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OFFICE OF INSPECTOR GENERAL

TSA Needs to Improve Management of the Quiet Skies Program (REDACTED)

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November 25, 2020

OIG-21-11



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OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

November 25, 2020

MEMORANDUM FOR: The Honorable David Pekoske
Administrator
Transportation Security Administration

FROM: Joseph V. Cuffari, Ph.D. JOSEPH V
Inspector General CUFFARI

SUBJECT: *TSA Needs to Improve Management of the Quiet Skies
Program – ~~Sensitive Security Information~~*

Digitally signed by JOSEPH V
CUFFARI
Date: 2020.11.25 15:17:15
-05'00'

Attached for your action is our final report, *TSA Needs to Improve Management of the Quiet Skies Program – ~~Sensitive Security Information~~*. We incorporated the formal comments provided by your office in the final report.

The report contains two recommendations aimed at improving the overall effectiveness of TSA's Quiet Skies program. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 and 2 open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts. Please send your response or closure to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.

Please call me with any questions, or your staff may contact Sondra McCauley, Assistant Inspector General for Audits, at (202) 981-6000.

cc: Executive Assistant Administrator, Operations Support, TSA
Executive Assistant Administrator, Law Enforcement/FAMS, TSA

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DHS OIG HIGHLIGHTS

TSA Needs to Improve Management of the Quiet Skies Program

November 25, 2020

Why We Did This Audit

We conducted this audit to determine whether the Transportation Security Administration (TSA) planned, implemented, and managed its Quiet Skies program to accomplish its mission as intended. The program uses enhanced screening procedures on higher risk passengers, and Federal Air Marshal Service (FAMS) officers observe these individuals at airports and during flights.

What We Recommend

We made two recommendations that, when implemented, may help TSA better measure the effectiveness of its Quiet Skies program.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

TSA did not properly plan, implement, and manage the Quiet Skies program to meet the program's mission of mitigating the threat to commercial aviation posed by higher risk passengers. Specifically, TSA did not:

- develop performance goals and measures to demonstrate program effectiveness, or
- always adhere to its own Quiet Skies guidance.

This occurred because TSA lacked sufficient oversight to ensure the Quiet Skies program operated as intended. For example, TSA did not have a centralized office or entity to ensure the various TSA offices properly managed Quiet Skies passenger data.

Without sufficient metrics, analysis, and controls, TSA cannot be assured the Quiet Skies program enhances aviation security through FAMS as intended.

TSA's Response

TSA concurred with both recommendations and has begun implementing corrective action plans.



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Abbreviations

ETD	Explosive Trace Detection
FAMS	Federal Air Marshal Service
GAO	U.S. Government Accountability Office
I&A	Intelligence and Analysis office
PIA	Privacy Impact Assessment
SOP	Standard Operating Procedures
TIDE	Terrorist Identities Datamart Environment
TSA	Transportation Security Administration
TSDB	Terrorist Screening Database



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Background

In April 2012, the Transportation Security Administration (TSA), with Department of Homeland Security (DHS) approval, implemented the Quiet Skies program using pre-flight enhanced screening procedures for higher risk passengers on domestic flights, to mitigate the threat to commercial aviation posed by unknown or partially known individuals. The Quiet Skies program relies on multiple offices within DHS and TSA. These offices' responsibilities are to ensure compliance with Federal privacy and individual rights laws, address other legal matters relating to protecting the Nation's transportation systems, and provide on-board security. (Appendix C identifies the DHS offices involved in the Quiet Skies program and their responsibilities.)

TSA uses risk-based, intelligence-driven rules (or criteria). These Quiet Skies rules are based on current terrorist travel trends, methods, techniques, or associations with Known or Suspected Terrorists on Federal Government watchlists.¹ As of February 2019, there were [REDACTED] Quiet Skies rules. Examples of Quiet Skies rules include [REDACTED], and [REDACTED] individuals on Federal Government watchlists, such as the Terrorist Screening Database (TSDB) or Terrorist Identities Datamart Environment (TIDE). The TSDB is the U.S. Government's consolidated database for terrorism screening information. The TIDE watchlist, or database, provides information concerning persons with a nexus to international terrorism.

Aircraft operators are required to submit passengers' travel and biographical reservation information to TSA for pre-screening in its Secure Flight system. Secure Flight determines whether the passenger information meets the Quiet Skies rules in Customs and Border Protection's Automated Targeting System,² including confirming the passenger is not on a Federal Government watchlist. If a passenger's information matches a Quiet Skies rule, Secure Flight notifies the aircraft operator to mark the passenger's boarding pass, which notifies Transportation Security Officers at the checkpoint to conduct enhanced screening procedures. (Appendix D shows the Quiet Skies program process.)

¹ Watchlists allow TSA and other Federal law enforcement agencies to mitigate threats to transportation or national security by identifying individuals who meet certain watchlisting criteria.

² The Automated Targeting System receives intelligence-based Quiet Skies rules from TSA, compares these rules against aircraft operator-provided passenger data, and provides Secure Flight with list records for passengers to whom each of these rules applies.



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TSA conducts enhanced screening of Quiet Skies passengers at checkpoints to better ensure they are not carrying prohibited items on board aircraft and to mitigate the threats they potentially pose. Enhanced screening is more thorough than standard screening and requires two or more Transportation Security Officers to conduct the screening. (See comparison in Appendix E.) In March 2018, in addition to enhanced checkpoint screening, TSA began surveillance (observation and collection of data) of Quiet Skies passengers beyond security checkpoints, as part of its Federal Air Marshal Service's (FAMS) Special Mission Coverage flights as described in Appendix F. Until FY 2018, Quiet Skies program costs totaled about \$1.2 million for Intelligence and Analysis (I&A) activities for about six years.

DHS' Privacy Office, Office for Civil Rights and Civil Liberties, and Office of the General Counsel³ (DHS' Reviewing Offices) examine Quiet Skies rules every quarter to ensure the rules:

- are based on current intelligence identifying specific potential threats to aviation security within the United States;
- are deactivated when no longer necessary to address a particular threat;
- are tailored appropriately to minimize the impact on passengers' civil rights, civil liberties, and privacy; and
- comply with relevant legal authorities, regulations, and DHS policies.

In July 2018, various news media reported on TSA's Quiet Skies, identifying it as a new domestic surveillance program that targeted passengers not included in any terrorist database. These articles raised concerns regarding the program's legality, impact on privacy and civil liberties, and extensive collection of passenger data. We conducted this audit due to congressional interest and the media reports about the Quiet Skies program.

Results of Audit

TSA did not properly plan, implement, and manage the Quiet Skies program to meet the program's mission of mitigating the threat to commercial aviation posed by higher risk passengers. Specifically, TSA did not:

³ Under the *FAA Reauthorization Act of 2018*, Pub. L. No. 115-254, § 1949(c)(3), 132 Stat 3186 (2018), TSA counterparts — TSA Privacy; Civil Rights and Liberties, Ombudsman, and Traveler Engagement; and Chief Counsel's office — also review screening rules established by I&A.



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- develop performance goals and measures to demonstrate program effectiveness, or
- always adhere to its own Quiet Skies guidance.

This occurred because TSA lacked sufficient oversight to ensure the Quiet Skies program operated as intended. For example, TSA did not have a centralized office or entity to ensure the various TSA offices properly managed Quiet Skies passenger data.

Without sufficient metrics, analysis, and controls, TSA cannot be assured the Quiet Skies program enhances aviation security through FAMS as intended.

