

*Opening Statement of Ranking Member Cedric L. Richmond (D-LA)*

*Subcommittee on Transportation Security*

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

*Wednesday, July 31, 2013*

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I trust that this hearing will be used to facilitate a constructive discussion regarding TSA’s application of its disciplinary policies and *NOT* a platform for demeaning TSA’s frontline workforce.

Transportation Security Officers have an undeniably hard job and the overwhelming majority of them conduct themselves honorably and in accordance with TSA’s protocols.

With any large agency or organization, instances of misconduct and the failure to follow standard operating procedures will occur.

This principle applies to CBP, ICE, the Secret Service and TSA alike. The distinction with TSA, however, is the broad latitude the Administrator has been provided to discipline the screener workforce.

When TSA was established, Congress granted the Administrator sweeping powers to set the terms of employment for screeners *notwithstanding any other provision of law*. That means TSOs do not have the right to appeal adverse employment actions to the Merit Systems Protection Board – commonly referred to as the MSPB. This is the case despite the fact that managers and supervisors have the right to appeal to the MSPB themselves—should they face disciplinary action. It also means TSOs do not enjoy the protections of the Rehabilitation Act, Equal Pay Act and a litany of other employment laws.

This dynamic makes it critical for TSA to handle allegations of misconduct in a fair and consistent manner. According to the GAO report released yesterday, TSA lacks the controls necessary to do just that. The result is a disciplinary system for TSOs that results in what appears to be arbitrary punishments. I am pleased that TSA has concurred with all of GAO’s recommendations contained within the report. If implemented properly, these recommendations will provide both the public and Transportation Security Officers assurances that discipline is uniform and allegations of misconduct are properly adjudicated.

I look forward to hearing from Deputy Administrator Halinski on the steps TSA intends to take to implement GAO’s recommendations. I also look forward to hearing from Mr. Halinski on the challenges TSA faces in ensuring nationwide uniformity as it relates to discipline for screeners who engage in misconduct in light of the Screening Partnership Program.

While TSA has the authority to set the terms of employment and propose disciplinary action for TSOs, its ability to do so for contract screeners is subject to the terms of the various contracts it has with private screening companies.

This leads to both Congress and TSA lacking visibility into the disciplinary policies of companies providing passenger screening at over a dozen airports across the country.

I also look forward to hearing from Mr. Lord of the Government Accountability Office during the hearing today. His expertise on matters of aviation security and TSA's policies continue to be of great value to the Committee as it conducts oversight of TSA.

Finally, I look forward to hearing from Ms. Outten-Mills of the Department of Homeland Security's Office of Inspector General. Her testimony will provide insight into how the OIG and TSA work collaboratively on allegations of misconduct.

Mr. Chairman, before yielding back, I would like to reiterate my appreciation for you holding this joint hearing today. Approximately one-quarter of the Transportation Security Officer workforce are veterans and the vast majority of screeners wake up every day with one goal in mind—protecting our transportation systems from terrorist attack. Despite Congress neglecting to provide these men and women the standard employment protections afforded their colleagues in the Federal government, we should not settle for a system of arbitrary and ad hoc discipline by TSA.

Both the screeners and the flying public deserve better. I would also like to point out that while there is a tendency to focus on allegations of misconduct, we should not ignore the instances of exemplary conduct by TSOs. Earlier this year, a TSO in Georgia discovered a total of one-thousand dollars left unattended in an ATM's cash dispenser. She turned it in. A TSO in New York who was on her way to the baggage room noticed an envelope on the ground with over five hundred dollars inside. Like her colleague in Georgia, she turned the money in.

Hopefully, the detour did not result in her being disciplined for tardiness, the most common charge against TSOs according to the GAO report.