



U.S. DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL

OIG-24-35 (revised)

July 2, 2024

FINAL REPORT

TSA Could Not Assess Impact of Federal Air Marshal Service Personnel Deployed to Support Southwest Border Security (REDACTED)





OFFICE OF INSPECTOR GENERAL

U.S. Department of Homeland Security

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

July 2, 2024

MEMORANDUM FOR: Brian C. Belcher
Executive Assistant Administrator/Director
Law Enforcement/Federal Air Marshal Service

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

**JOSEPH V
CUFFARI**

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JOSEPH V CUFFARI
Date: 2024.07.02 13:52:36
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SUBJECT: *TSA Could Not Assess Impact of Federal Air Marshal Service Personnel Deployed to Support Southwest Border Security* ~~Sensitive Security Information~~

Attached for your action is our final report, *TSA Could Not Assess Impact of Federal Air Marshal Service Personnel Deployed to Support Southwest Border Security*. We incorporated the formal comments provided by your office.

The report contains one recommendation aimed at improving the Federal Air Marshal Service. Your office concurred with our recommendation. Based on information provided in your response to the draft report, we consider recommendation 1 open and resolved. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. 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 request 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 contact me with any questions, or your staff may contact Kristen Bernard, Deputy Inspector General, Office of Audits, at (202) 981-6000.

Attachment

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OIG Project No. *OIG-23-020-AUD-TSA, CBP*



SENSITIVE SECURITY INFORMATION

DHS OIG HIGHLIGHTS

TSA Could Not Assess Impact of Federal Air Marshal Service Personnel Deployed to Support Southwest Border Security

July 2, 2024

Why We Did This Inspection

The Transportation Security Administration's (TSA) Federal Air Marshal Service (FAMS) is a Federal law enforcement organization tasked with assessing, addressing, and proactively mitigating potential risks and threats to our Nation's transportation system. In 2019, FAMS began deploying air marshals to perform other duties at the Southwest border to assist with operations. We performed this inspection to determine the operational impacts on TSA and costs associated with deploying air marshals to support security at the Southwest border.

What We Recommend

We made one recommendation for FAMS to assess risks and measure operational impacts when deploying air marshals to the Southwest border.

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 could not assess the operational impacts to its primary mission of safeguarding the Nation's transportation system while TSA deployed air marshals to assist U.S. Customs and Border Protection at the Southwest border. This occurred because TSA did not establish baseline quantifiable and measurable goals from which it could measure the effectiveness of its primary, day-to-day operations. Additionally, TSA did not perform a risk assessment to determine the operational impacts of air marshal border deployments on transportation security. Without establishing performance measures and assessing risks related to deploying air marshals, TSA cannot assure deployments did not impact FAMS' mission to mitigate potential risks and threats to our Nation's transportation system.

With respect to costs, TSA incurred approximately \$45 million in travel and payroll costs associated with the deployment of air marshals to the Southwest border from May 2019 to August 2023. U.S. Customs and Border Protection reimbursed these costs.

TSA Response

TSA concurred with our recommendation to conduct a risk assessment focused on deployments of air marshals to the Southwest border.

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SENSITIVE SECURITY INFORMATION



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Abbreviations

CBP	U.S. Customs and Border Protection
C.F.R.	Code of Federal Regulations
FAMS	Federal Air Marshal Service
MSNS	Mission Scheduling and Notification System
TSA	Transportation Security Administration
U.S.C.	United States Code

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Background

The Transportation Security Administration’s (TSA) Federal Air Marshal Service (FAMS) is a risk- and intelligence-based Federal law enforcement organization. TSA employs approximately [REDACTED] air marshals to assess, address, and mitigate potential risks and threats to our Nation’s transportation system. In addition to providing in-flight security, air marshals carry out a variety of other law enforcement–related functions.

According to U.S. Customs and Border Protection (CBP) data, from 2019 to 2022, the number of migrant encounters at the Southwest border rose from about 950,000 to more than 2.6 million. In May 2019, CBP — a component within the Department of Homeland Security tasked with safeguarding U.S. borders — began seeking volunteer Federal employees from DHS components and other Federal agencies to assist in securing the Southwest border.

On May 17, 2019, TSA and CBP entered into a Memorandum of Agreement and an Interagency Agreement for the reimbursable detail of TSA air marshals to assist CBP. The agreements were modified multiple times between May 2019 and March 2023. The agreements established terms, conditions, duty assignments, and CBP’s responsibility to reimburse TSA for costs associated with deploying air marshals. According to the agreements, CBP would designate air marshals as immigration officers to perform the following duties:

- Escorting migrants from the point of apprehension to processing, between various Border Patrol Sector facilities, or to another entity with jurisdiction over post-processing custody. See Figure 1.
- Escorting migrants to and from local health providers and hospitals.
- Conducting searches, including pat downs, and placing or removing handcuffs or restraint devices on migrants in custody before they are transported.
- Securing CBP facilities, including detention cells, and authorizing access to various entry-controlled points.