TSA Did Not Properly Plan, Implement, and Manage Its Quiet Skies Program

TSA did not properly plan, implement, and manage the Quiet Skies program to meet the program's mission of mitigating the threat to commercial aviation posed by unknown higher risk passengers. Agencies should develop and implement sufficient internal controls to facilitate mission fulfillment and ensure programs operate as intended to achieve specified goals. TSA did not have sufficient internal controls to ensure the Quiet Skies program operates efficiently and effectively. For example, TSA did not develop outcome-based performance goals and measures to demonstrate program effectiveness, or always adhere to its own Quiet Skies guidance. This occurred because TSA lacked sufficient, centralized oversight to ensure the Quiet Skies program operated as intended. Without sufficient metrics, analysis, and controls, TSA cannot be assured the Quiet Skies program enhances aviation security as intended.

TSA Did Not Develop Performance Goals and Measures to Demonstrate Program Effectiveness

TSA did not adequately plan its Quiet Skies program to include outcome-based performance goals and measures. The *GPR Modernization Act of 2010*⁴ requires Federal agencies to develop performance goals expressed in objective, quantifiable, and measureable terms. This includes developing outcome-oriented goals and describing how they will be achieved, and how they will contribute to meeting the Federal Government's priority goals. Output

⁴ *GPR Modernization Act of 2010*, Pub. L. No. 111-352, § 1115, 124 Stat 3869 (2011).



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measures allow agencies to calculate or record program activities quantitatively, while outcome measures assess the results of a program activity compared to its intended purpose.

TSA Did Not Have Performance Measures and Goals to Demonstrate Effectiveness of Enhanced Screening of Quiet Skies Passengers

When DHS and TSA initially planned and implemented the Quiet Skies program in April 2012, TSA did not establish outcome-oriented goals that explained how it would achieve its mission of identifying unknown or partially known passengers who might pose risks to aviation security. TSA created program implementation conditions to direct program activities, including:

- information sharing,
- need for transparency,
- quarterly reviews of intelligence justifications for Quiet Skies rules,
- removing passengers from the Quiet Skies List,⁵ and
- limiting the number of enhanced screening encounters.

Although these conditions may direct program activities, they are not outcome-oriented goals and do not provide TSA with a means to measure how the program contributes to accomplishing its mission. TSA's I&A established some output-based measures for Quiet Skies but did not develop outcome-based performance measures or goals that demonstrated the program's effectiveness. For example, I&A tracked quantitative and qualitative measures of an activity, including the number and names of passengers that matched Quiet Skies rules to the number of times those passengers traveled. However, I&A did not have outcome-based measures, such as those for ensuring enhanced screening at checkpoints, to demonstrate its Quiet Skies rules mitigated risks to aviation security. According to an I&A official, I&A is not aware of potential threat incidents unless TSA's Security Operations office provides notification about a security event at a checkpoint.

TSA Did Not Develop Performance Measures and Goals to Demonstrate FAMS' Value in Using Quiet Skies Passenger Data

TSA incorporated FAMS surveillance in the Quiet Skies program in 2018, but did not develop outcome-based performance measures or goals to demonstrate

⁵ A list of higher risk passengers as identified by other TSA programs who also meet the Quiet Skies rules.



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how FAMS surveillance activities would benefit the Quiet Skies program. After almost two years of flight coverage, FAMS could not provide outcome-based performance measures to show that its surveillance of Quiet Skies passengers who had already received enhanced screening at checkpoints was the most efficient use of its limited resources. (See Appendix G for details.) According to FAMS officials, metrics they developed were being analyzed for suitability to provide indicators of FAMS mission deployment effectiveness. However, in February 2019, these same officials informed us that their goal was to achieve 100 percent flight coverage of all Quiet Skies flights, which, at the time, was about █ percent. Without adequate metrics and analysis, TSA cannot ensure that use of FAMS is effectively accomplishing the Quiet Skies program mission of helping mitigate potential aviation system threats to protect the traveling public.

TSA Did Not Always Adhere to Its Own Quiet Skies Guidance

TSA did not adequately manage its Quiet Skies program to ensure that all relevant TSA offices adhered to Quiet Skies guidance. According to GAO's *Standards for Internal Control in the Federal Government*, management documents – in policies such as Standard Operating Procedures (SOP) – each unit's responsibilities for operational processes to identify risks, design control activities, assist in implementation and operate effectively, and monitor the control activities to ensure programs operate as intended.

TSA Did Not Coordinate FAMS' Use of Quiet Skies Data to Ensure Compliance with Privacy Protection Guidance

When conducting aviation security and collecting passenger data, TSA should ensure passenger privacy is protected. The *Privacy Act of 1974* prohibits the disclosure of a record about an individual from a system of records absent the written consent of the individual, unless the disclosure is pursuant to one of twelve statutory exceptions.⁶ In addition, the *E-Government Act of 2002* requires agencies to conduct Privacy Impact Assessments (PIA) to make publicly available what information is collected, why it is being collected, the intended use of the information, and how it will be secured.⁷ The DHS Privacy Office's official guidance on PIAs further explains PIA as "one of the most

⁶ *Privacy Act of 1974*, as amended, 5 U.S.C. § 552a(b).

⁷ *E-Government Act of 2002*, Pub. L. No. 107-347 § 208(b)(1)(B)(iii), 116 Stat 2899 (2002).



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important instruments through which the Department creates transparency and establishes public trust in its operations,” and “a vital tool that evaluates possible privacy risks and the mitigation of those risks at the beginning of and throughout the development life cycle of a program or system.”⁸

In April 2012, TSA developed a Quiet Skies PIA to address privacy concerns regarding the collection of passenger data. The 2012 PIA identified the privacy risk of expanding the Quiet Skies List beyond its intended purpose of passenger screening, and specifically provided prohibition of other uses within the Concept of Operations as mitigation of such risk.

FAMS’ use of Quiet Skies passenger data is likely permitted under one of the twelve statutory exceptions to the Privacy Act’s prohibition against disclosure of any individual’s record from a system of records without the individual’s written consent.⁹ Nonetheless, FAMS’ use of Quiet Skies passenger data was not entirely consistent with TSA’s privacy protection guidance provided in the 2012 PIA. According to TSA officials, they were aware FAMS was using Quiet Skies passenger data to conduct surveillance, even though the 2012 PIA specifically identified prohibiting the use of such information to guide operations beyond enhanced screening at checkpoints as mitigation of the privacy risk. However, TSA did not update its PIA to include FAMS surveillance of Quiet Skies passengers and use of collected data until more than a year later, in April 2019.

Moreover, TSA informed us the DHS Reviewing Offices may not have become fully aware of FAMS’ surveillance of Quiet Skies passengers until nearly five months after FAMS began those operations. According to a TSA Privacy Office official, the Privacy Office did not immediately inform DHS offices of FAMS involvement with Quiet Skies because of internal opposition to the program

⁸ DHS Privacy Office, *Privacy Impact Assessments: The Privacy Office Official Guidance* (June 2010).

⁹ See 5 U.S.C. § 552a(b)(1) (“No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be to...those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties...”) FAMS and I&A are part of the same agency, and it is reasonable to conclude FAMS had a need to know the Quiet Skies passenger data in the performance of its duties to protect airline passengers and crew against the risk of criminal and terrorist violence.



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due, in part, to the release of a Quiet Skies media article and pending an updated FAMS Concept of Operations.¹⁰ Subsequently, the Office for Civil Rights and Civil Liberties' Programs Branch Director emailed TSA's Executive Assistant Administrator for Law Enforcement/FAMS, expressing concerns about FAMS' involvement in Quiet Skies operations. In the email, the Director noted that FAMS' Quiet Skies surveillance "...falls outside the intelligence activity documented in the Implementation Memo and subsequently beyond the scope of the [DHS] Oversight offices' quarterly review process."

