

# FEDERAL AIR MARSHAL SERVICE: OVERSIGHT

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## HEARING

BEFORE THE

### COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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## **FEDERAL AIR MARSHAL SERVICE: OVERSIGHT**

**Thursday, September 17, 2015**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
*Washington, D.C.*

The committee met, pursuant to call, at 2:00 p.m., in Room 2154, Rayburn House Office Building, Hon. Jason Chaffetz [chairman of the committee] presiding.

Present: Representatives Chaffetz, Mica, Duncan, Walberg, Walker, Blum, Hice, Russell, Carter, Grothman, Palmer, Cummings, Maloney, Duckworth, Kelly, Lawrence, Watson Coleman, DeSaulnier, and Welch.

Chairman CHAFFETZ. The Committee on Oversight and Government Reform will come to order.

Without objection, the chair is authorized to declare a recess at any time.

This morning, we had been conducting a joint hearing with the Natural Resources Committee, but, in consultation with the ranking member, Mr. Cummings, and working with the Democrats, we are going to go ahead and start this hearing at this time.

Today, we are here to talk about the Federal Air Marshals—a very difficult job, very needed in this country, unfortunately.

The Federal Air Marshal Service, often referred to as FAMS, is comprised of thousands of men and women who have taken an oath to prevent and disrupt acts of terrorism on our Nation's airplanes. Many of these men and women operate at 30,000 feet in the air and act as the last line of defense against potential terror attacks.

These air marshals operate in anonymity and mostly under their own supervision, and most of them do a good and decent job, serving a patriotic service and doing so with great integrity. But when any member of this highly trained workforce veers away from the core mission, they put the Nation's air security at risk.

So why are we here today? Unfortunately, there have been some very high-profile scandals. Former FAMS Director, Federal Air Marshal Service Director Robert Bray retired in 2014 after being investigated for his entanglement in an alleged operation to acquire guns for officials' personal use. In 2012, Federal Air Marshals assigned to protect commercial flights across the United States were pulled from their assigned flights so they could meet on sexual rendezvous.

Most recently, there is an allegation of air marshals disguising themselves as pornography producers, hiring prostitutes and using their government-issued phones and other assets to film sexual en-

counters. Unfortunately, these people, based in Chicago, have been evidently engaged in these activities.

These are all ongoing investigations. There is also reportedly major alcohol abuse within the Federal Air Marshal Service.

But this story, this hearing is really not only intended to address those problems, but it has at least been our purview in the Oversight and Government Reform Committee, at least on our side of the aisle, that Director Allison, who is here today, and Ms. Book have taken some pretty strong and decisive action.

Now, through the course of the first 8 months that I have been chairman of this committee, we have heard a series of different agencies that have come before us and complained that they couldn't take decisive action. Think of the DEA, the Secret Service, the EPA. We have had some very, very salacious misconduct from some of their employees, and yet they weren't fired, they weren't put on administrative leave, they didn't get their security clearances revoked. We had a situation, like I said, with the Secret Service, within the same department and agency, Homeland Security. Why weren't those people's security clearances revoked?

But what I have found in the interactions, with great concern, hearing about how maybe flight schedules had been manipulated and sexual misconduct going on and inappropriate behavior—really thought that what we were going to find is yet another agency that wasn't dealing with that in an appropriate way.

Now, there is more to learn; we are not giving them a free pass. I am not saying it is the absolute model for where we should be going, but I have been very impressed in the openness and transparency within the Federal Air Marshal system, their interaction with our committee, and what they did in a very decisive and swift manner.

So, every hearing we do, we are not calling for the resignation of everybody—a lot of them, but, in some cases, we find something that is actually working well. Because there are misdeeds going on, there are things that are going awry, and we want to learn what they are doing in order to rectify that.

So I have the deepest respect for the loyal men and women who work under Director Allison's leadership. They bear a tremendous responsibility.

There are some things in this hearing that I am sure members of the public and members of this committee would be interested in hearing. Some of that is classified. I will interrupt and I will not tolerate anybody who is trying to get specific details about the number of air marshals, which flights are they on, which flights are they not on, and how they make such selections. That would be reserved for a classified setting, not appropriate in an open hearing. We do not need to tell the terrorists who they are, what they are doing, how they do it.

Suffice it to say, I have reviewed some materials that would lead me to believe, A, this service is needed. There is a threat, and it gives me comfort to know that they are on top of it.

