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***BEFORE THE***

**SUBCOMMITTEE ON AVIATION**

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**U.S. HOUSE OF REPRESENTATIVES**

***CONCERNING***

**“HOW BEST TO IMPROVE OUR NATION’S AIRPORT PASSENGER  
SECURITY SYSTEM THROUGH COMMON SENSE SOLUTIONS”**

**November 29, 2012**



Good morning Chairman Petri, Ranking Member Costello, and Members of the Subcommittee. I am Charles K. Edwards, Acting Inspector General of the Department of Homeland Security (DHS). Thank you for inviting me to testify today regarding the impact of the Transportation Security Administration (TSA) on consumers and commerce. I will discuss the results of two audits and several investigations that explore policy implementation, oversight, and employee accountability at TSA and the potential impact those elements may have on passenger safety and security, integral components of the airline consumer experience. Specifically, I will address: 1) management and oversight of checked baggage screening at Honolulu International Airport; 2) TSA's efforts to identify and track security breaches at our Nation's airports; and 3) DHS OIG investigations of allegations of TSA employee criminal conduct. In our examinations of TSA's programs, we found several themes of inconsistent and insufficient oversight, policy implementation, and employee accountability that have the potential to adversely impact the airline consumer experience.

### **Allegations of Improper Screening Efforts at Honolulu International Airport<sup>1</sup>**

TSA protects the Nation's transportation systems to ensure freedom of movement for people and commerce. As part of its mission, all individuals, accessible property, and checked baggage must be screened using TSA's standard operating procedures (SOPs). In December 2010, a confidential source notified TSA officials and provided video evidence showing some Transportation Security Officers (TSOs) failing to follow required screening procedures at a screening location at Honolulu International Airport (HNL). Although some employees adhered to the agency's screening procedures, others circumvented these procedures and cleared bags for transport without the required screening. Representatives John Mica and Jason Chaffetz requested a review to determine why a portion of the TSA screener workforce at HNL did not perform critical transportation security screening of baggage. TSOs at one location in HNL did not screen all checked baggage as required during the last few months of 2010. We made four recommendations to TSA that, when implemented, should assist the agency with developing and managing changes to security procedures and provide more effective oversight of airport screening operations.

**Fragmented Process for Changing Procedures:** TSA had a fragmented and inconsistent process for developing and evaluating changes to its SOP for baggage screening. TSA periodically modifies its SOPs to adjust to the current threat environment, the addition of new equipment, or passenger concerns. Beginning in January of 2010, TSA required TSOs to change the screening protocol SOP when using Explosive Trace Detection (ETD) to screen checked baggage. The change in policy allowed use, at times, of alternate screening procedures, or mitigation procedures for timely screening during specific, short-term, special circumstances, such as unexpected increases in the volume of checked baggage.

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<sup>1</sup> DHS-OIG, *TSA Management and Oversight at Honolulu International Airport* (OIG-12-128, September 2012).

The agency relied on different numbers and different airports when studying proposed changes to the SOP. TSA also had difficulty providing a comprehensive document or centralized point of contact to explain the studies and analysis to support the change to SOPs. Nor could TSA show whether the procedural changes would adversely affect unique airports, such as HNL, with its high volume of checked baggage and densely packed boxes that require screening. This fragmented process of developing changes to screening procedures and not fully evaluating the effects of the changes may have contributed to the screening violations at HNL.

Limited Supervision and Oversight: The TSOs' decision not to follow screening procedures could have been due in part to limited direct supervision. Agency management at HNL did not ensure that screening managers and supervisors were regularly present, observing operations, and performing all responsibilities required by TSA management directives and SOPs. Also, clearer guidance on direct observation of screening operations and better training of supervisors might have addressed this situation.

Need for Clear Guidance on Direct Supervision: TSA has directives and procedures on management and oversight responsibilities, but they do not include clear guidance on direct supervision of screening operations, and thus allow different interpretations and implementation. For example, SOP includes Supervisory TSO responsibilities and duty requirements, yet it does not include specific metrics, leaving room for interpretation. The SOP requires Supervisory TSOs or Lead TSOs to monitor TSO performance, screening activities, and ensure compliance with all applicable SOPs. However, rather than include more specific details on oversight requirements, the SOP focuses on screening equipment operation, safety concerns, and opening and closing of screening locations.