The five-month delay in providing an updated FAMS Concept of Operations for DHS Reviewing Offices' review and a year delay in updating the PIA may have affected the Department's effort to build transparency and public trust in its operations and evaluate possible privacy risks and the mitigation of those risks throughout the development life cycle of a program or system.¹¹

TSA May Not Have Always Removed Passengers After [REDACTED], as Required

TSA may not have always removed passengers from the Quiet Skies List as required by its *Implementation of an Intelligence-Driven, Risk-Based Domestic Aviation Security Screening Program* (Implementation Plan). TSA created the Implementation Plan in April 2012 to:

- document the Quiet Skies rule approval process;
- define DHS oversight responsibilities;
- establish processes to minimize the effect on the traveling public's privacy and civil rights and civil liberties; and
- establish Secure Flight system settings to create the Quiet Skies List to designate passengers for enhanced screening.

According to the Implementation Plan, TSA automatically removes passengers from the Quiet Skies List after [REDACTED]¹² resulting in enhanced screening or [REDACTED], whichever comes first. The removal guidelines are intended to preserve travelers' privacy, civil rights, and civil liberties and limit

¹⁰ In 'Quiet Skies' Program, TSA is Tracking Regular Travelers Like Terrorists in Secret Surveillance, The Boston Globe, July 28, 2018.

¹¹ DHS Privacy Office, Privacy Impact Assessment: The Privacy Office Official Guidance (June 2010).

¹² An encounter is defined as a Quiet Skies passenger making a flight reservation, being vetted by Secure Flight, and the passenger flying the flight segments.



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the enhanced screening Quiet Skies passengers receive at security checkpoints. The Implementation Plan requires TSA and DHS to conduct quarterly oversight reviews of Quiet Skies' risk-based, intelligence-driven rules created and updated by I&A. However, in 2017 and 2018 TSA identified software algorithm and system malfunctions that resulted in passengers not being removed from the Quiet Skies List after [REDACTED]. The agency corrected the problems.

Without effective processes to ensure passengers are removed from the Quiet Skies List after [REDACTED], as required by the Implementation Plan, TSA may be subjecting passengers to more enhanced screenings and FAMS surveillance than needed.

Quiet Skies Passengers May Not Have Always Received Enhanced Screening as Required at Security Checkpoints

As currently designed, TSA cannot ensure all Quiet Skies passengers receive enhanced screening at checkpoints in accordance with its Implementation Plan. According to Federal regulations, aircraft operators must submit passenger data to TSA to ensure Secure Flight identifies individuals requiring enhanced checkpoint screening prior to boarding aircraft.¹³ After an aircraft operator submits passenger data to TSA, Secure Flight returns a Boarding Pass Printing Result¹⁴ to the aircraft operator indicating whether a passenger should receive the enhanced checkpoint screening code "SSSS" on his or her boarding pass. If so, the aircraft operator must place this code on the boarding pass, which alerts Transportation Security Officers to conduct enhanced screening of the passenger. Once completed, the Transportation Security Officer applies a distinctive marking to the boarding pass, indicating enhanced screening has occurred. However, due to improperly marked boarding passes, TSA may not have always conducted enhanced screening as required. This occurred because the Secure Flight system is automated and because the aircraft operators did not always correctly code boarding passes to indicate that Transportation Security Officers needed to conduct enhanced screening at checkpoints.

We reviewed results from TSA inspections conducted from October 2015 through February 2019, in which inspectors found incidents related to the Boarding Pass Printing Result requirement. From our review of 16 incident

¹³ Code of Federal Regulations Title 49, § 1560.101(b), 105(b)(2).

¹⁴ 49 CFR § 1560.105(b).



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reports, we identified [REDACTED] in which the boarding passes either were not designated as needing enhanced screening or the aircraft operator did not ensure the passenger received enhanced screening at the checkpoint.

Without an effective quality assurance process to ensure aircraft operators mark all Quiet Skies passengers' boarding passes with the enhanced screening code, TSA cannot ensure its risk mitigation strategy of enhanced screening of these passengers is effective and is always conducted.

TSA Did Not Provide Adequate Oversight to Ensure the Quiet Skies Program Operated as Intended

TSA did not adequately oversee the Quiet Skies program to ensure it operated as intended. Specifically, TSA did not have a centralized office or entity to ensure the various TSA offices properly managed Quiet Skies passenger data. Instead, TSA relied on multiple internal offices to operate its Quiet Skies program with minimal coordination. As such, TSA did not ensure oversight meetings were documented, as required, or update its policies and procedures to reflect program operations.

TSA did not ensure its quarterly oversight meetings with the DHS Reviewing Offices were documented. According to the DHS *Standard Operating Procedures for Automated Rules Review*, dated September 2011, DHS Reviewing Offices are required to oversee the Quiet Skies rules at quarterly meetings and compile an unclassified summary of key points with any follow-up items. The unclassified summary should include any concerns or questions the DHS Reviewing Offices would like addressed or answered before the next quarterly meeting, or any non-concurrence objections to a rule.

TSA was unable to provide meeting minutes or a briefing slide presentation in response to our sample selection of 13 quarterly review oversight meetings from FY 2010 through FY 2018 addressing four Quiet Skies rules. According to I&A officials, the DHS Reviewing Offices were responsible for fulfilling the requirement to document quarterly review meetings by preparing unclassified summaries. However, the DHS *Standard Operating Procedures for Automated Rules Review* requires I&A to provide edits or corrections to the summary of key points prepared by the DHS Reviewing Offices from each previous quarterly Quiet Skies review meeting.



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We interviewed officials from each of the DHS Reviewing Offices to determine the extent to which results of quarterly Quiet Skies meetings were documented. One official was unaware that meeting minutes were taken or that supervisors were required to approve the information discussed in the meetings. Other officials said they relied on TSA to maintain records and there was no need to “memorialize” the meetings because the information would be the subject of subsequent quarterly meetings.

TSA did not ensure its program offices updated Quiet Skies policies and procedures to reflect program operations. According to GAO’s *Standards for Internal Control in the Federal Government*, management documents – in policies such as SOPs – each unit’s responsibilities for operational processes to identify risks, design control activities, assist in implementation and operate effectively, and monitor the control activities to ensure the program operates as intended.

Within TSA, the I&A’s Transportation Analysis Division that developed and modified Quiet Skies rules only maintained draft policies and procedures. These Quiet Skies policies and procedures, which had not been finalized as of March 2020, explain how Quiet Skies rules are developed, regular reviews of Quiet Skies Lists are conducted, and passenger reports should be analyzed.

According to I&A’s Secure Flight program officials, the office did not develop an SOP because its system for identifying Quiet Skies passengers from aircraft operator data is entirely automated. Secure Flight transmits passenger information electronically, so it can be shared with transportation security stakeholders, such as I&A and FAMS. Secure Flight also creates the Quiet Skies List and then notifies the aircraft operator to place a code on the boarding pass, so the traveler receives enhanced screening at the security checkpoint. (Appendix D provides a flowchart of this automated process.)