Now, I worry about they don't know and who might be on an airplane or getting through security, and there are a host of other things that we should—and Mr. Mica has done great work on this,

the security badges and getting through and what the whole TSA is doing and not doing. A totally different subject.

But let's talk about the good, the bad, and the ugly of what is happening here with the Federal Air Marshals. And let's also give some credit where credit is due when we do rout out something that is wrong and deal with that in a swift manner.

So, with that, I will yield my time and now recognize the ranking member, the gentleman from Maryland, Mr. Cummings, for his opening statement.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. And I do thank you for holding this hearing on allegations of misconduct by employees of the Federal Air Marshal Service.

And let me say this from the outset, Mr. Chairman. I agree with you with regard to Administrator Allison. It is so often that people in his position seem to skirt around matters when there is wrongdoing in their department. But, as you have said to me both privately and now publicly, he has taken on his responsibilities very diligently and carefully and has done everything in his power to address the issues at hand. And we do appreciate that.

Our committee has been looking into two separate cases. In February, press reports allege that a TSA employee used her position to gain access to personnel files and flight schedules to identify air marshals she wanted to date. According to these press reports, flight schedules were changed to facilitate, "sexual trysts." On March 2, Chairman Chaffetz and I, along with Representatives Mica, Duckworth, DeSantis, and Lynch, wrote to Secretary Johnson at the Department of Homeland Security with regard to this incident.

A second incident was reported publicly just yesterday. According to an article by the Associated Press, "Two Federal Air Marshals have been suspended amid allegations they hired prostitutes overseas and recorded a sexual encounter with a government-issued device." Obviously, if these allegations are accurate, they are completely inappropriate for anyone, let alone air marshals charged with securing our skies. These employees must be held accountable, and I know they will be.

From our perspective here in Congress, we want to ensure the integrity of the ongoing investigations and disciplinary actions in these cases, so we cannot discuss some of this information publicly. The last thing we want to do is compromise these ongoing investigations.

Director Allison, we understand that you and Ms. Book may not be able to testify about certain details of these cases at today's hearing. We fully understand that. And, as the chairman said, I know that he will diligently guard against questions that might go into those issues.

Despite these limitations, however, I want to thank you very much for the detailed briefing you gave to me and to the chairman last night about these incidents. Based on the limited information the committee has obtained to date, it appears that managers at your agency have been acting appropriately, using existing legal authorities to investigate and take action on these cases.

The chairman has also made clear that he acknowledges the positive steps you have taken to date. And I applaud you for what

you said to us just yesterday—that is, that you want to be proactive, that you want to create an atmosphere where these things don't happen so you don't have to come behind and clean up a mess. Those aren't your words; those are my words.

Our broad interest is in ensuring that employees who are alleged to have engaged in misconduct are investigated promptly and fairly. We want bad employees to be routed out as quickly as possible because they give a bad name to the vast majority of Federal workers who devote their entire careers and lives to this Nation.

And one of the other things that you told us is that you want to make sure that your agency has the very best and lives up to the highest of standards. And we appreciate that.

We also want to protect the rights of employees accused of misconduct to ensure that they have due process to defend themselves against accusations that are false. Director Allison has already taken several steps to improve this process, and I believe the Oversight Committee can also help.

For example, my staff members have been working very closely behind the scenes to help the Environmental Protection Agency and its inspector general develop new protocols to share information about employee misconduct matters. As a result of this work, both the EPA and IG have now advised the committee that they have implemented new processes to take more timely and fair disciplinary actions. They have begun holding biweekly meetings to share information about investigations, they are now communicating more frequently about administrative actions, and they are now sharing with agency managers reports of investigation in specific cases.

And so, Mr. Chairman, as I close, I have here a joint letter that was sent to the committee from both the EPA and the IG's office detailing some of these improvements, and I ask unanimous consent that it be entered into the record.

Chairman CHAFFETZ. Without objection, so ordered.

Mr. CUMMINGS. I believe this letter shows what we can do if we work hard with the agencies and the investigators to improve their procedures. This type of work does not always get the big headlines, but it makes a real difference. I look forward to hearing from Director Allison and Ms. Book about whether this procedure or something similar would help TSA, as well.

And, with that, Mr. Chairman, I thank you, and I yield back.

Chairman CHAFFETZ. I thank the gentleman.