Figure 1. Federal Air Marshal Escorting Migrants



Source: DHS Office of Inspector General

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- Escorting migrants between processing checkpoints within the facility.
- Assisting with staffing the unaccompanied female housing facility.
- Observing migrants in holding areas to assess their safety and well-being while awaiting processing or transportation.

TSA and CBP established these agreements pursuant to multiple statutes and regulations, including 5 United States Code (U.S.C.) § 3341, *Details: within Executive or military departments*; 31 U.S.C. § 1535, *Agency Agreements ("The Economy Act")*; 49 U.S.C. §§ 106, 114, and 40122, *Aviation and Transportation Security Act*; 6 U.S.C. § 112(b)(2), *DHS Secretary; functions*; 5 Code of Federal Regulations (C.F.R.) § 300.301, *Authority*; and DHS Directive Number 125-02, *Interagency Agreements*.

According to the agreements, 5 U.S.C. § 3341 and 5 C.F.R. § 300.301 authorize details of personnel within an Executive agency for 120-day periods, and 49 U.S.C. §§ 106(l)(1) and (6), 114(m)-(n) and (p), and 40122(g)(1)-(2) authorize TSA to establish its own personnel management system, fix the compensation of its officers and employees, enter agreements with other Federal agencies, and designate law enforcement officers.

The objective of our inspection was to determine the operational impacts and costs associated with TSA deploying air marshals to support Southwest border security.

Results of Inspection

TSA could not assess the operational impacts to its primary mission of safeguarding the Nation's transportation system while TSA deployed air marshals to assist CBP at the Southwest border. This occurred because TSA did not establish baseline quantifiable goals from which it could measure the effectiveness of its primary, day-to-day operations. Additionally, TSA did not perform a risk assessment to determine the operational impacts of air marshal border deployments on transportation security. Without establishing performance measures and assessing risks related to deploying air marshals, TSA cannot assure deployments did not impact FAMS' mission to mitigate potential risks and threats to our Nation's transportation system.

With respect to costs, TSA incurred approximately \$45 million in travel and payroll costs associated with the deployment of air marshals to the Southwest border from May 2019 to August 2023. CBP reimbursed these costs.

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TSA Did Not Have Information Needed to Assess the Operational Impacts of Air Marshal Deployments

TSA could not assess the operational impacts of deploying air marshals to the Southwest border on its primary mission of safeguarding the Nation’s transportation system. In May 2019, TSA began deploying its air marshals to the Southwest border to support border security operations. TSA called on its air marshals to deploy voluntarily, but also assigned deployments when deemed necessary. As of August 31, 2023, TSA had deployed up to 183 air marshals per deployment group, or █ percent of FAMS staff, to the Southwest border since May 2019.

The *GPR Modernization Act of 2010*¹ requires Federal agencies to develop performance goals expressed in objective, quantifiable, and measurable terms. Developing outcome-oriented goals and describing how to achieve them allows agencies to assess results compared to the intended purpose. However, TSA did not establish quantifiable, measurable operational goals to assess the effectiveness of its operations. For example, TSA does not have set requirements for determining FAMS flight coverage. Rather, TSA collects summarized high-level operational data to monitor operations and identify trends and issues. These monthly *At a Glance* reports contain flight information such as the number of domestic and international flights, priority levels, special mission coverage, number and types of threats, and staffing. In addition, TSA uses the Crystal Report Auditing Framework² from its Mission Scheduling and Notification System (MSNS)³ for FAMS-specific flight coverage data. Neither reporting tool contains specific performance goals for FAMS flight coverage.

In July 2018, we published OIG-18-70, *FAMS Needs to Demonstrate How Ground-Based Assignments Contribute to TSA’s Mission*. In that report, we found that FAMS did not have performance measures for its strategic initiatives and most ground-based activities in its strategic plan. We recommended TSA develop performance measures for all activities in FAMS’ strategic plan. In response to our recommendation, TSA stated that it would reexamine the strategic initiatives in the FAMS strategic plan to align with TSA’s strategy, and develop performance measures for that revised strategic plan. TSA further stated that FAMS is evolving its Mission Flight Concept of Operations to better identify missions in which FAMS capability is warranted. The component added that the overall

¹ Pub. L. No. 111-352 January 4, 2011, 124 Stat. 3866.

