

00.

OIG APPENDIX



OFFICE OF THE
INSPECTOR GENERAL
MIAMI-DADE COUNTY

CHRISTOPHER R. MAZZELLA
INSPECTOR GENERAL

ALAN SOLOWITZ
DEPUTY INSPECTOR GENERAL

PATRA LIU
ASSISTANT INSPECTOR GENERAL
LEGAL COUNSEL

December 3, 2003

Ms. Angela Gittens, Director
Miami-Dade Aviation Department
Miami International Airport
Miami, Florida

FILE COPY

CONFIDENTIAL

Re: Security Screening Procedures at
Miami International Airport

Dear Ms. Gittens:

Earlier this year, on April 25, 2003, the Miami-Dade County Office of the Inspector General (OIG) issued an interim report regarding the OIG's concerns about the lack of security screening of construction personnel at Miami International Airport's North Terminal Development (NTD) Project. Since that report was issued, there have been several meetings with various Miami-Dade Aviation Department officials and the OIG regarding the concerns addressed in that report. The OIG has now completed the final report, which is still currently in draft form.

We are providing this draft in accordance with the Board of County Commissioners' mandate of advance notification. The OIG requests your response to this draft, which should be received by this office by December 19, 2003.


As this is only a draft report, the OIG maintains that it is exempt from general public disclosure under Florida's public records laws. Moreover, as previously cited in your response to the OIG's interim report, sensitive security information (SSI) is restricted from release without the permission of the Transportation Security Administration (TSA). It is our belief that the matters addressed in this report do not rise to the level of SSI, however, we are simultaneously providing copies of this draft report to TSA, the Department of Transportation Inspector General and the Comptroller General for the General Accounting Office for their review for any SSI and any other general comments.

APPENDIX 1

Letter Ms. Angela Gittens
December 3, 2003
Page Two

If you wish, you may provide your response by fax to 305-579-2656.
And as always, please do not hesitate to call should you have any
questions.

Yours truly,


Christopher Mazzella
Inspector General



Acknowledgement of Receipt or Proof of Service

12/3/03
Date



Memorandum

TO: Christopher Mazzella
Inspector General

DATE: December 19, 2003

FROM: Angela Gittens
Aviation Director

SUBJECT: Response to OIG
Draft Report of
December 3, 2003

This memorandum responds to the Office of the Inspector General's (OIG) draft report titled *Security Screening of Construction Personnel Working on the North Terminal Development (NTD) Project*, dated December 3, 2003.

In the report's cover letter, the OIG states, "It is our belief that the matters addressed in this report do not rise to the level of SSI [sensitive security information]. . . ." The Aviation Department considers this information to be SSI, but reiterates that, even if it were not SSI, it is exempt from disclosure and/or public access under:

49 CFR Chapter XII, Part 1520, Sensitive Security Information,
FSS 119.07, Exemptions;

FSS 281.301, Security Systems, records, and meeting exempt from
public access or disclosure; and

FSS 331.22, certain information exempt from disclosure.

Responses to specific findings and comments are detailed below.

Changes to security screening procedures since OIG interim report

The draft report states that the OIG has observed minimal changes in the Aviation Department's security screening procedures for construction personnel since its interim report dated April 25, 2003. The report quotes sections of the Aviation Transportation Security Act (ATSA) referring to the future requirement for the screening and inspection of all individuals, goods, property, vehicles, and other equipment before entry into a secured area of an airport to afford at least the same level of protection as will result from screening of passengers and their baggage. The ATSA, as the OIG explains, directs the Transportation Security Administration (TSA) as to a course of action, but does not direct or regulate airports. Therefore the reference to the ATSA is not applicable to airports at this time.

Furthermore, the ATSA does not address general aviation (GA) airports. In fact, the TSA has only recently started to address the need for security guidelines for GA airports.

As previously stated, the Department exceeded the requirements of current TSA regulations

[REDACTED]

(1)

Aviation Department agrees

[REDACTED]

(2)

However, in an effort to continue to improve and enhance security, the Department worked with the NTD Turner-Austin Airport Team to develop and implement an increased comprehensive screening process. This requires the Turner-Austin Airport Team to

[REDACTED]

(1)

The Department will continue to comply with Federal regulations

[REDACTED]

(1)

Temporary non-photo identification badges

The Aviation Department, in accordance with 49 CFR Part 1542.211, B and TSA approval, issues non-photo badges for the duration of the contract to contractors and construction companies to be utilized for temporary workers assigned to the airport. The issuance of the temporary non-photo badges makes the contractors part of the security process and an integral partner of the airport security program by requiring the maintenance of detailed daily records.