I will hold the record open for 5 legislative days for any members who would like to submit a written statement.

Chairman CHAFFETZ. I will now recognize the first and only panel today.

We are pleased to welcome Mr. Roderick Allison. He is the Director of Law Enforcement for the Federal Air Marshal Service at the Transportation Security Administration at the Department of Homeland Security.

We also want to thank Mr. Allison for his 13 years of service in the United States Army, his work in the Seventh Special Forces Group at Fort Bragg, North Carolina, among one of the highlights.

We thank you, sir, for your service to our country and appreciate you being here with us today.

We also have Ms. Heather Book, Assistant Administrator of the Office of Professional Responsibility at the Transportation Security Administration at the Department of Homeland Security.

We welcome you both.

Pursuant to committee rules, all witnesses are to be sworn before they testify, so if you will please rise and raise your right hands.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Thank you. You may be seated.

And let the record reflect that the witnesses both answered in the affirmative.

We will give you great latitude on the time of your opening statement. And it would be remiss if your opening statement did not include, although maybe impromptu, some details of the two incidents, in particular, the individuals out of Chicago as well as the other incident where evidently schedules were manipulated and whatnot. We are inevitably going to ask about those, but we would appreciate it if you would proactively take some additional time and address those as well.

With that, Director Allison, you are now recognized.

#### **WITNESS STATEMENTS**

##### **STATEMENT OF RODERICK ALLISON**

Mr. ALLISON. Good afternoon, Chairman Chaffetz, Ranking Member Cummings, and members of the committee. I appreciate the opportunity to appear before you today to testify about the Federal Air Marshal Service.

Our mission at FAMS is to detect, deter, and defeat criminal or terrorist activities against our transportation systems. We perform our core mission by deploying Federal Air Marshals on United States-flagged aircraft throughout the world, 365 days a year, utilizing a concept of operations that aligns with TSA's risk-based security strategy.

Federal Air Marshals are law enforcement officers who receive specialized training to prepare them for the challenges associated with a very difficult working environment. Our officers operate at 30,000 feet, in restricted space, and have no backup to call upon.

The Service is unique in its ability to remain flexible and to rapidly deploy hundreds of law enforcement officers in response to specific evolving threats within the transportation domain around the world.

I can assure you that the vast majority of Federal Air Marshals are quiet counterterrorism professionals working diligently every day on thousands of flights a year to protect the traveling public and ensure our transportation systems are safe.

There have been recent media reports on this conduct by FAMS. I can assure you that Administrator Neffenger finds misconduct at any level completely unacceptable. I wholeheartedly share his philosophy and have made it crystal-clear to every employee: There is no tolerance for misconduct.

All personnel are very well aware of our high standards and expectations of professionalism. And, as Federal law enforcement pro-

professionals, they are held to a higher standard, both on duty and off duty. I share the committee's expectation that we, as government employees, must demonstrate the highest level of integrity and conform to a rigorous code of conduct.

As you know, I cannot comment on pending investigations. However, I can tell you that all allegations of misconduct are immediately referred to TSA's Office of Inspection or the DHS Office of Inspector General for a thorough, impartial, and independent investigation.

The results of these investigations are reported to TSA's Office of Professional Responsibility. Investigative findings that are substantiated by these independent investigations may result in severe consequences, up to and including removal from Federal service. And please note that the discipline decisions are independently administered, as well, by Assistant Administrator Heather Book's staff at the Office of Professional Responsibility, who is here today.

Since becoming the FAMS Director in June of 2014, I have made strong value-based leadership, workforce engagement, enhancing communication, and promoting the highest level of professionalism and integrity in the Air Marshal Service my top priorities. Over the past 16 months, I have personally visited all 22 Federal Air Marshal field offices, and, together with the Deputy Director, we have held 50 townhall meetings throughout the FAMS organization.

I also use multiple means of communication to ensure open dialogue access at all levels of the workforce. I encourage the use of the Director's email box, personally engage with both the Federal Air Marshal Advisory Council and the Supervisory Air Marshal Advisory Council. I utilize an ombudsman and aggressively communicate the availability of support and assistance programs that are available to all employees.

Since the vast majority of our employees are dedicated professionals who conduct themselves in an exemplary manner each and every day, I have initiated a number of programs to recognize, award, and thank them. This outreach has provided me the opportunity to highlight and express my appreciation for the outstanding work that is being accomplished by so many.