Finally, according to TSA, FAMS uses its Special Mission Coverage guidance for the Quiet Skies program. However, this guidance applies to high-risk travelers on active Federal Government watchlists and is not designed for Quiet Skies passengers who are unknown risks. According to FAMS officials, they requested that TSA develop a Quiet Skies SOP about a year prior to our February 2019 interview with them. They believed that responsibility for the delay creating an SOP rested with TSA’s Office of Chief Counsel. Without formal documentation from the quarterly Quiet Skies rule meetings, including key points, concerns, questions, and comments, TSA and DHS Reviewing Offices may not be able to make informed decisions or capture critical meeting



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information potentially impacting Quiet Skies performance. Furthermore, without approved policies and procedures for the TSA program offices involved in the Quiet Skies program, TSA cannot ensure all processes are documented and the program operates consistently or as intended.

Recommendations

Recommendation 1: We recommend the Transportation Security Administration Administrator, establish and ensure a centralized Quiet Skies oversight program to monitor and ensure the program is operationally effective and using the information to protect travelers from emerging threats. This oversight should include:

- development and codification of policies and procedures,
- development of performance measures, and
- establishment of goals for all program offices involved in the program.

Recommendation 2: We recommend that, after ensuring operational effectiveness, the Transportation Security Administration Assistant Administrator, Intelligence and Analysis, in coordination with other TSA offices:

- a. Mandate that quarterly Quiet Skies oversight meetings with Department of Homeland Security are formally and consistently documented by, at a minimum, meeting minutes, records of key decisions made, and lists of meeting attendees.
- b. Establish a formal quality assurance process and capability that TSA can use for compliance and performance checks to validate individuals identified by Quiet Skies rules have been designated by the Secure Flight system as Quiet Skies passengers and receive enhanced screening at checkpoints.
- c. Develop and codify procedures to ensure Quiet Skies data is reliable and passengers are cleared after [REDACTED] as outlined in the Implementation Plan and as approved by the Department of Homeland Security.

Management Comments and OIG Analysis

The TSA Administrator provided written comments on a draft of this report, which are included in Appendix B. TSA concurred with our two



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recommendations and agreed that additional measures are necessary to enhance the effectiveness of the Quiet Skies program. TSA officials indicated that some of these measures are already underway or complete. However, they disagreed with our report conclusion and provided information explaining the program and some of the decisions made as the program evolved. We received technical comments separately, which we incorporated in the report as appropriate. The following is a summary of the response to each recommendation and our analysis.

TSA's Response to Recommendation 1: TSA officials concurred and noted that I&A will create a Quiet Skies oversight council and develop a charter for this council. The council will consist of all TSA program offices participating in the Quiet Skies program. The council will also hold regular meetings to discuss Quiet Skies program changes, operational uses, and performance. Further, the Threat Analysis Division will finalize SOPs for its management of Quiet Skies rules and all other oversight processes. A copy of the SOPs will be provided upon completion. The estimated completion date is September 30, 2021.

OIG Analysis: TSA's response and planned corrective actions meet the intent of the recommendation. This recommendation is resolved and open. We will close the recommendation when TSA provides sufficient evidence that the agency has established a council and the members are following a well-developed charter to address our reported concerns. Additionally, TSA will need to provide documentation supporting discussions at quarterly oversight meetings, as well as the program's finalized SOP for management and oversight.

TSA's Response to Recommendation 2: Recommendation 2a: TSA officials concurred and noted that, in December 2018, I&A's Threat Analysis Division assumed responsibility for documenting the substance of the quarterly oversight meetings, including meeting minutes, records of key decisions made, and lists of meeting participants. According to TSA, the Threat Analysis Division captured changes to the oversight process through formal adoption of SOPs related to DHS oversight of Quiet Skies in July 2020.

Recommendation 2b: TSA officials concurred and noted that through the Quiet Skies Oversight Council they will create a formal process documenting the component's quality assurance process for ensuring rule-based selectees receive enhanced screening and correctly coded boarding passes. The estimated completion date is December 31, 2021.



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Recommendation 2c: TSA officials concurred and noted that I&A's Threat Analysis Division, in conjunction with the National Transportation Vetting Center and the Secure Flight program, have taken steps to augment existing processes to discover errors in the automated processing of Boarding Pass Printing Results for Quiet Skies Selectees. These processes will be codified in the Threat Analysis Division's SOPs for management of Quiet Skies rules and oversight processes. The estimated completion date is September 30, 2021.

OIG Analysis: This recommendation is resolved and open. TSA's planned corrective actions meet the intent of the recommendation. We will close the recommendation when TSA provides sufficient evidence that it has implemented each part of the recommendation as follows.

Recommendation 2a: Relevant SOP extract and notes documenting quarterly Quiet Skies oversight meetings with DHS that contain, at a minimum, meeting minutes, records of key decisions made, and lists of meeting attendees.

Recommendation 2b: Documentation supporting establishment of a formal quality assurance process to ensure individuals identified by Quiet Skies rules receive properly coded ("SSSS") boarding passes as required, as well as enhanced screening at checkpoints.

Recommendation 2c: Documented and approved procedures to ensure Quiet Skies data is reliable and passengers are removed from the Quiet Skies List [REDACTED] as outlined in the Implementation Plan and as approved by DHS.



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Appendix A

Objective, Scope, and Methodology

Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296) by amendment to the *Inspector General Act of 1978*.

The objective of our audit was to determine whether TSA planned, implemented, and managed its Quiet Skies program to accomplish the mission as intended. We conducted this audit due to congressional interest and concerns reported by the media.

To answer our objective, we reviewed relevant TSA policies and procedures, Federal regulations, TSA's Quiet Skies Privacy Impact Assessments, legal analysis and opinion, FAMS' Concept of Operations, prior OIG and GAO audit reports, congressional testimony, media articles, and budget information. Additionally, we interviewed TSA Headquarters officials from the following offices:

- I&A (including the Transportation Analysis Division, Secure Flight, Intelligence Analysis Branch, and Vetting Analysis Division)
- Law Enforcement/Federal Air Marshal Service
- Civil Rights & Liberties, Ombudsman and Traveler Engagement
- Privacy
- Chief Counsel

To fully understand DHS' oversight role in TSA's Quiet Skies program, we interviewed officials from the following DHS offices:

- Office for Civil Rights and Civil Liberties
- Privacy Office
- Office of the General Counsel

We selected two different judgmental samples to determine if TSA supported its Quiet Skies rules with reviews and documentation, and whether Federal air marshals documented their surveillance of Quiet Skies passengers.

Specifically, we selected a sample of [REDACTED] Quiet Skies rules to ensure that the rules were supported by current intelligence, reviewed and approved by TSA and DHS officials, and documented in Quarterly Review meeting minutes and presentations. We selected a second sample of 48 FAMS After Action



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Reports to determine if TSA adequately documented the surveillance of Quiet Skies Passengers.

We assessed the reliability of the FAMS Law Enforcement Information Coordination Section system during the audit. Data obtained from FAMS Law Enforcement Information Coordination Section system included subject profiles¹⁵ of Quiet Skies passengers and After Action Reports completed after surveillance activities. We also interviewed officials within the Secure Flight division to understand how the system tracks encounters at the security checkpoint, creates the Quiet Skies List, and sends notification to the aircraft operator for enhanced screening designation. We reviewed the Quiet Skies List daily reports that I&A and FAMS obtained from Secure Flight. Although TSA did not have Quiet Skies policies and procedures for Secure Flight, we believe the data we received to be sufficiently reliable to support our audit conclusions. We observed user demonstrations of the FAMS' Law Enforcement Information Coordination Section system and traced and verified the After Action Report data provided back to the system for passengers in our sample. We determined the information provided was sufficiently reliable to support our audit conclusions.

