure their perceptions of discrimination, retaliation, favoritism, and potential abuse of power. We judgmentally selected OGS employees from across the organization. This methodology ensured that we had a good representation of the workforce in terms of age, sex, pay band, position, and geographic location.

We began our fieldwork in June and ended it in November 2011. This review was conducted 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 on Integrity and Efficiency.

Appendix B

Recommendations

We recommend that the TSA Administrator:

Recommendation #1: Establish and implement timeframes for issuing Emergency Amendments, including deadlines for TSA offices involved in reviewing and providing comments on them.

Recommendation #2: Require rescreening for all passengers arriving at U.S. ports of entry from preclearance airports that fail to achieve comparable status.

Appendix C Management Comments to the Draft Report

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20598

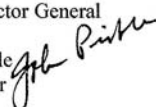


Transportation
Security
Administration

MAY - 1 2012

INFORMATION

MEMORANDUM FOR: Charles K. Edwards
Acting Inspector General

FROM: John S. Pistole 
Administrator

SUBJECT: TSA Response to OIG Draft Report, *Review of Allegations of Misconduct and Mismanagement Within TSA's Office of Global Strategies*

Purpose

This memorandum constitutes the Transportation Security Administration (TSA) response to the U.S. Department of Homeland Security (DHS) Office of the Inspector General (OIG) draft report entitled *Review of Allegations of Misconduct and Mismanagement Within TSA's Office of Global Strategies (OGS)*, dated March 2012.

Background

Between June 2011 and March 2012, the OIG conducted a review to evaluate allegations of misconduct within OGS. After conducting interviews, evaluating files, and analyzing all of the data, the OIG found no evidence of wrongdoing or mismanagement. The OIG concluded that OGS took corrective actions on assessments conducted, did not circumvent the hiring process or take improper actions, and is methodical in determining where to deploy personnel around the world. Additionally, the OIG did not identify any discrepancies or evidence of favoritism. There were no recommendations identified for OGS; however, two recommendations were made to improve TSA's activity related to the process for Security Directives and Emergency Amendments (SD/EA) and the Preclearance Program.

Discussion

TSA appreciates the OIG's work in completing this review and welcomes the OIG's validation of TSA/OGS. We are pleased to see that none of the OGS specific allegations were confirmed. As stated in the report, there is ample justification to support the need for Regional Directors positions. These Regional Directors provide strategic oversight of regional activity in support of TSA goals and objectives. In order to create and justify

Appendix C

Management Comments to the Draft Report

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these positions, OGS used all appropriate channels, including TSA's Executive Resources Council, the DHS Office of International Affairs, and the U.S. Department of State. As with all newly established positions, the organization must remain flexible, allowing the job to evolve, supporting the needs of the Agency, and accomplishing its mission. Given that a variety of documents are required to establish a position in an international location, OGS prepared all of the necessary documentation to satisfy the requirements of the multiple agencies involved and did so pursuant to established procedures.

In accordance with TSA procedures for the administration of awards, promotions, in-position increases, and provision of training, OGS ensured all eligible personnel were treated similarly in the administration of these opportunities. In fact, OGS has established repeatable processes and procedures to ensure all OGS employees are afforded relevant training opportunities that meet their individual needs as identified in their respective Individual Development Plans. Additionally, OGS has created and implemented processes and procedures for the administration of awards, promotions, and in-position increases. These processes ensure that all OGS employees' performance and accomplishments are reviewed each year to determine eligibility and due consideration. The OIG validated that OGS has followed established given procedures in all of these areas.

TSA will use the information identified in the OIG's two recommendations to assist our ongoing efforts to enhance not only the SD/EA process, but also TSA's efforts to support the Preclearance Program. In fact, TSA is already implementing solutions that address these recommendations. With regard to OIG's two recommendations, TSA responds as follows:

Recommendation #1: Establish and implement timeframes for issuing Emergency Amendments, including deadlines for TSA offices involved in reviewing and providing comments on them.

TSA Concur. Since TSA initiated its Risk/Incident-Driven Policy Review (RIPR) process in July 2011, TSA has realigned its review process to enhance the organization's capacity as a high-performing, risk-driven, counter-terrorism organization. The RIPR process has solidified responsibility for policy, to include the development of SDs and EAs, within the newly created Office of Security Policy and Industry Engagement (OSPIE). Under this new structure, OGS will assist with the drafting of EAs affecting foreign air carriers, while OSPIE maintains control of final documents and is responsible for coordination within TSA. This ensures quality control of the documents and enhances the overall efficiency of the process. The process is codified in Management Directive 2100.5, *SSP, SSP Change, Security Program Amendment, SD, and EA Issuance*, issued by the TSA Administrator on March 15, 2012. The MD will be further supported by a standard operating procedure that will specify timelines, roles, and responsibilities. This will further enhance the process and will have the added benefit of allowing for more efficient review of SDs/EAs.