² The Crystal Report Auditing Framework is a web-based application that pulls information from MSNS, allowing FAMS officials to generate reports for air marshal duties and scheduling.

³ MSNS is a collection of sub-systems to automate FAMS mission plans and schedules and to notify air marshals of their schedules and day-to-day changes. It includes portions of the Official Airline Guide and integrates the following core capabilities: track flight operations, plan air marshal deployments, generate system reports, retrieve system schedules, maintain system operations, and store historical flight schedule information.

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determination of mission flight deployments will shift, and changes will inform the establishment of new goals and performance measures.

In March 2020, TSA developed its FAMS *Concept of Operations for Mission Deployments* (Concept), describing the strategic conceptual framework for FAMS in-flight mission deployments. The Concept reflects changing from a “risk by flight” framework to an intelligence-based “risk by passenger” approach for in-flight coverage. According to the Concept, TSA developed and maintained performance measures within the FAMS Metrics Dashboard. However, according to a FAMS official, because COVID-19 directly impacted air travel, FAMS had to adjust its flight deployment operations strategy for its 2020 Concept. This adjustment challenged TSA’s ability to develop performance measures for inflight operations based on the 2020 FAMS Concept it developed.

In October 2020, FAMS began developing its *TSA Law Enforcement/Federal Air Marshal Service Roadmap* (Roadmap). To accompany the Roadmap, FAMS also developed a Roadmap implementation plan. According to the Roadmap, FAMS would begin tracking performance measures in April 2023 but would not realize substantial implementation of the Roadmap for about 18 months. TSA continues to develop its implementation plan and has not fully implemented the open recommendation from our 2018 report.

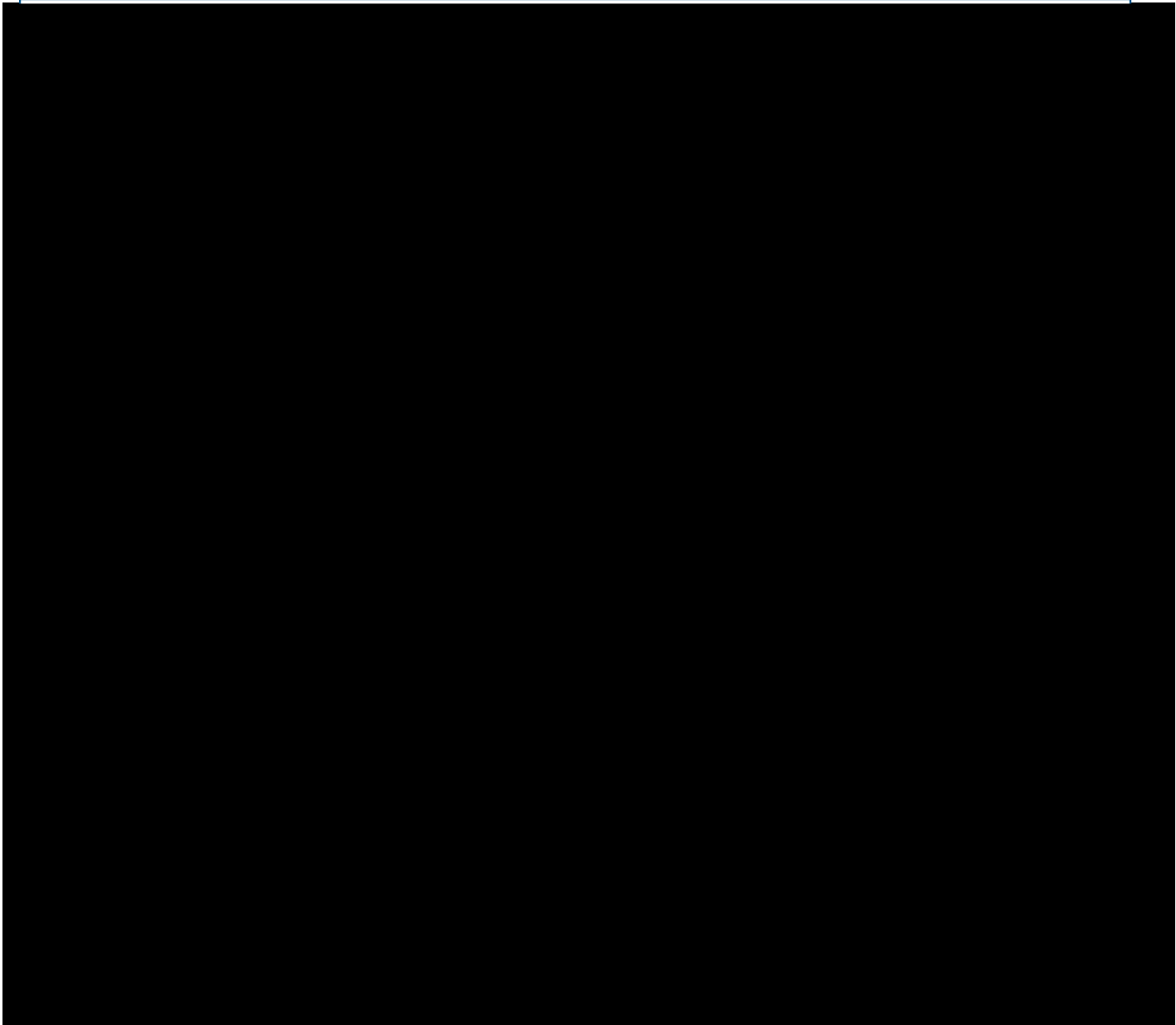
Because TSA did not have established quantifiable, measurable operational goals, determining operational impacts of the air marshals’ deployments is difficult. FAMS officials stated they discussed with TSA management and reviewed data on operational impacts, but they could not send us supporting materials for their discussions or reviews. Additionally, TSA did not perform a risk assessment to determine operational impacts of air marshal border deployments on transportation security. Risk assessments, an integral component of internal controls, are used to identify and analyze risks related to achieving an objective and designing a risk response. With the absence of FAMS operational performance goals, it would have been prudent for TSA to perform and document a risk assessment of the operational impacts of air marshal border deployments on transportation security.