Staffing and Equipment: TSA management did not provide sufficient staff or more efficient equipment needed for screening operations at the affected location in HNL. Although data was available, TSA management at headquarters used limited information to predict and prepare for staffing demands. TSA management at HNL did not allocate staff appropriately to handle the volume of checked baggage that needed screening. Further, although requested, agency headquarters did not provide the affected screening location with more efficient equipment to screen checked baggage. For example, in its August 2008 request for equipment, HNL noted that the check-in area of the affected location was very congested, causing the baggage to accumulate and resulted in a safety issue for the passengers and TSOs. TSA headquarters confirmed receipt of HNL's request and added it to an unfunded requirements list. At the same time, new and used equipment were stored in a warehouse awaiting delivery to airports for more than 1 year. Without the more efficient equipment, TSA management at HNL implemented labor-intensive interim options to facilitate screening, including shifting staff from other checked baggage screening locations to assist the affected screening location during peak times.

Screening managers documented staffing levels by specific screening location, but we could not determine how TSA addressed the staffing problem. Without tracking staffing decisions, TSA management at HNL could not predict when short-term staffing would be needed or provide TSA headquarters with useful information for future staffing decisions.

HNL Mitigation Practices and Unscreened Baggage: There is no acceptable justification for TSOs to bypass their security mission; however, TSA allowed various levels of screening and intervals of mitigation that TSOs could misinterpret as meaning that screening was not always possible or needed.

To ensure compliance with its SOPs, TSA should fully evaluate the effects of changes to them. Transportation Security Managers (TSMs) and Supervisory TSOs need to provide sufficient direct oversight to ensure that all baggage is screened according to approved procedures. Finally, TSA needs to ensure that airports have the appropriate staffing and equipment to conduct screening in accordance with SOPs. TSA officials concurred with and planned to address the four recommendations in the report.

### **TSA's Efforts to Identify and Track Security Breaches at Our Nation's Airports<sup>2</sup>**

In May 2012, we issued a report on our audit of security breaches at Newark Liberty International Airport, which had been requested by Senator Frank Lautenberg.

According to TSA, it has several programs and initiatives that report and track identified security breaches. TSA reports that security breaches are documented locally at each airport, and they must be reported in the Performance and Results Information System (PARIS) and to the Transportation Security Operations Center (TSOC). The TSOC is expected to use this information to identify events occurring at disparate locations throughout the U.S. transportation system. However, TSA does not comprehensively track and gather information about all security breaches, and therefore cannot use the information to monitor trends or generally improve security. The agency also does not provide the necessary guidance and oversight to ensure that all breaches are consistently reported, tracked, and corrected. Without an effective process to gather information about all security breaches, TSA is unable to monitor trends or make general improvements to security. As a result, TSA does not have a complete understanding of breaches occurring at the Nation's airports and is limited in its ability to prevent, minimize, respond to, or take corrective action against security breaches.

The agency also does not provide the necessary guidance and oversight to ensure accurate and complete reporting, tracking, and correcting of security breaches. It does not have a process to ensure that all security breaches are identified and reported. The agency could have a valuable source of security breach data to detect vulnerabilities and identify nationwide trends if incidents were consistently reported in PARIS. For example, PARIS could provide data on the raw number of incidents at the Nation's airports and why they occurred. Vulnerabilities detected at one airport or in one region

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<sup>2</sup> DHS-OIG, *Transportation Security Administration's Efforts To Identify and Track Security Breaches at Our Nation's Airports* (OIG-12-80, May 2012).

could be communicated throughout the country, and lessons learned could be applied nationwide. Airports need clear guidance for identifying and reporting security breaches through PARIS for TSA to have an accurate understanding of security breaches at airports.

