



Committee on  
**HOMELAND SECURITY**  
Chairman Michael McCaul

*Opening Statement*

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**Media Contact:** Charlotte Sellmyer  
(202) 226-8417

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**Statement of Subcommittee Chairman Jeff Duncan (R-SC)  
Subcommittee on Oversight and Management Efficiency  
Committee on Homeland Security**

**Joint Subcommittee Hearing: “TSA Integrity Challenges: Examining Misconduct by Airport Security Personnel.”**

**Remarks as Prepared**

The Transportation Security Administration (TSA) was created after the horrific terrorist attacks of September 11th, 2001 in an effort to strengthen the security of our nation’s transportation systems, especially our airports. And considering the nature of the attacks, and other terrorist attempts, like the 2009 Christmas Day underwear bomber and the 2001 shoe bomb plot, the American public looks to the TSA to keep them safe when flying.

However, with countless TSA misconduct cases spread throughout the country, confidence in airport security is quickly waning. For example, in 2011, a Transportation Security Officer at Newark Airport pleaded guilty to stealing thousands of dollars in cash and other valuables from unsuspecting travelers. In March of this year, a wanted rape suspect made his way through the security checkpoint at JFK carrying a 3,800K-volt stun-gun, which is definitely on the list of banned items for airplane travel. And, in February of this year, TSA improperly detained a 3-year-old disabled, wheelchair-bound child suffering from spina bifida on her way to Disney World with her family. This instance specifically was heart-breaking. TSA must do more to focus on the true threats and stop with invasive screening of low risk travelers.

The TSA lists “Integrity” as one of its core values, but unfortunately, integrity has been lost in many cases. When workers on the front line fail to live up to TSA’s established guiding principles and standards of conduct, management must step up and hold individuals accountable.

TSA created the Office of Professional Responsibility to promote timeliness, accountability and consistency in the disciplinary process. However, according to the Government Accountability Office's (GAO) report on TSA misconduct that was just issued yesterday, timeliness, accountability and consistency are still major issues for TSA when misconduct arises. For example, while TSA has established standards for investigating and adjudicating misconduct cases, TSA does not track how long it takes to complete and adjudicate investigations. As a result, TSA could miss systemic problems across airports allowing misconduct to go unchecked.

Furthermore, according to TSA data, out of 56 cases of theft or unauthorized taking from fiscal years 2010 – 2012, 31 resulted in termination, 11 resulted in letters of reprimand, 11 resulted in suspension of a defined period, 2 resulted in indefinite suspension, and 1 resulted in resignation. According to the recommended penalty range on TSA's Table of Offenses and Penalties for theft/unauthorized taking, a letter of reprimand is not included. Additionally, when questioned by the former Transportation Security Subcommittee Chairman last year, Deputy Administrator Halinski stated that "when we have personnel that have committed, let us say, stealing, drugs, or lack of security that we can immediately identify, those personnel are terminated. They are walked out the door." Well, which is it, Deputy Administrator? Are they removed from employment or sent home with a slap on the wrist? I would hope that a federal employee that engages in theft of trusting travelers would be disciplined more than with just a letter. These statistics tell the American people that TSA isn't terribly concerned if its employees steal from the traveling public. TSA should have no tolerance for such behavior. The American people demand accountability.

In addition, of the 1,936 cases in fiscal year 2012 that fall in the misconduct category of "Screening and Security," around 4 percent of those cases involved sleeping while engaged in security-related duties. I believe that's about 77 cases. That's 77 cases too many. Yet rather than punishing these employees using the standard penalties, TSA chose to go easy on those who find it hard to stay awake while protecting the American people. GAO reported that about half of the penalties for sleeping on duty didn't even fall into the recommended range (which is a two week suspension to termination). Instead, half of the cases were resolved with a reprimand letter or one to three day suspension.

Unfortunately, this is symptomatic of the larger problem. According to GAO's analysis of the fiscal year 2012 data on "Screening and Security" offenses that include failing to follow standard operating procedures, sleeping on duty, and allowing individuals to bypass screening – again of 1,936 cases, 55 percent of the offenses resulted in a letter of reprimand even though a letter of reprimand is not part of the recommended penalty range for any of those offenses. Where is the consistency?

While I know there are many – thousands – of hard working, dedicated employees working at airports throughout the country, and it's unfair to generalize to the whole workforce, unfortunately, a few bad apples can ruin the bunch. These findings are especially hard to stomach since so many Americans today

are sick of being groped, interrogated, and treated like criminals when passing through checkpoints. If “Integrity” is truly a core value, then, TSA, prove it. Stop with the napping, the stealing, the tardiness, and the disrespect. Earn Americans’ trust and confidence.

Disciplinary actions should be standardized, tracked, and processed in a timely manner so that the agency can compare performance nation-wide, analyze significant differences in data and make changes where changes are due – whether that’s through additional training or stricter enforcement of policies and procedures. The TSA plays a vital role in the security of our country and it’s time the American people look to TSA favorably instead of with disdain and distrust. One important step to achieving this is to fully respect Americans’ civil liberties when flying.

I appreciate the participation of our distinguished witnesses here today and am eager to hear about the Transportation Security Administration’s process and progress for handling misconduct cases within its workforce. It is critical that our airports are secure and that the tarnished reputation of the agency is turned around and the traveling public once again trust and appreciate those working the frontlines to keep our country safe.

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