We conducted this performance audit between August 2018 and March 2020 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

¹⁵ FAMS creates a Special Mission Coverage Subject Information Profile, which may include a photo of the passenger, flight information, and other demographic information that Federal air marshals need to identify the passengers they surveil based on data from Customs and Border Protection's Automated Targeting System and Secure Flight passenger data provided by I&A.



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Appendix B
TSA Comments to the Draft Report

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



**Transportation
 Security
 Administration**

November 16, 2020

MEMORANDUM FOR: Joseph V. Cuffari
 Inspector General U.S. Department of Homeland Security

FROM: David P. Pekoske *David P. Pekoske*
 Administrator
 Transportation Security Administration

SUBJECT: Management's Response to OIG Draft Report: "TSA Needs to Improve Management of the Quiet Skies Program"
 (Project No. 18-116-AUD-TSA)

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security's (DHS) Transportation Security Administration (TSA) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

Quiet Skies is one of TSA's critical risk-based security programs that identifies and addresses potential threats from individuals who may intend harm to aviation security but who are not Known or Suspected Terrorists (KSTs). This program, which traces its origins to an interagency review of the facts and circumstances permitting Umar Farouk Abdulmutallab to board an aircraft in December 2009, while wearing an improvised explosive device and without receiving enhanced screening, is central to TSA's efforts to mitigate the risk posed by unidentified or partially identified terrorists. Congress recognized the value of this program, and in 2018, mandated that TSA consider Quiet Skies (as well as its companion program, Silent Partner) as part of a risk-based approach to the allocation of Federal Air Marshals (FAMs) across domestic and international flights. TSA's Law Enforcement/Federal Air Marshal Service (LE/FAMS) use of Quiet Skies represents an operational use of current intelligence assessments regarding threats to aviation within the homeland that TSA's Intelligence & Analysis office (I&A) develops on behalf of the entire TSA.

TSA concurs with the intent of the recommendations from this report and agrees that additional measures—some of which are already underway or complete—are necessary to enhance the effectiveness of Quiet Skies. However, TSA disagrees that "TSA did not properly plan, implement, and manage its Quiet Skies Program to meet the program's mission of mitigating the

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threat to commercial aviation posed by higher risk passengers.” Since the program’s 2012 inception, TSA operated Quiet Skies consistent with the Quiet Skies Implementation Plan. This plan provides Secretary-approved procedures for the operation and oversight of Quiet Skies. TSA’s preliminary measures of effectiveness show that the program helped mitigate the threat posed by higher risk passengers.

Consistent with the OIG’s audit and a November 2019 Government Accountability Office (GAO) report, GAO-20-72, “AVIATION SECURITY: TSA Coordinates with Stakeholders on Changes to Screening Rules but Could Clarify Its Review Processes and Better Measure Effectiveness,” dated November 20, 2019, the program developed a measure of effectiveness that compares the Quiet Skies selectee population to the overall flying public to determine if Quiet Skies effectively identifies higher-risk travelers. This measure uses retrospective data on past Quiet Skies-designated selectees who were subsequently added to the Terrorist Screening Database. This data was not available at the program’s inception, requiring several years’ worth of retrospective data to provide a more complete picture on identification of travelers who actually pose a high risk to transportation security. Therefore, it is appropriate that this measure was only recently implemented as a benchmark for the program’s performance.

An initial comparison of Quiet Skies Selectees to the Terrorist Screening Database, provided to OIG during this audit, identified 34 travelers designated for enhanced screening by Quiet Skies who were subsequently designated as KSTs. In October 2020, TSA’s I&A reviewed Quiet Skies encounters between 2014 and 2019, and found that 58 individuals designated for additional scrutiny by Quiet Skies are now “watchlisted” in the Terrorist Screening Database as a KST. This data indicates that Quiet Skies Selectees are approximately 30 times more likely to pose an actual high risk than a randomly selected passenger, validating Quiet Skies’ value in identifying higher-risk travel.

The OIG’s draft report includes discussion of TSA’s operation of Quiet Skies and concludes that TSA did not always adhere to its own Quiet Skies guidance or exercise adequate oversight over the program. However, TSA disagrees with these findings, as described below:

1. The FAMS Use of Passenger Information Derived from Quiet Skies is Consistent with Privacy Protection Guidance

TSA agrees that compliance with privacy protection guidance is important to ensure that TSA handles passenger data appropriately, as TSA collects and stores personally identifiable information (PII) within the Secure Flight system of records, DHS/TSA-019, as well as the Transportation Security Intelligence Service Files system of records, DHS/TSA-011. Under the Privacy Act’s “need to know” exception,¹ as employees of the same Agency maintaining the records, TSA I&A may share these records with the FAMS, which has a need for the Quiet Skies records to schedule and prepare flying FAMS for these missions. Such information sharing within the Agency is consistent with both the FAMS need to know this information for the

¹ Title 5, United States Code (U.S.C.) § 552a(b)(1)

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performance of official duties, as well as the Privacy Impact Assessment's (PIA) description of Quiet Skies as part of a risk-based approach to addressing threats from individuals who may intend to harm aviation security but who are not "watchlisted" in the Terrorist Screening Database.

Furthermore, TSA implemented Quiet Skies consistent with the system of records notices applicable to Secure Flight, Intelligence, and Enforcement records, and consistent with PIA updates. The draft report incorrectly states that FAMS use of Quiet Skies to inform mission scheduling was not entirely consistent with TSA's privacy protection guidance. In support of this finding, OIG cites the April 2012 Secure Flight PIA update, which OIG notes included a "privacy risk of expanding the Quiet Skies List beyond its intended purpose of passenger screening, and specifically provided prohibition of other uses within the [Quiet Skies] Concept of Operations as mitigation of such risk." This necessitates clarification. In fact, the 2012 Secure Flight PIA update did not prohibit FAMS' use of passenger information derived from Quiet Skies. Moreover, a subsequent Secure Flight PIA update was published in 2013, well before FAMS began using this information in 2018.

The 2012 Secure Flight PIA update described the program as it existed in 2012. In 2012, the Quiet Skies program was limited to designation for enhanced screening at the checkpoint. Adopting language from the Implementation Plan, the 2012 Secure Flight PIA disclaimed the use of the Quiet Skies List for the purpose of vetting transportation sector workers but expressed no prohibition on the sharing of match results within TSA for operational response purposes, such as scheduling FAM missions to ensure the security of the aircraft—a measure that, like enhanced screening at the checkpoint, is undertaken for the purpose of ensuring the security of a particular flight upon which a Quiet Skies-designated Selectee booked travel.

More importantly, subsequent Secure Flight PIA updates elaborate that TSA may utilize security measures other than Selectee screening. As the September 2013 update to the Secure Flight PIA describes, TSA's use of rules "may be used to give greater scrutiny to a particular flight or individual when, based on current intelligence or other factors, TSA concludes there is greater risk. That greater scrutiny could result in more passengers receiving Selectee screening, fewer passengers receiving expedited screening, or other security procedures not visible to the general public."

PIAs serve to describe privacy risks associated with programs that collect PII and measures in place to mitigate those risks. As such, sharing must comport with the Privacy Act and applicable systems of record; and as described above, the Privacy Act and applicable TSA systems authorized such sharing. No law or privacy policy prohibited the dissemination of Quiet Skies match results from Secure Flight to the FAMS, and none of the relevant PIA updates stated there was any such prohibition.