The OIG report focuses both on the general issuance of EAs, but also specifically on the time it took to issue a particular EA for Haiti in the wake of the catastrophic natural disaster

Appendix C

Management Comments to the Draft Report

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that occurred there in 2010. It is important to note that TSA issues SDs/EAs in those cases where it is necessary to either address an emerging threat or to address deficiencies identified through review of the situation on the ground. As a result of the earthquake, commercial service ceased for a period of time. During that period, OGS immediately sent teams in to Haiti to assist the appropriate authorities in addressing security concerns at the airports. As noted in the report, OGS provided equipment, trained personnel, and helped to re-establish security at the airports through on-site technical assistance. SDs/EAs are just one of many options available to TSA to address issues and are intended to only be used in rare circumstances. While TSA agrees that the process to issue SDs/EAs could be improved (and TSA has already initiated process enhancements as discussed above), relying solely on SDs/EAs to address the situation at the Haitian airports would have been ineffective in light of the need to rebuild its entire security infrastructure, not to mention pulling back together the surviving workforce, following such a severe natural disaster.

Recommendation #2: Require rescreening for all passengers arriving at U.S. ports of entry from preclearance airports that fail to achieve comparable status.

TSA Concurs. The OIG recommendations validate TSA's current statutory requirement in support of the U.S. Customs and Border Protection Preclearance Program. TSA currently has the option to rescreen passengers arriving from preclearance airports as appropriate. Additionally, since the OIG review was conducted, TSA has established a Preclearance Program within OGS that will provide ongoing evaluation of preclearance airports' security operations to ensure comparability with U.S. (TSA) standards. Where improvements may be necessary, TSA will work with the appropriate authorities to achieve comparability to allow operations to continue and ensure that passengers arriving in the United States from such airports can transfer flights seamlessly. Using a defined analysis process, TSA will determine whether operations should continue. In the case where there are significant areas of noncomparability or where the risk is too great, TSA may require the rescreening of passengers and property arriving in the United States from the subject preclearance airport as is done for all other arriving international transfer passengers, until such time as the appropriate authority implements adequate security measures to ensure comparability with U.S. (TSA) standards.

Appendix D
Current TSAR Locations and Areas of Responsibility

Region	TSAR Location	Area of Responsibility
Europe	Berlin	Austria, Germany, Hungary, Slovakia, Slovenia, Turkey
	Brussels	Belgium, European Union (EU)
	The Hague	Denmark, Finland, Greenland, Netherlands, Norway, Sweden
	London	Iceland, Ireland, United Kingdom
	Madrid	Cape Verde, Spain, Portugal
	Paris	France, Luxembourg, European Civil Aviation Conference (ECAC), Switzerland
	Rome	Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Greece, Israel, Italy, Kosovo, Macedonia, Malta, Romania, Serbia and Montenegro
	Warsaw	Armenia, Azerbaijan Republic, Belarus, Czech Republic, Estonia, Georgia, Kazakhstan, Kyrgyz, Latvia, Lithuania, Moldova, Poland, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan
Asia Pacific	Bangkok	Bangladesh, Burma, Cambodia, Laos, Thailand, Vietnam
	Beijing	China, Hong Kong, Macau, Mongolia, North Korea, South Korea
	Kabul	Afghanistan
	Manila	Kiribati, Marshall Islands, Micronesia, Palau, Philippines
	Singapore	Bhutan, Brunei, India, Indonesia, Malaysia, Maldives, Nepal, Pakistan, Singapore, Sri Lanka, Timor-Leste
	Sydney	Australia, Cook Islands, Fiji, Nauru, New Guinea, New Zealand, Niue and Tuvalu, Papua New Guinea, Pitcairn, Samoa, Solomon Islands, Tahiti, Tokelau, Tonga, Tuvalu, Vanuatu
	Tokyo	French Polynesia, Japan, New Caledonia, Society Islands, Taiwan, Wallis-Futuna
Western Hemisphere	Brazil	Brazil, Colombia, Ecuador, Paraguay
	Buenos Aires	Argentina, Bolivia, Chile, Peru, Uruguay
	Caribbean North	Anguilla, Aruba, Bermuda, Bonaire (Netherlands Antilles), Cayman Islands, Curacao, Montserrat, Saba,

Appendix D
Current TSAR Locations and Areas of Responsibility

	(Miami)	St. Eustatius (Netherlands Antilles), St. Maarten, Suriname, UK Virgin Islands
	Caribbean South (Miami)	Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago
	Central America (Miami)	Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Venezuela
	Mexico City	Mexico
	Nassau	Bahamas, Cuba, French Guiana, Guadeloupe, Haiti, Martinique, St. Barthelemy, Turks and Caicos
	Ottawa	Canada
Africa / Middle East	Abu Dhabi	Bahrain, Iran, Kuwait, Oman, Qatar, UAE
	Amman	Algeria, Egypt, Jordan, Lebanon, Libya, Mauritania, Morocco, Palestine Territories, Saudi Arabia, Syria, Tunisia, Western Sahara
	Johannesburg	Angola, Botswana, Congo, Comoros, Equatorial Guinea, Gabon, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, São Tomé and Príncipe, South Africa, Swaziland, Zambia, Zimbabwe
	Nairobi	Burundi, Central African Republic, Chad, Democratic Republic of Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, South Sudan, Somalia, Sudan, Tanzania, Uganda
	West Africa (Arlington, VA – HQ)	Benin, Burkina Faso, Cameroon, Côte d’Ivoire, Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Niger, Senegal, Sierra Leone, Togo
	AFRICOM (Stuttgart, Germany)	Multilateral Organizations and Projects: Saudi OPM-MOI, ICAO, Safe Skies for Africa, African Civil Aviation Commission, Arab Civil Aviation Commission, Banjul Accord Group, Arab League, African Union, Southern African Development Community