Although TSA does not have requirements for flight coverage to facilitate the measuring of operational impacts, we nevertheless reviewed air marshals’ coverage of domestic and international flight data to see if we could determine trends. Our analysis of flight data from January 1, 2016, through August 31, 2023, did not lead us to conclude that deployments to the Southwest border impacted the number of flights with air marshals on board. In Figure 2, the blue solid line shows the percentage of domestic flights that included air marshals. The red dashed line indicates time periods when TSA deployed air marshals to the Southwest border.

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Figure 2. Air Marshal Coverage on Domestic Flights



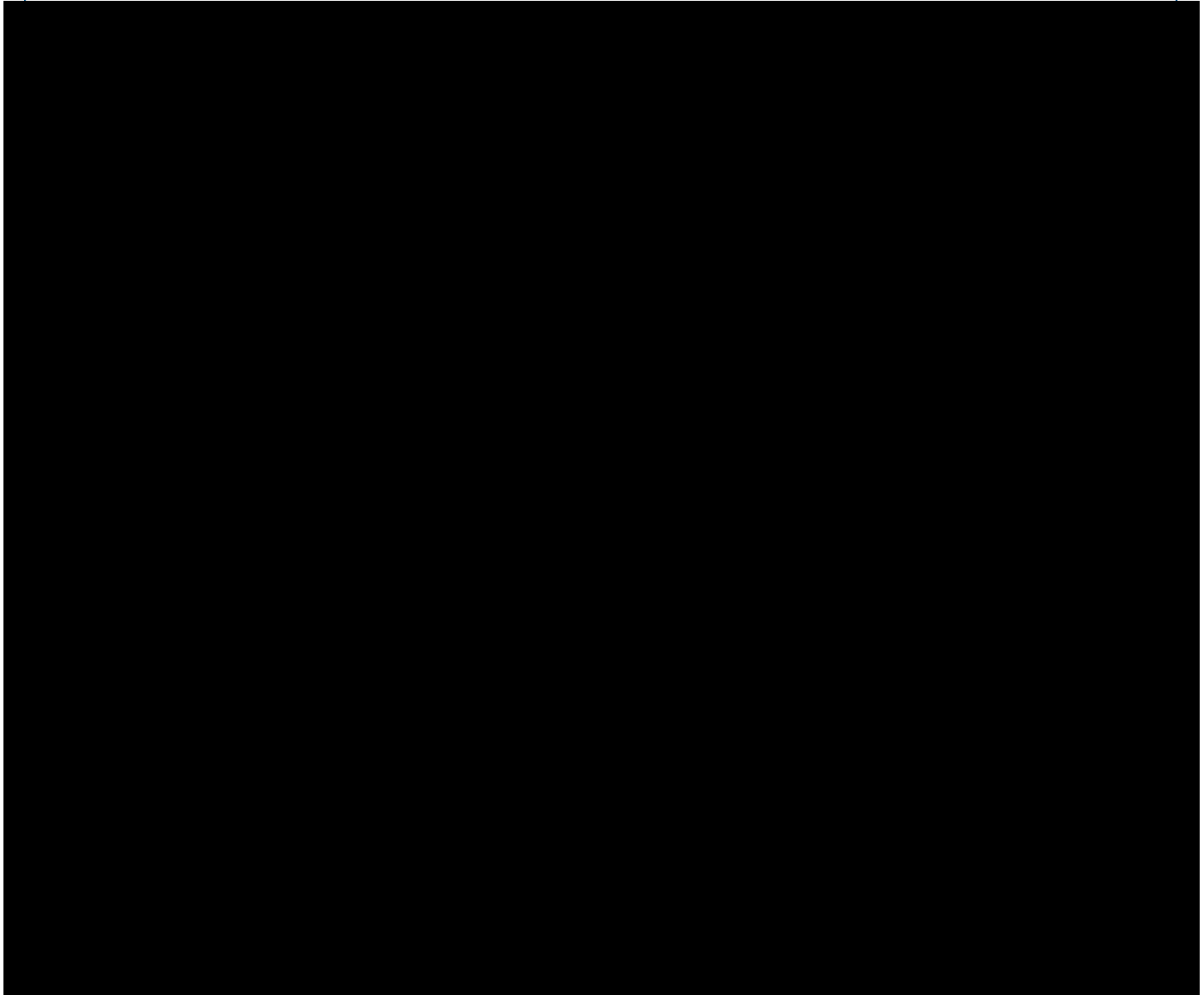
Source: DHS OIG analysis of domestic flight data