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2. TSA Implemented Processes to Ensure Passengers Are Removed from the Quiet Skies List in Accordance with the Quiet Skies Implementation Plan

TSA agrees that measures to limit the impact of Quiet Skies on legitimate travelers are an important component of keeping the program focused on higher-risk travelers. As part of the privacy and civil liberties safeguards intrinsic to Quiet Skies, the program limits the number of times a person receives additional scrutiny after matching a Quiet Skies rule [REDACTED]. Both I&A's Transportation Analysis Division (TAD), responsible for the day-to-day management of Quiet Skies, and the Secure Flight program conduct routine oversight of matches to ensure the program operates as intended. Indeed, it is these very oversight processes that identified two previous errors such that TSA could determine root cause and rectify those errors, ensuring adherence to the Quiet Skies implementing guidance.

Although the draft report notes software errors that resulted in passengers not being removed from the Quiet Skies List after [REDACTED], it is important to note that TSA corrected these errors. As such, it is incorrect to state TSA lacks effective oversight processes. These errors were discovered through existing processes to ensure that the program operates as intended, and these processes were enhanced since discovery of the 2017 and 2018 automated system issues. This oversight includes: 1) reviews of numbers of passengers that Quiet Skies designated for enhanced screening on a given day; and 2) comparisons with historical rates and travel patterns to determine if changes in Quiet Skies volume may indicate an increasing threat—or an undetected error in Secure Flight's automated boarding pass printing result (BPPR) processing. These reviews have not discovered any reoccurrence of these technical issues (or related software issues) since 2018.

I&A and the DHS Traveler Redress Inquiry Program (TRIP) also already increased coordination; when a traveler affected by Quiet Skies applies for redress through DHS TRIP, I&A confirms that the rule and the Quiet Skies Cleared List are operating as intended, including removal from the Quiet Skies List [REDACTED]. If the redress applicant is still eligible for enhanced screening under Quiet Skies program guidelines, I&A assesses whether it can determine if the applicant poses a low risk; if so, I&A will direct the placement of the traveler onto the appropriate Quiet Skies Cleared List in advance of reaching program thresholds.

Further, TSA IT developed and implemented system test procedures since its discovery of an automated error in 2017, including significant enhancements to the system automated test cases and regression test suite. To prevent issues like this from occurring again, TSA IT enhanced the Secure Flight automated regression tests to account for all forms of Quiet Skies deletions and movements between the Quiet Skies active and the Quiet Skies cleared lists. The full automated regression suite is now executed each week, and consists of 402 test cases, running for 39.38 hours, with 8 of these focused specifically on Quiet Skies functionality. IT will continue to ensure system checks are in place to effectively identify system anomalies and ensure the system is operating as intended to automatically remove passengers [REDACTED].

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LE/FAMS also established procedures to identify if/when FAMS missions are scheduled for a Quiet Skies passenger more than the allotted number of times, and notify I&A/TAD. I&A TAD will then review the passenger and associated rule(s) to ensure appropriate functionality, and will notify IT if any system anomalies are identified for resolution as needed.

3. Oversight Mechanisms Ensure Quiet Skies Operates as Intended

TSA believes that the oversight of Quiet Skies, including routine reviews provided by the DHS Offices of General Counsel, Privacy Office, and Office for Civil Rights and Civil Liberties as well as managerial oversight through adherence to standard operating procedures (SOP), are important to ensure that the program operates consistently with the Quiet Skies Implementation Plan. Consequently, I&A formally adopted its SOPs for Quiet Skies oversight processes in July 2020, including assuming responsibility for maintaining minutes of quarterly oversight meetings, in coordination with the DHS reviewing offices.

TSA disagrees, however, with the report's finding that the FAMS sought or requires an SOP to address its use of Quiet Skies data. The report's comment that TSA's Chief Counsel's office was believed to be responsible for delay in creating such a SOP is incorrect. FAMS does not use SOPs to provide guidance to its FAMS regarding Quiet Skies-initiated activities, but has produced several documents providing guidance and policy direction to FAMS, including the revised instructions issued in August 2018 and enterprise-wide training provided to FAM instructors. These documents providing FAMS-specific additional information regarding Quiet Skies received prompt legal review and, in the case of the train-the-trainer instruction, direct participation by attorneys from Chief Counsel's office.

I&A/TAD is currently implementing measures of effectiveness that will identify whether Quiet Skies is effectively identifying higher-risk passengers, and will include comparison of Quiet Skies Selectees to the Terrorist Screening Database (TSDB) to identify how many passengers who match a Quiet Skies rule are subsequently added to the TSDB.

An initial analysis completed by TSA's I&A in early 2019 determined that Quiet Skies selectees were 31.6 times more likely than a passenger selected at random to be a KST. A subsequent review in October 2020, implemented as a Quiet Skies program measure of effectiveness, determined that Quiet Skies selectees were 29.2 times more likely than a passenger selected at random to be a KST.

Further, I&A/TAD will conduct similar analysis on a recurring basis, and evaluate other sources of data to evaluate program effectiveness, to ensure that Quiet Skies continues to effectively identify higher-risk passengers for enhanced screening. I&A/TAD will provide this effectiveness data to other program offices, including LE/FAMS, to inform the operational use of Quiet Skies.

I&A/TAD will also continue to monitor the day-to-day operation of Quiet Skies rules to identify anomalies that may indicate that automated processes within the Secure Flight prescreening

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engine are not operating as intended. It also will continue to support oversight of the program and passenger redress requests and other efforts to minimize the impact of Quiet Skies on passengers. I&A/TAD will continue to lead coordination for the DHS quarterly oversight review process and will brief the DHS reviewing offices of relevant issues discussed during Quiet Skies Council meetings.

Consistent with the requirements of the TSA Modernization Act of 2018, I&A/TAD also broadened the distribution of offices receiving notification of modifications to rules and participants in the quarterly oversight meetings to include LE/FAMS and the DHS TRIP. This broadened distribution facilitates discussion of not only the Quiet Skies rules and supporting intelligence, but also discussion of operational uses of Quiet Skies and impact to travelers.

4. TSA Has Procedures in Place to Ensure Travelers Designated as Selectees Receive Enhanced Screening

TSA believes that it is critical that individuals assessed to pose a higher risk warranting enhanced screening actually receive such screening prior to boarding an aircraft. It would be incorrect to conclude that TSA cannot ensure all Quiet Skies passengers receive enhanced screening given that it has numerous processes in place to ensure Quiet Skies passengers receive enhanced screening, even in the event of a boarding pass not being properly marked.

As part of its end-to-end process, TSA employs numerous internal and external, automated and manual controls, and quality assurance processes to ensure the Secure Flight program: 1) accurately identifies Quiet Skies passengers; 2) Secure Flight information is automatically conveyed to the aircraft operator; 3) the aircraft operator accurately marks the boarding pass; and 4) notification of anticipated travel by a higher-risk passenger is provided to the TSA coordination center at the airport as an added layer of assurance at the checkpoint. TSA performs periodic IT system anomaly checks to ensure the Secure Flight system and automation is working as intended and to ensure appropriate interoperability with the regulated aircraft operator's IT systems. TSA also conducts compliance inspections to ensure regulated aircraft operators adhere to requirements for boarding pass markings. Additionally, Secure Flight provides Quiet Skies data directly to the TSA coordination center at airports, so that supervisors at the checkpoint may ensure Quiet Skies passengers receive enhanced screening as intended.