Our analysis showed that TSA took corrective actions at Newark Liberty International Airport to address the incidents identified by Senator Lautenberg. For example, the agency took steps to improve operations; including initiating a “Back to Basics” campaign to reinforce procedures and a study of identified shortcomings and potential solutions entitled Newark Commitment to Excellence. However, TSA took corrective actions for only 42 percent of its recorded security breaches. The agency agreed with our report recommendations and identified actions to resolve these issues.

### **OIG Investigations Pertaining to Allegations of TSA Employee Misconduct and Criminal Acts**

The vast majority of DHS employees are dedicated civil servants focused on protecting the Nation; less than 1 percent of employees have committed criminal acts or other egregious misconduct.<sup>3</sup> However, allegations of misconduct and criminal acts committed by those working directly for and with the American public cannot be ignored. Recent media coverage of criminal conduct of TSA employees may affect the perception of safety and security of airline passengers. DHS OIG investigations of TSA employees include the following:

- An investigation into allegations of theft involving a TSO at the Orlando International Airport. The investigation revealed that, over a 3-year period from 2008 through 2011, the TSO had stolen more than 80 laptop computers, cell phones, and iPods, estimated at \$80,000, from passenger baggage while ostensibly performing his duties at the airport. The TSO admitted to fencing the items to a middleman in Osceola County, FL. TSA terminated his employment in March 2011. In August 2011, the TSO pleaded guilty to federal charges of embezzlement and theft in connection with the investigation and in January 2012 was sentenced to 24 months probation.
- An investigation conducted with the Minneapolis Police Department involving a TSO who had been arrested for making terrorist threats. The TSO was observed by Minneapolis Police Department officers chasing a young Somali male and screaming that he was going to kill the victim. At the time of his arrest, the TSO, who held a valid permit to carry a concealed weapon, was in possession of two handguns. Subsequent investigation determined that in May 2010 the TSO had been identified, but not charged by the Minneapolis Police Department, as a person who assaulted an elderly Somali male. OIG interviewed the 82-year-old victim and verified that the TSO had intentionally injured the victim during the assault. Based on the verification of these injuries and the fact that the assault

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<sup>3</sup> DHS-OIG, *Major Management Challenges Facing the Department of Homeland Security* (OIG-13-09, November 2012).

appeared to have been motivated by the victim's perceived race, color, religion, and national origin, the Department of Justice, Civil Rights Division, determined that the facts were consistent with a violation of 18 U.S.C. § 249, related to hate crimes. On August 10, 2011, the TSO appeared before a U.S. District Court Judge and pleaded guilty to a one-count Criminal Information charging him with violating 18 U.S.C. § 249. On November 29, 2011, the TSO was sentenced to 6 months incarceration and 3 years of federally supervised probation.

- Working with Immigration and Customs Enforcement (ICE), Homeland Security Investigations, Child Exploitation Group, we secured the conviction of a TSO who was in possession of child pornography. Agents discovered that the employee, while off duty, routinely used several internet and social media sites to receive and distribute child pornography. The TSO was initially identified as an employee through a picture of him wearing a TSA uniform that he posted on a social media site. The TSO was sentenced to serve 132 months confinement.
- The OIG conducted an investigation into theft allegations involving a TSA screener at the Newark Liberty International Airport. The investigation established that from October 2009 to September 2010, property and currency totaling as much as \$30,000 were stolen from passengers as they underwent checkpoint screening. When OIG confronted the TSO with evidence, he admitted stealing currency from passengers' carry-on bags when screened at the security check point. The TSO was subsequently sentenced in U.S. District Court to 2 years and 6 months imprisonment, followed by 3 years supervised release, and ordered to forfeit \$24,150.

Our audits and investigations highlight various aspects of TSA's oversight, policy implementation and employee accountability that could affect the actual and perceived safety and security of the traveling public. Although TSA has made efforts to improve transportation security and to carry out our recommendations, TSA still faces challenges and must continue to work toward accomplishing its vital mission to protect the Nation and ensure free movement of people and commerce.

Chairman Petri, this concludes my prepared remarks. I welcome any questions that you or the Members of the Subcommittee may have.