In Figure 3, the blue solid line shows the percentage of international flights that included air marshals. The red dashed line indicates time periods when TSA deployed air marshals to the Southwest border.

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Figure 3. Air Marshal Coverage on International Flights



Source: DHS OIG analysis of international flight data



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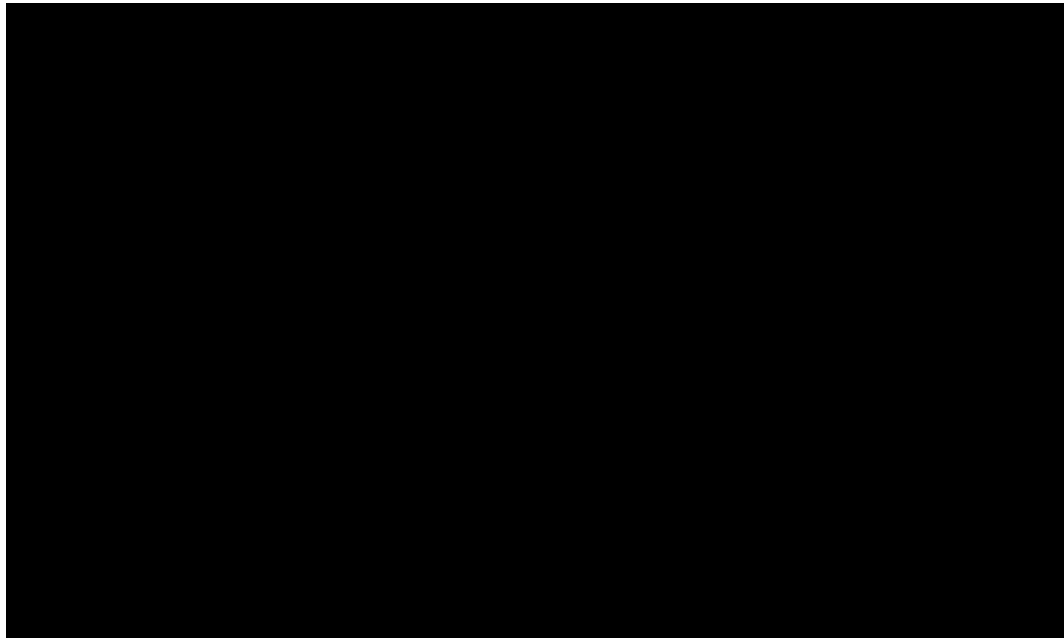


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In July 2023, we distributed a voluntary, anonymous survey to gather input from 1,114 air marshals who deployed to the Southwest border from 2019 to 2023.⁴ We received responses from 457 air marshals, or 41 percent of those who received the survey. Among other questions, our survey asked whether deployments negatively impacted flight coverage operations. Although FAMS officials asserted the deployments did not adversely impact flight coverage, as shown in Figure 4, air marshals’ responses contradict FAMS officials’ assertions.

Figure 4. Federal Air Marshal Survey Responses, May–July 2023



Source: Air marshals’ responses to DHS OIG survey

Without existing performance measures, we could not corroborate the conflicting assertions on whether Southwest border deployments adversely impacted in-flight mission coverage.