Given the importance of ensuring that travelers are properly identified and screened correctly, TSA has made a major investment in Credential Authentication Technology (CAT), which is currently being deployed to checkpoints across the country. CAT reads a traveler's ID document and verifies its validity and federal officers or federal contractors (at screening partnership program airports) ensure passengers receive screening at the appropriate level based on real-time vetting information. This is accomplished through CAT's connectivity to Secure Flight, which allows for real-time verification of the BPPR at the checkpoint. CAT identifies all passengers who process through a Travel Document Check lane utilizing CAT and are designated for enhanced screening by Secure Flight, including Quiet Skies-designated Selectees and regardless of the markings on passengers' boarding passes. As such, CAT provides a dramatic advance in

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overall security and identify verification and specifically in ensuring that all selectees, including rule-based ones, receive enhanced screening.

While the report bases its conclusion upon two instances (out of 3.5 years of data), in which a boarding pass was not appropriately marked, OIG was unable to provide TSA passenger information or the copies of the boarding passes for these cases that could be used to verify whether these Quiet Skies passengers did not receive the proper level of screening. It would be important to verify this before concluding a Quiet Skies passenger did not receive enhanced screening, given the processes in place to address the possibility of an improperly marked boarding pass.

Additionally, percentages cited relating to inspections are not representative of normal operations because incident reports will only be generated by Transportation Security Inspectors upon belief that a violation has occurred. The presence of four incident reports relating to instances in which a Quiet Skies Passenger may not have received enhanced screening does not indicate that 25 percent of the time there may have been an issue with correct coding of boarding passes. Rather it indicates that when TSA's inspectors found a potential violation of TSA's security regulations occur regarding aircraft operators marking boarding passes, in 25 percent of the cases the violation was that the boarding passes either did not designate the BPPR as needing enhanced screening, or that the aircraft operator did not ensure the passenger received enhanced screening at the checkpoint. Without additional context, it is not possible to assess the accuracy and scope of the concern raised.

The draft report contained two recommendations with which TSA concurs. Attached find our detailed response to each recommendation. TSA previously submitted technical comments under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Attachment:

Management Response to Recommendations Contained in OIG Draft Report "TSA Needs to Improve Management of the Quiet Skies Program" (Project No. 18-116-AUD-TSA)

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**Attachment: Management Response to Recommendations
Contained in OIG Draft Report "TSA Needs to Improve Management of the
Quiet Skies Program (Project No. 18-116-AUD-TSA)"**

OIG Recommends that the TSA Assistant Administrator, I&A:

Recommendation 1: Establish a centralized Quiet Skies oversight program to monitor and ensure the program is operationally effective and using the information to protect travelers from emerging threats. This oversight should include development of policies and procedures and performance measures and goals for all program offices involved in Quiet Skies.

Response: TSA understands the intent of this recommendation is for TSA to establish an oversight council including program offices involved in Quiet Skies and concurs with this intent.

In coordination with other pertinent program offices within TSA, I&A will create a Quiet Skies oversight council and develop a charter for this council, which will consist of all TSA program offices participating in the Quiet Skies program. Once established, this council will ensure that each office coordinates on overarching or interrelated program efforts impacting Quiet Skies, abides by Quiet Skies program policies, develops and codifies internal procedures and management controls, develops and implements appropriate measures of effectiveness, and participates in the DHS quarterly oversight review process. The council will also hold regular meetings to facilitate discussions regarding changes to the program, operational uses of Quiet Skies, and issues relating to the performance of Quiet Skies.

I&A/TAD will finalize SOPs for its management of Quiet Skies rules and regarding all oversight processes. A copy of the SOPs will be provided to OIG upon completion.

Estimated Completion Date (ECD): September 30, 2021.

Recommendation 2: In coordination with other TSA offices:

- a. Mandate that quarterly Quiet Skies oversight meetings with Department of Homeland Security are formally and consistently documented by, at a minimum, meeting minutes, records of key decisions made, and lists of meeting attendees.
- b. Establish a formal quality assurance process to ensure individuals identified by Quiet Skies rules (1) receive properly coded ("SSSS") boarding passes as required, and (2) consistently receive enhanced screening at checkpoints.
- c. Develop procedures to ensure Quiet Skies data is reliable and passengers are cleared [REDACTED] as outlined in the Implementation Plan and as approved by the Department of Homeland Security.

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Response:

Recommendation 2(a): Concur. In December 2018, I&A/TAD assumed the responsibility for documenting the substance of the quarterly oversight meetings, including meeting minutes, records of key decisions made, and lists of meeting attendees. I&A/TAD captured changes to the oversight process through formal adoption of SOPs relating to DHS oversight of Quiet Skies in July 2020.

Estimated Completion Date: Completed.

Recommendation 2(b): Concur. Using the newly-established Quiet Skies Oversight Council, TSA will create a formal central process document codifying the agency's quality assurance process for ensuring rule-based selectees receive enhanced screening and correctly coded boarding passes, as well as the institutional mechanisms TSA will use ensure connectivity between the offices and programs related to Quiet Skies and that these quality assurance measures work effectively.

This will include quality assurance measures such as IT system anomaly checks, compliance inspections of boarding pass markings, the use of Credential Authentication Technology, and National Transportation Vetting Center and I&A monitoring to prevent selectees from flying without having received enhanced screening.

ECD: December 31, 2021.

Recommendation 2(c): Concur. Since the beginning of this audit, I&A/TAD, in conjunction with TSA's National Transportation Vetting Center and the Secure Flight Program, took measures to augment existing processes to discover errors in the automated processing of BPPRs for Quiet Skies Selectees. These processes include routine review of matches to ensure that the Secure Flight vetting engine is operationalizing the Quiet Skies program as intended, including limits on designations for enhanced screening required by the Quiet Skies Implementation Plan. I&A/TAD closely tracks the number of passengers designated for enhanced screening by Quiet Skies per day and compares these figures with historical data to determine if changes in the volume of Quiet Skies Selectees represents a potential anomaly in the Secure Flight vetting engine's processing of BPPRs, general changes in travel patterns, or an increased threat. These processes already led to the discovery and repair of one such automated error in 2017.

These processes were implemented and will be codified in the SOPs that I&A/TAD will finalize for management of Quiet Skies rules and regarding all oversight processes. ECD: September 30, 2021.

Overall ECD: December 31, 2021.

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Appendix C Quiet Skies Responsibilities by TSA and DHS Office