[REDACTED]

(1)

Opa Locka Airport incident

In its draft report, the OIG refers to an incident at Opa Locka Airport. However the facts presented in the report are not entirely correct.

[REDACTED]

(1)

The vehicle that accessed the area was an authorized service vehicle driven by the tenant's employee. Airside Operations, which oversees the security operations at the general aviation airports, took appropriate action.

Currently, the TSA has does not regulate general Aviation airports, however it appears that the TSA intends to work with industry groups next year to establish formal guidelines for general aviation security.

The Aviation Department has made more secure access to the general aviation airports a priority. Among the improvements in process, Aviation has been working with the general aviation tenants to establish an identification badge system. Airside Operations is also upgrading fencing and enhancing control over parked aircraft by leaseholders.

Information previously provided by the Aviation Department

Regarding the OIG's statement as to the Aviation Department's failure to provide further explanation on the vehicular inspection process, the Department, as previously stated, considers this information SSI and has requested authorization from the TSA Federal Security Director to release it.

The OIG also states that Aviation did not provide the information requested regarding procedures for the issuance of non-photo construction LD badges. To the contrary, Aviation provided this information on November 26, 2003, and in response to the OIG's letter dated December 2, 2003, again submitted the documents with additional explanation.

Summary

Although budgetary constraints prevent the Aviation Department from implementing a number of desirable security measures for construction workers, those currently in place meet or exceed TSA requirements.



**OFFICE OF THE
INSPECTOR GENERAL
MIAMI-DADE COUNTY**

CHRISTOPHER R. MAZZELLA
INSPECTOR GENERAL

ALAN SOLOWITZ
DEPUTY INSPECTOR GENERAL

PATRA LIU
ASSISTANT INSPECTOR GENERAL
LEGAL COUNSEL

December 3, 2003

Admiral James M. Loy, Administrator
U.S. Department of Transportation
Transportation Security Administration
Office of Civil Rights
Mail Stop: TSA-6
400 7th Street, Southwest
Washington, D.C. 20590

FILE COPY
CONFIDENTIAL

Re: Security Screening Procedures at
Miami International Airport

Dear Admiral Loy:

Earlier this year, on April 25, 2003, the Miami-Dade County Office of the Inspector General (OIG) issued an interim report regarding the OIG's concerns about the lack of security screening of construction personnel at Miami International Airport's North Terminal Development (NTD) Project. Since that report was issued, there have been several meetings with various Miami-Dade Aviation Department officials and the OIG regarding the concerns addressed in that report. The OIG has now completed the final report, which is still currently in draft form.

As the head of the Transportation Security Administration with primarily jurisdiction in aviation security matters, please find attached a copy of this draft report. The Miami-Dade OIG would very much appreciate any comments that your agency may be able to provide. Your comments will be made part of the final public report.

As this is only a draft report, the OIG maintains that it is exempt from general public disclosure under Florida's public records laws. Should you believe that any of the matters discussed in the report is sensitive security information that warrants redaction or deletion from the report, please state your concerns citing the appropriate legal authority. A copy of this draft report is also being forwarded to the Inspector General of the U.S. Department of Transportation and the Comptroller General of the General Accounting Office for comment.

APPENDIX 2

Leti | Admiral James M. Loy
December 3, 2003
Page Two

This office intends on finalizing and making public this report on January 5, 2004. We would appreciate receiving your comments by December 19, 2003. If you wish, you may provide your response by fax to 305-579-2656.

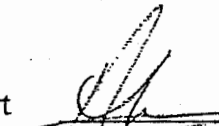
Please do not hesitate to call should you have any questions.

Yours truly,



Christopher Mazzella
Inspector General

cc: Mr. Richard B. Thomas
Federal Security Director
Miami International Airport


Received by _____ Date 3 Dec 2003
Alison Treleven

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202



Transportation
Security
Administration

FEB 27 2004

Mr. Christopher Mazzella
Inspector General
Miami-Dade County
19 West Flagler Street
Miami, FL 33130

Dear Mr. Mazzella:

Thank you for your letter of December 3, 2003, affording the Transportation Security Administration (TSA) the opportunity to review and comment on the December 3rd draft report prepared by your office concerning screening procedures for construction personnel at Miami International Airport (MIA). We share your goal of ensuring effective security procedures at MIA and appreciate the work you have done to identify possible vulnerabilities. We are also grateful for the steps you have taken to prevent the disclosure of sensitive security information (SSI).