CBP Reimbursed TSA for About \$45 Million in Travel and Payroll Costs Incurred to Deploy Air Marshals to the Southwest Border

TSA incurred about \$45 million in travel and payroll costs associated with the deployment of air marshals to the Southwest border from May 2019 to August 2023. According to TSA’s Concur

⁴ We electronically distributed the survey to the 1,256 air marshals listed in FAMS deployment rosters. Of the 1,256 emails, 142 email addresses were undeliverable; therefore, 1,114 air marshals received the survey.

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system,⁵ air marshals incurred \$13.2 million in deployment travel costs during this time. Additionally, TSA’s pay data reflected \$32.2 million in salaries, overtime, and benefit expenses. CBP reimbursed TSA for the travel and pay expenses incurred using the Intra-Governmental Payment and Collection System.⁶

CBP reimbursed TSA for expenses related to air marshal deployments to the Southwest border according to the Memorandum of Agreement it entered with TSA in 2019. In the agreement, CBP agreed to reimburse TSA for salaries, overtime, benefits, travel, temporary duty costs, and training for deployed air marshals. To facilitate the reimbursements, CBP and TSA entered into an Interagency Agreement allowing reimbursements up to \$100 million through May 27, 2024. The *Economy Act*⁷ allows agencies to enter into reimbursable agreements for temporary employee details to different organizations.

The *Antideficiency Act*⁸ prohibits expenditures or obligations exceeding an amount available in an appropriation or fund. CBP reimbursed TSA using six different funds, each specifically appropriated for border operations and support. We verified CBP’s reimbursements did not exceed the amounts available in each fund and aligned with each fund’s purpose. We determined the funds were available at the time expended. Therefore, we did not identify *Antideficiency Act* violations.

Conclusion

Without establishing performance measures and assessing risks related to deploying air marshals to assist CBP, TSA cannot assure deployments did not impact FAMS’ mission to mitigate potential risks and threats to our Nation’s transportation system.

Recommendation

Recommendation: We recommend the FAMS Executive Assistant Administrator/Director conduct a risk assessment to quantify and measure the operational impacts when deploying air marshals to the Southwest border.

⁵ Concur is a system for booking Federal Government travel and tracking associated expenses.

⁶ Federal agencies use the Intra-Government Payment and Collection System to transfer funds from one agency to another. Funds stay with the Department of Treasury and never leave the Government.

⁷ 31 U.S.C. § 1535.

⁸ 31 U.S.C. § 1341(a)(1)(A).

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Management Comments and OIG Analysis

TSA concurred with our recommendation to conduct a risk assessment to quantify and measure the operational impacts when deploying air marshals to the Southwest border. Appendix B contains a copy of TSA's response in its entirety. TSA and CBP also provided technical comments to our draft report. We incorporated these comments in our report, as appropriate. In response to our draft report, TSA indicated that it disagreed with our inference that it does not conduct pre-deployment operational assessments or consider operational impacts to transportation security when deploying air marshals to assist CBP at the Southwest border. As noted in our report, FAMS officials indicated they discussed operational impacts of air marshal deployment with TSA management, but TSA shared no evidence to support that assertion. Additionally, TSA expressed concern with our assertion that TSA and CBP inappropriately responded to our requests for information from certain information technology systems. We stand by our statement that TSA did not provide us direct system access and that the simplified data extracts we received led to delays in the timeliness of our inspection. A summary of TSA's response to the recommendation and our analysis follows.

TSA Response to Recommendation 1: Concur. TSA asserted that, as a normal practice, FAMS officials continually monitor risks and threats, and adjust operations and air marshal deployments, as appropriate. In addition, FAMS will conduct a risk assessment focused on deployments of air marshals to the Southwest border and share the results of that assessment with DHS OIG. Estimated completion date: August 30, 2024.

OIG Analysis: We consider these actions responsive to the recommendation, which is open and resolved. The recommendation will remain open until TSA submits documentation supporting that it conducted a risk assessment focused on deployments of air marshals to the Southwest border.

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Appendix A: Objective, Scope, and Methodology

The 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*.

Our objective was to determine operational impacts and costs associated with TSA deploying air marshals to support Southwest border security. The scope of this inspection included assessing TSA’s authority and determining FAMS operational impacts and costs due to deployments from fiscal year 2019 to August 31, 2023. To answer our inspection objective, we reviewed relevant Federal laws and regulations, as well as applicable DHS, TSA, and FAMS policies, directives, memorandums, and interagency agreements. Specifically, we reviewed:

- 31 U.S.C. § 1535, *The Economy Act*
- 31 U.S.C. §§ 1341 & 1517, *The Antideficiency Act*
- 5 U.S.C. § 3341, *Details; within Executive or military departments*
- 6 U.S.C. § 112(b)(2), *DHS Secretary; functions*
- 49 U.S.C. §§ 114(m) and (p), *Transportation Security Administration*
- *GPRA Modernization Act of 2010*
- *TSA Law Enforcement/FAMS Concept of Operations for Mission Deployments*, March 9, 2020
- *TSA Law Enforcement/Federal Air Marshal Service Roadmap*
- DHS Directive Number 250-10, *Employee Details*, August 19, 2022
- DHS Directive Number 250-10-001, *Employee Details*, August 23, 2022
- Memorandums of Agreement between the Department of Homeland Security, U.S. Customs and Border Protection, and TSA
- *United States Government Interagency Agreement*, May 17, 2019
- Prior DHS OIG and external reports

To understand CBP’s need for FAMS assistance, we reviewed migrant encounter statistics for the Southwest border from January 2016 through March 2023. We tested the data for completeness by comparing it to publicly available statistics on CBP’s website.

To understand FAMS operations, deployment costs, and deployment duty assignments, we interviewed TSA and FAMS officials, as well as officials from CBP’s Office of Finance, Office of Field Operations, and Southwest Border Coordination Center. We also interviewed the Air Marshal National Council leadership and communicated with Air Marshal Association officials. We visited the following CBP border stations to interview and observe air marshals performing assigned duties:

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- San Diego, California
- Yuma, Arizona
- Tucson, Arizona

The team judgmentally selected three of the six CBP sites where FAMS deployed air marshals. These three sites were geographically closest to each other for the most efficient fieldwork and lowest DHS OIG time and travel costs. We observed air marshals performing physical and property searches, swabbing migrants to collect DNA, and monitoring migrants while in holding pods. We accompanied two air marshals to their assigned patrol sections near the border wall. Although we did not observe migrant activity during the patrol, an air marshal explained they transport apprehended migrants to the border sector facility located a 45-minute drive away to assist CBP.

To determine compliance with established authorities, we obtained deployment rosters and verified the deployments did not exceed 120 days. We reviewed Public Laws associated with specific funds from which CBP reimbursed TSA and found no specific prohibitors. We analyzed the expenditures and concluded the expenditures aligned with the purpose of the funds and did not exceed the amount available in the funds.

To assess deployment impacts on FAMS operations, we requested access to TSA’s MSNS. Our intent was to identify trends in the number of air marshals onboard domestic and international flights from January 1, 2016, through August 31, 2023. TSA denied access to the system citing concerns that the information, when combined with information collected from other databases, could reach the classified level. Alternatively, FAMS sent us a report from the Official Airline Guide, which holds the universe of U.S. carrier flight data. For international flight data, FAMS generated data from MSNS. As explained in the report, our trend analysis was inconclusive.

To further attempt to identify potential operational impacts, we developed a voluntary, anonymous survey to capture the perspectives of air marshals who deployed to the Southwest border between October 1, 2018, and July 22, 2023. We piloted the survey with four randomly selected air marshals from the targeted population. Based on their feedback, we adjusted the survey to clarify one question and add additional multiple choice response options for two questions. After piloting the survey, we converted the survey to an electronic format using DHS OIG’s secure web-based survey software.

On July 12, 2023, we electronically distributed the survey to the 1,256 air marshals listed in FAMS deployment rosters to efficiently obtain their viewpoints. Of the 1,256 emails, 142 email addresses were undeliverable. From the remaining 1,114 recipients, we received responses from 457, or

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41 percent. The survey results in our report reflect the views and experiences of individual employees who responded to our survey and may not represent the views and experiences of all air marshals. We did not use the survey results to project across the universe.

To determine deployment travel costs, we requested access to TSA's and CBP's Concur systems, which store travel cost data. TSA and CBP both denied us access to their Concur systems. We then requested an extract of TSA voucher data from TSA's Concur system, which required extensive back-and-forth with TSA to clarify requirements, delaying our inspection timeline. Once we received the extract, we analyzed the data and determined travel costs associated with the deployments. To assess the reliability of the travel data, we reviewed 40 randomly selected travel vouchers to ensure TSA appropriately billed CBP for deployment airfare expenses. After weeks working with TSA officials, we deemed the travel cost data reliable for purposes of our inspection.

To determine deployment personnel costs, we requested and analyzed a TSA FAMS payroll data extract from the TSAPAY system. To assess the reliability of the pay data, we randomly selected 40 air marshal names and ensured those names were on the deployment rosters and that the pay data coincided with the deployment timeframe. We determined the travel and pay data was sufficiently reliable for our analysis.

In planning and performing our inspection, we identified the control environment, risk assessment, and control activities components, along with their underlying internal control principles, as significant to the inspection objective. We planned and performed procedures necessary to assess these internal controls. We determined TSA's risk assessment control is deficient and adversely affects TSA's ability to measure and ensure effective operational performance. We discussed the absence of a risk assessment and absence of performance measures within the body of the report. However, because we limited our review to three internal control components, our assessment may not have disclosed all internal control deficiencies that may have existed at the time of our inspection.