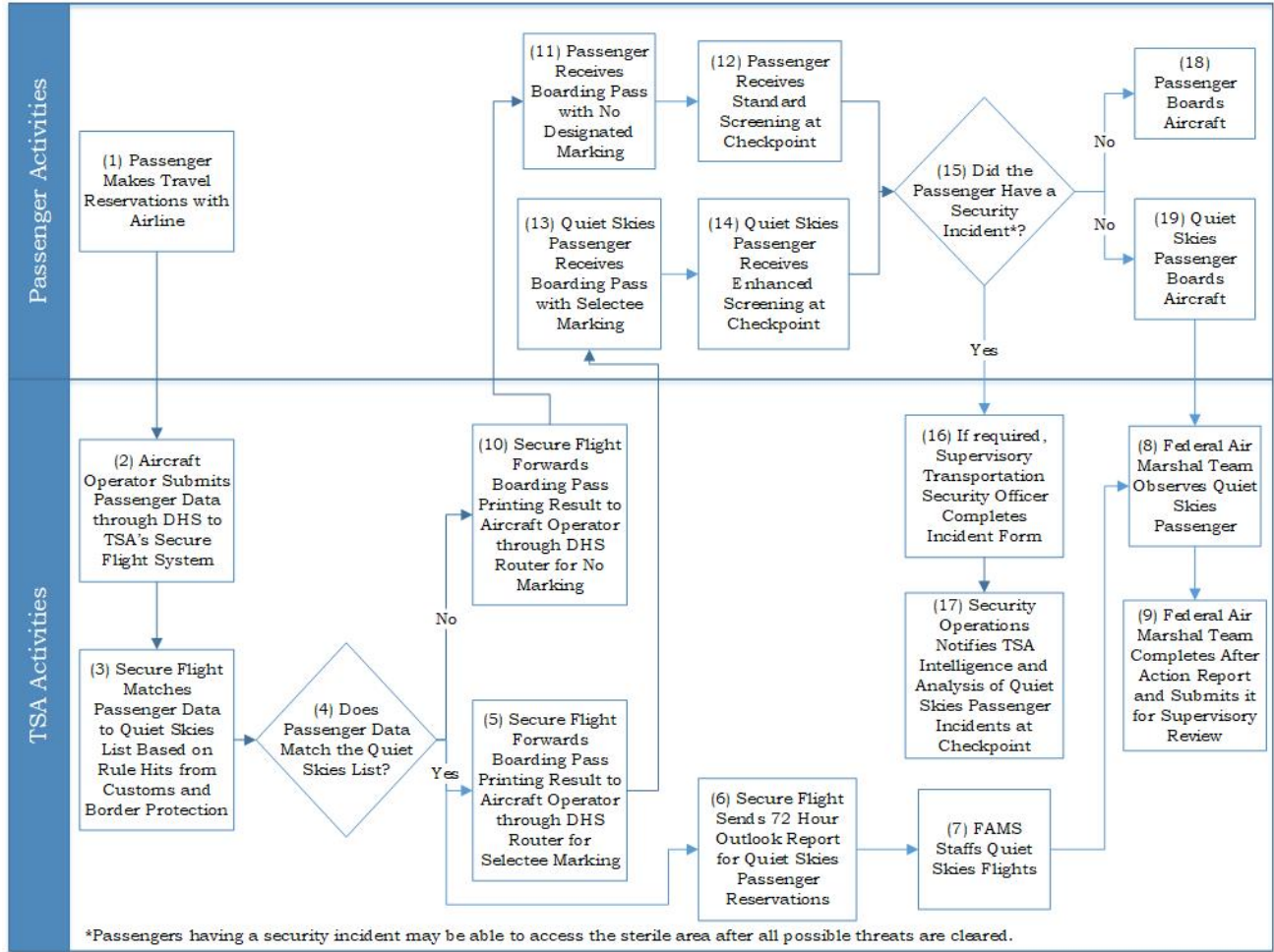
Office	Responsibility
TSA's Intelligence and Analysis Office	Develops and updates Quiet Skies Rules for review by the DHS Reviewing Offices (mentioned below in this table) and the TSA Administrator. Ensures Quiet Skies Rules are based on current intelligence and evaluates rule assessments. Prepares briefing presentations for Quarterly Review meetings.
TSA Chief Counsel	Provides TSA legal reviews of new and existing Quiet Skies rules.
TSA Privacy Office	Provides TSA privacy reviews of new and existing Quiet Skies rules.
TSA Information Technology	Implements Quiet Skies Rule changes in the Secure Flight system and maintains the Quiet Skies Lists in the Secure Flight system.
TSA Security Operations	Physically screens "Selectee"-based Quiet Skies matches at the Nation's airports and uses Quiet Skies reports to better prepare for screening volumes.
DHS Office for Civil Rights and Civil Liberties	Ensures the Quiet Skies Program performs in a manner that safeguards civil rights and civil liberties.
DHS Office of the General Counsel	Provides DHS legal reviews of new and existing Quiet Skies rules.
DHS Privacy Office	Provides DHS privacy reviews of new and existing Quiet Skies rules.

Source: Office of Inspector General (OIG) analysis of TSA-provided information



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Appendix D
Process Flowchart of the Quiet Skies Program



Source: OIG review of TSA’s SOPs for the Quiet Skies Program and Standardized Passenger Checkpoint Screening



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Appendix F

FAMS Involvement in the Quiet Skies Program

In three previous reports,¹⁶ we identified limitations with FAMS' contributions to TSA's layered security approach. Specifically, we determined that FAMS lacked performance measures and budget data to show its contributions and cost-effectiveness to address aviation transportation security risks. For those flights covered by Federal air marshals, seating positions on the aircraft, as well as aircraft layout, impeded sightlines and may have prevented air marshals from visually identifying potential threats. Further, improvised explosive device training provided to Federal air marshals could be of limited use during unannounced detonations.

FAMS' surveillance of Quiet Skies passengers was an effort to reallocate FAMS resources based on intelligence-driven information, as opposed to best professional judgment, aircraft size, or arrival and departure cities. Special Mission Coverage flights involve FAMS surveillance of individuals considered high risk to aviation security, such as Known or Suspected Terrorists, Selectees, or Expanded Selectees.¹⁷ According to its *2018 Law Enforcement/Federal Air Marshal Service Concept of Operations and Strategic Staffing Review*, Quiet Skies passengers are observed for suspicious behaviors the same as Known or Suspected Terrorists, Selectees, and Expanded Selectees. FAMS schedules its Quiet Skies flights after receiving Quiet Skies passenger flight information from TSA's I&A office. Federal air marshals conduct surveillance operations of Quiet Skies passengers [REDACTED]

¹⁶ *FAMS' Contribution to Aviation Transportation Security is Questionable*, OIG-18-04, October 24, 2017; *FAMS Needs to Demonstrate How Ground-based Assignments Contribute to TSA's Mission*, OIG-18-70, July 24, 2018; *FAMS' Contribution to International Flight Security is Questionable*, OIG-19-17, December 19, 2018.

¹⁷ Selectees are individuals considered to be engaged in, or support, terrorism or terrorist activities but [REDACTED] meets the No-Fly criteria. Expanded Selectees are individuals with records in the TSDB that meet the reasonable suspicion standard but do not otherwise meet the No-Fly or Selectee criteria. Both Selectees and Expanded Selectees must undergo enhanced screening prior to boarding an aircraft.



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Typically, according to FAMS officials, TSA deploys three Federal air marshals on Quiet Skies domestic flights, but the number may increase if [REDACTED], or if [REDACTED]. Further, when a Quiet Skies passenger does not show up for a flight [REDACTED]. After surveilling a Quiet Skies passenger, the air marshal team leader will complete an After Action Report to document any suspicious activity.



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Appendix G
Encounters and Surveillance Effectiveness for Quiet Skies
Program, FY 2015 - February 2019

Fiscal Year	Individuals Identified for Enhanced Screening	Individuals Surveilled by FAMS	Incidents at Checkpoints and Denied Travel	Suspicious Activity Noted by FAMS Team	Number of Passengers Confirmed as Aviation Security Threats
2015			0	NA	0
2016			1	NA	0
2017			0	NA	0
2018			0	0	0
2019*			0	3	0
Totals			1	3	0

* Through February 2019

Source: OIG analysis of data provided by I&A, FAMS, and Office of Security Operations

During the approximately 4-year period, in only one instance was a passenger denied travel. The passenger had multiple mobile phones that did not power on and he could not explain why he was carrying the devices. Police neither detained this passenger nor did [REDACTED] as a result of this encounter. In their three completed suspicious activity reports, FAMS teams noted Quiet Skies passengers:

- taking photos of the flight deck door while intently watching the flight crew;
- appearing to have a humorous conversation with several travelers but then separating from them and acting nervous while discreetly communicating during flight; and
- carrying a potentially stolen wallet with credit cards and an identification card belonging to an unknown individual.



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Appendix H

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