Appendix E
TSARs with Responsibility for the Caribbean

TSAR Nassau			
Country	Airport Code	Airport Name	City
Bahamas	ASD	Andros Town International Airport	Andros Town
	BIM	South Bimini Airport	South Bimini
	ELH	North Eleuthera Airport	N. Eleuthera
	FPO	Grand Bahama International Airport	Freeport
	GGT	Exuma International Airport	Great Exuma Island
	GHB	Governor's Harbour Airport	Governor's Harbour
	MHH	Marsh Harbour Airport	Marsh Harbour, Abaco
	NAS	Lynden Pindling International Airport	Nassau
	TBI	The Bight Airport	New Bright
	TCB	Treasure Cay Airport	Treasure Cay
Cuba	ZSA	San Salvador Airport	San Salvador
	CFG	Jaime Gonzalez Airport	Cienfuegos
	CMW	Ignacio Agramonte International Airport	Camaguey
	GAO	Mariana Grajales Airport	Guantanamo
	HAV	Jose Marti International Airport	Havana
	HOG	Frank Pais Airport	Holguin
French Guiana			
Guadeloupe	PTP	Le Raizet Airport	Pointe-a-Pitre
Haiti	CAP	Cap-Haitien International Airport	Cap-Haitien
	PAP	Toussaint L'Ouverture International Airport	Port-au-Prince
Martinique	FDF	Le Lamentin Airport	Fort De France
St. Barthelemy			
Turks and Caicos	PLS	Providenciales International Airport	Providenciales
Total LPDs: 22			

Appendix E
TSARs with Responsibility for the Caribbean

TSAR Caribbean North			
Country	Airport Code	Airport Name	City
Anguilla	AXA	Wallblake Airport	The Valley
Aruba	AUA	Queen Beatrix International Airport	Oranjestad
Bermuda	BDA	Bermuda (L.F. Wade) International Airport	Hamilton
Bonaire (Neth. Antilles)	BON	Flamingo International Airport	Kralendijk
Cayman Islands	GCM	Owen Roberts International Airport	Georgetown
Curacao	CUR	Hato International Airport	Willemstad
Montserrat			
Saba			
St. Eustatius (Neth. Antilles)			
St. Maarten	SXM	Princess Juliana International Airport	Philipsburg
Suriname			
UK Virgin Islands	EIS	Terrance B. Lettsome International Airport	Beef Island
Total LPDs: 8			

Appendix E
TSARs with Responsibility for the Caribbean

TSAR Caribbean South			
Country	Airport Code	Airport Name	City
Antigua and Barbuda	ANU	V.C. Bird International Airport	St. John's
Barbados	BGI	Grantley Adams International Airport	Bridgetown
Dominica	DOM	Melville Hall Airport	Marigot
Grenada	GND	Maurice Bishop International Airport	Point Salines
Guyana	GEO	Cheddi Jagan International Airport	Georgetown
Jamaica	KIN	Norman Manley International Airport	Kingston
	MBJ	Sangster International Airport	Montego Bay
St. Kitts and Nevis	NEV	Vance W. Amory International Airport	Charlestown
	SKB	Robert L. Bradshaw International Airport	Basseterre
St. Lucia	SLU	George F. L. Charles Airport	Castries
	UVF	Hewanorra International Airport	Vieux-Fort
St. Vincent and the Grenadines			
Trinidad and Tobago	POS	Piarco International Airport	Port of Spain
	TAB	Crown Point International Airport	Scarborough
Total LPDs: 13			

TSAR Central America			
Country	Airport Code	Airport Name	City
Dominican Republic	LRM	La Romana International Airport	La Romana
	POP	Gregorio Luperon International Airport	Puerto Plata
	PUJ	Punta Cana International Airport	Punta Cana
	SDQ	Las Americas International Airport	Santo Domingo
	STI	Santiago Municipal International Airport	Santiago
Total LPDs: 5			

Appendix F
Major Contributors to this Report

William J. McCarron, Chief Inspector
Wayne A. Ekblad, Senior Inspector
Anne Y. Cho, Inspector
Nicholas P. Ketter, Inspector

Appendix G

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OIG HOTLINE

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Should you be unable to access our website, you may submit your complaint in writing to: DHS Office of Inspector General, Attention: Office of Investigations Hotline, 245 Murray Drive, SW, Building 410/Mail Stop 2600, Washington, DC, 20528; or fax it directly to us at (202) 254-4297.

The OIG seeks to protect the identity of each writer and caller.