We conducted this inspection between February and November 2023, under the authority of the *Inspector General Act of 1978*, 5 U.S.C § 401-424, and according to the *Quality Standards for Inspection and Evaluation*, issued by the Council of the Inspectors General on Integrity and Efficiency. We believe the evidence obtained through site visits and other inspection procedures, as described in this appendix and throughout the body of the report, serve as a reasonable basis for our findings and conclusions based on our inspection objectives.

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DHS OIG's Access to DHS Information

During this inspection, DHS components denied our requests for direct access to TSA's MSNS and Concur system as well as CBP's Concur system. DHS components sent the OIG simplified data extracts that were often incomplete or lacking necessary detail, resulting in delays to inspection timeliness.

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**Appendix B:
TSA Comments on the Draft Report**



U.S. Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive
Springfield, Virginia 20598

June 10, 2024

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

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

SUBJECT: Management Response to Draft Report: “TSA Could Not Assess Impact of Federal Air Marshal Service Personnel Deployed to Support Southwest Border Security” (Project No. 23-020 AUD-TSA, CBP)

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

I note OIG’s recognition of our efforts to develop the “TSA Law Enforcement Federal Air Marshal Service (LE/FAMS) Roadmap” and an accompanying “Roadmap” implementation plan. OIG also highlighted that it did not identify any Antideficiency Act¹ violations during its work reviewing U.S. Customs and Border Protection’s (CBP’s) reimbursements to TSA for payroll and travel costs associated with these deployments of Federal Air Marshals to assist CBP at the Southwest Border (SWB). TSA remains committed to protecting the nation’s transportation systems to ensure freedom of movement for people and commerce, which includes supporting our partners, as appropriate, when working towards common goals.

TSA disagrees, however, with OIG’s inference that the agency does not conduct any pre-deployment operational assessments or consider operational impacts to transportation security when deploying Federal Air Marshals to assist CBP at the SWB. LE/FAMS executives and managers continually monitor and assess risks and threats, and adjust operations and Federal Air Marshal deployments. While the OIG may disagree with how those assessments are defined and accomplished, or finds the documentation insufficient,

¹ 31 U.S.C. Section 1535.

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LE/FAMS does systematically and thoroughly conduct daily operational assessments. As part of the agreement with CBP, LE/FAMS can modify the number of Federal Air Marshals deployed to the SWB if those deployments are determined to be impacting transportation security. As such, deploying Federal Air Marshals to the SWB has not negatively affected TSA's ability to meet its statutory requirement to ensure security of the highest-risk flights.

Further, I am concerned with OIG's assertion that TSA and CBP inappropriately responded to OIG requests for information from certain information technology databases. Although we did not provide OIG wholesale access to these databases in the manner that was requested, because they contain sensitive information that exceeded the inspection's scope and objectives, we engaged with the OIG in good faith and sought to give it the information needed to do its job. Nothing in the law, however, requires agencies to provide information to the OIG in the specific manner requested, and although we do this when we can, sometimes that is not possible due to other considerations.

The draft report contained one recommendation with which TSA concurs. Enclosed find our detailed response to the recommendation. TSA previously submitted technical comments addressing several inaccuracies, sensitivities, and other issues 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.

Enclosure

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**Management Response to Recommendations
in
OIG 23-020-AUD-TSA, CBP**

OIG recommended that the LE/FAMS Executive Assistant Administrator/Director:

Recommendation 1: Conduct a risk assessment to quantify and measure the operational impacts when deploying air marshals to the Southwest border.

Response: Concur. As a normal practice, LE/FAMS executives and managers continually monitor risks and threats, and adjust operations and Federal Air Marshal deployments, as appropriate. However, as discussed with the OIG inspection team, LE/FAMS will conduct a risk assessment focused on deployments of Federal Air Marshals to the SWB and share the results of that assessment with the OIG. Estimated Completion Date: August 30, 2024.

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Errata page for OIG-24-35

TSA Could Not Assess Impact of Federal Air Marshal Service Personnel Deployed to Support Southwest Border Security

Change made to the Results of Inspection section, page 3, 1st paragraph, 4th sentence (see below):

Changed from:

As of August 31, 2023, TSA had deployed 183 air marshals, or █ percent of FAMS staff, to the Southwest border since May 2019.

Changed to:

As of August 31, 2023, TSA had deployed up to 183 air marshals per deployment group, or █ percent of FAMS staff, to the Southwest border since May 2019.

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