As discussed in Enclosure 1 to this letter, the Federal Security Director at MIA, Rick Thomas, has identified improvements in MIA's screening procedures and has concluded that MIA is complying with mandated Federal security requirements. Mr. Thomas will be happy to meet with you or members of your staff to discuss the current procedures and Federal requirements. He may be reached on (305) 597-7903. We hope that you will consider Mr. Thomas's comments for inclusion in your final report.

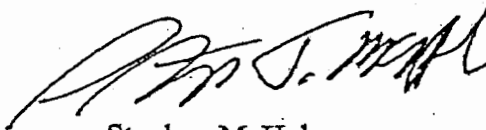
Small portions of your draft report do contain sensitive security information (SSI), the public release of which is prohibited by Federal law. Pursuant to 49 C.F.R. § 1520.7(a), references to the security procedures contained in the MIA Airport Security Plan (ASP) constitute sensitive security information. For your convenience, we have included a copy of your report with the SSI portions redacted. (See Enclosure 2.) Upon redaction of these portions, public release of your report does not implicate disclosure of SSI.

TSA also reviewed the attachments to the draft report for SSI. Exhibit A is the April 25, 2003, Interim Report by your office regarding "OIG Concerns About the Lack of Security Screening of Construction-Related Personnel at MIA's North Terminal Development Project." You have appropriately redacted Exhibit A to remove SSI.

Unfortunately, both redacted and unredacted versions of Exhibit A are currently available on your website. The unredacted version that contains SSI is available on the website at the following address: www.miamidadeig.org/reports/security_screening_ntd.pdf. We would appreciate your cooperation in editing this version so that it conforms to the redacted version. If you or your staff need further assistance on SSI issues, they

may call Ms. Ann Bedell Hunt, Acting Director for Litigation Support and Special Actions, at (571) 227-2278 for guidance. Thank you for seeking our input on these matters.

Sincerely yours,



Stephen McHale
Deputy Administrator

Enclosures

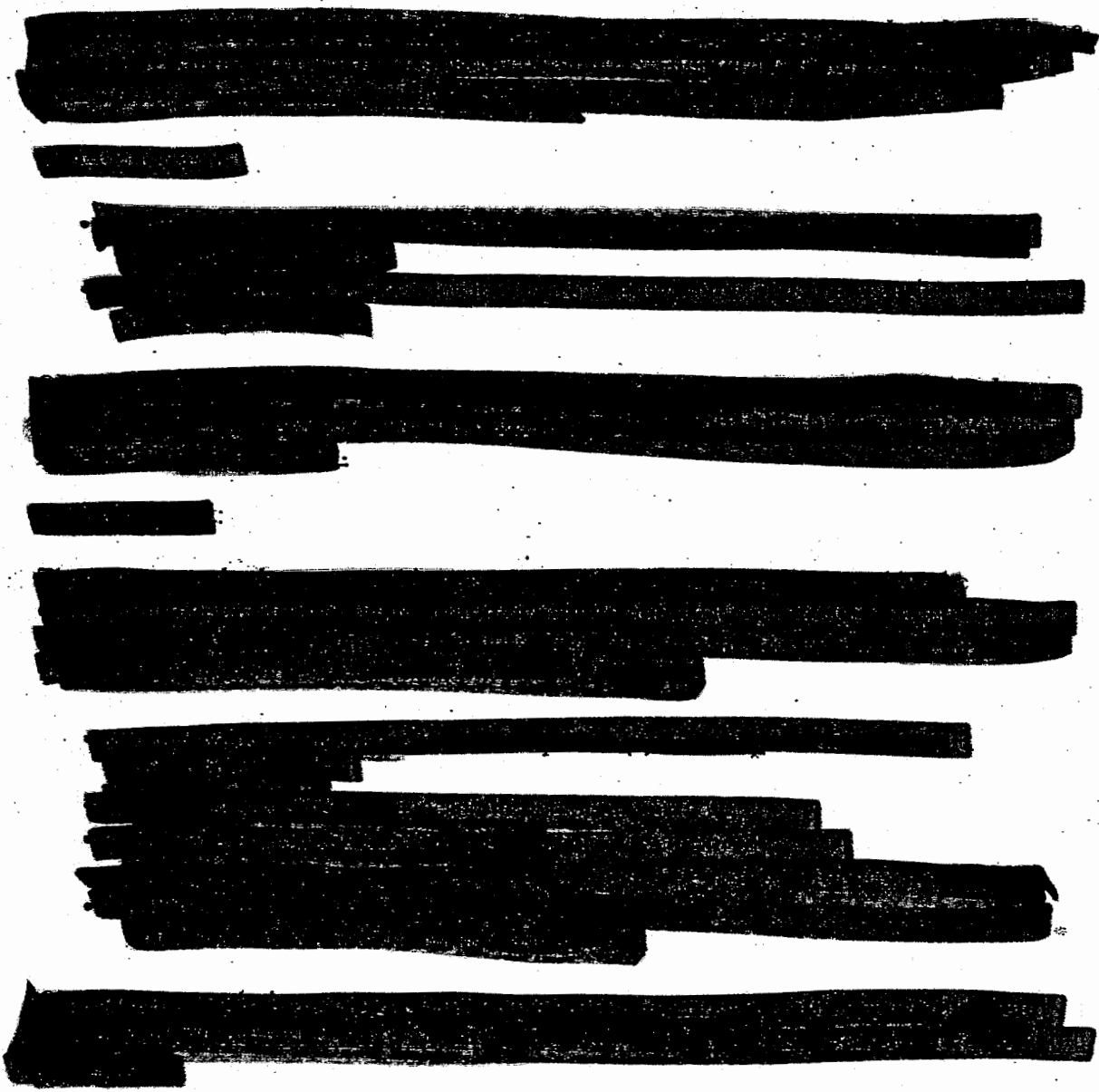
TSA031218-001:Mazzella:YSSmith:72272:1/6/04

