



Committee on  
**HOMELAND SECURITY**  
Chairman Michael McCaul

*Opening Statement*

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**Statement of Subcommittee Chairman Richard Hudson (R-NC)  
Subcommittee on Transportation Security  
Committee on Homeland Security**

**“Examining TSA’s Cadre of Criminal Investigators”**

**Remarks as Prepared**

I would first like to thank our witnesses, not only for being here today, but also for their public service. I appreciate their willingness to come forward and work on ways to solve the difficult issues the Transportation Security Administration faces.

The problem before us today is not a new one, and can in fact be traced back to the legislation that created the Transportation Security Administration, two months after the terrorist attacks of 9/11.

The Aviation and Transportation Security Act, or ATSA, gave TSA sweeping authorities to, among other things, create its own employee classification system, rather than adhere to the Office of Personnel Management (OPM) system like the vast majority of other federal agencies. At the time, Congress determined it was best to align TSA with the Federal Aviation Administration (FAA), which also has its own employee classification system, separate and apart from OPM.

Today, TSA has 20% more employees than FAA, and we continue to see significant challenges with the size and scope of TSA’s workforce -- challenges that are likely exacerbated by TSA’s exemption from OPM’s system.

Today’s hearing is an opportunity to examine one glaring example of the problem.

TSA has roughly 100 employees in the Office of Inspection who are classified as criminal investigators. In order for these criminal investigators to receive premium law enforcement pay, TSA is required to confirm that they spend the majority of their time on long-term criminal investigations relating to alleged or suspected violations of federal criminal law. The IG’s Office found no evidence that TSA had actually done this, and yet these criminal investigators are still receiving premium pay.

According to the IG, TSA's criminal investigators spend the majority of their time investigating noncriminal cases, monitoring criminal cases conducted by other agencies, and carrying out inspections, covert tests, and internal reviews. Noncriminal investigators or other non-law enforcement employees could just as easily carry out the bulk of these tasks.

All of these activities appear valuable, particularly the covert testing, so it is not my intent to disparage the hard work of these men and women. However, the IG estimates that if TSA does nothing to correct this situation of misclassification, it will cost the taxpayer at least \$17.5 million over the next five years in premium pay alone. That does not include other expenses such as law enforcement officer training, weapons, ammunition, vehicles, communications equipment, and enhanced retirement benefits.

What message does it send to the law enforcement officers who put their lives on the line every day to keep us safe, or those who have lost their jobs due to budget cuts, if TSA does not play by the same rules as other agencies?

We are all accountable to the taxpayer and this Subcommittee is responsible for holding TSA to standards the American people expect and deserve.

Today, we have the Assistant Administrators of two offices in TSA with significant potential to fix this problem. Mr. Allison, you have been in your position for a year and four months. In that time, I understand you have tried to make some changes. I hope you will share those today and provide us with suggestions on how we can resolve this problem. I look forward to hearing specifically how you intend to address all of the IG's recommendations.

Ms. Shelton-Waters, it was not too long ago that you testified before this Subcommittee as the head of TSA's acquisition office. As the head of the Office of Human Capital, it is your duty to ensure that TSA is not abusing the unique authority it has been given to maintain its own employee classification system, and to provide the Office of Inspection the tools and support it needs to make significant changes.

Finally, Ms. Richards, I look forward to hearing directly from you on the numerous recommendations put forth in your report, and how we can bring greater accountability to TSA's Office of Inspection and shine light on TSA's employee classification system.

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