Transportation Security Administration
Federal Security Director/Miami

*Redact
in total*

Analysis of Miami-Dade Inspector General Draft Report on the
Security of Miami International Airport
February 26, 2004

①②
*per
FSS
281.30*



TSA Comments:

[REDACTED]

[REDACTED]

[REDACTED] II

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] a.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



###



OFFICE OF THE
INSPECTOR GENERAL
MIAMI-DADE COUNTY

CHRISTOPHER R. MAZZELLA
INSPECTOR GENERAL

ALAN SOLOWITZ
DEPUTY INSPECTOR GENERAL

PATRA LIU
ASSISTANT INSPECTOR GENERAL
LEGAL COUNSEL

December 3, 2003

General David M. Walker
Comptroller General of the United States
United States General Accounting Office
441 G Street, NW
Washington, D.C. 20548

FILE COPY

Re: Security Screening Procedures at Miami International Airport

Dear General Walker:

Earlier this year, on April 25, 2003, the Miami-Dade County Office of the Inspector General (OIG) issued an interim report regarding the OIG's concerns about the lack of security screening of construction personnel at Miami International Airport's North Terminal Development (NTD) Project. Since that report was issued, there have been several meetings with various Miami-Dade Aviation Department officials and the OIG regarding the concerns addressed in that report. The OIG has now completed the final report, which is still currently in draft form.

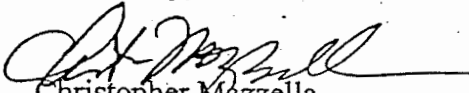
As another entity charged with overseeing and reporting on these issues, please find attached a copy of this draft report. The Miami-Dade OIG would very much appreciate any comments that your agency may be able to provide. Your comments will be made part of the final public report.

As this is only a draft report, the OIG maintains that it is exempt from general public disclosure under Florida's public records laws. Should your agency feel that any of the matters discussed in the report is sensitive security information that warrants redaction or deletion from the report, please state your concerns citing the appropriate legal authority. A copy of this report is also being provided to Admiral Loy, Administrator of the Transportation Security Administration, and the Inspector General for the U.S. Department of Transportation for comment.

This office intends on finalizing and making public this report on January 5, 2004. We would appreciate receiving your comments by December 19, 2003. If you wish, you may provide your response by fax to 305-579-2656.

Please do not hesitate to call should you have any questions.

Yours truly,


Christopher Mazzella
Inspector General

APPENDIX 3



G A O

Accountability • Integrity • Reliability

United States General Accounting Office
Washington, DC 20548

December 19, 2003

Christopher Mazella
Inspector General
Office of the Inspector General
Miami-Dade County
Biscayne Building
19 West Flagler Street, Suite 220
Miami, FL 33130

Dear Mr. Mazella:

This letter is in response to your request that the U.S. General Accounting Office (GAO) comment on your draft report regarding Security Screening Procedures at Miami International Airport. As you may know, GAO currently has a review of federal procedures related to perimeter security and access controls at commercial airports underway at the request of Congress. Because our protocols prevent us from discussing the results of any ongoing work, we have no comment on the draft report at this time. Nonetheless, we appreciate the opportunity to review the draft, as well as your efforts to strengthen aviation security at the Miami International Airport.

Sincerely yours,

Cathleen A. Berrick
Director, Homeland Security and Justice Issues
U.S. General Accounting Office