During initial training, all Federal Air Marshals are provided multiple courses regarding integrity, accountability, and professionalism. We have expanded our in-service training to a variety of topics, including resiliency, critical incident response, and, most recently, completed mandatory alcohol awareness training.

All TSA employees are subject to recurrent annual vetting and on an annual basis certify that they understand and will abide by TSA's employee responsibilities and code of conduct. Additionally, FAMS are subject to security clearance determinations and appointments to national security critical sensitive positions following strict adherence to the federally established adjudication guidelines.

Nonetheless, these proactive efforts won't prevent all misconduct. There are a handful of employees who may betray the trust bestowed upon them. In these cases, both headquarters and field leaders must and will act appropriately, quickly, and decisively.

During my visits, I have stressed to supervisors their responsibility to lead. They are expected to mentor subordinates and to

manage minor issues at the local level. I have empowered them to lead by example and to foster a law enforcement environment that promotes integrity and accountability. I believe a strong leadership reduces the likelihood of misconduct and performance issues.

We continue to provide our workforce with the resources and specialized support required to carry out the mission. As such, FAMS maintains a number of medical programs, to include a comprehensive annual physical, health and fitness program, and employee assistance resources. The FAMS medical section is staffed with a physician and other full-time medical professionals who are available to FAMS personnel at any time.

FAMS recognizes the value of these programs, as our mission is demanding both physically and mentally. We will continue to make these and other employee assistance programs available to our personnel.

The Federal Air Marshal Service is a strong counterterrorism element in the security TSA provides to the traveling public. We take our mission seriously, and our workforce is dedicated to preventing and disrupting both criminal and terrorist acts aboard aircraft within the transportation domain.

Our workforce is comprised of exceptional men and women who execute a difficult mission. I am deeply honored to lead this team of counterterrorism professionals, and our Nation should be proud of the work they do each and every day to support the goal of securing our transportation systems.

I appreciate this committee's interest in our mission as we execute our sworn duties, which are vital to the security of the traveling public. Thank you for the opportunity to appear before you today, and I look forward to answering your questions.

[Prepared statement of Mr. Allison follows:]

**Testimony**  
**Roderick Allison, Director**  
**Office of Law Enforcement/Federal Air Marshal Service**  
**Transportation Security Administration**  
**U.S. Department of Homeland Security**  
**Before the**  
**House Committee on Oversight and Government Reform**

September 17, 2015

Good morning Chairman Chaffetz, Ranking Member Cummings, and members of the committee. Thank you for the opportunity to testify today. The mission of the Federal Air Marshal Service (FAMS) is to detect, deter, and defeat criminal and terrorist activities that target our Nation's transportation systems. As Director of the FAMS, I am responsible for leading the thousands of men and women who have taken an oath to prevent and disrupt acts of terrorism within the transportation domain. We perform our core mission by deploying Federal Air Marshals on United States-flagged aircraft throughout the world, 365 days a year, utilizing a comprehensive Concept of Operations that aligns with TSA's Risk Based Security (RBS) strategy. In addition to deploying the Federal Air Marshals onboard aircraft, FAMS assigns Visible Intermodal Prevention and Response (VIPR) teams at a variety of locations to augment the visible presence of law enforcement and security personnel in all modes of transportation.

FAMS is comprised of law enforcement officers who receive specialized initial and recurrent training to prepare them for the challenges associated with a unique operating environment. In addition to their initial training, all Federal Air Marshals receive 20 training days per year and are required to maintain a high firearms proficiency standard. As you know, Federal Air Marshals in the aviation sector operate at 30,000 feet, in tight quarters, remain vigilant, and are prepared to react to a wide spectrum of criminal and terrorist events and activities.

The Federal Air Marshals are an integral part of RBS where they serve within a matrix of security layers, and often as a last line of defense. Federal Air Marshals serve as a deterrent to those with intent to do harm, and their presence helps to sustain the confidence of the traveling public. The FAMS is unique in its flexibility and ability to re-deploy thousands of law enforcement officers rapidly in response to specific threats or incidents in the transportation domain. For example, following the 2006 foiled UK liquid explosives plot and the December 25, 2009, failed bombing of Northwest Flight 253 bound for Detroit by Umar Farouk Abdulmutallab, Federal Air Marshals were immediately deployed in response to the evolving threats. FAMS also assisted in security efforts during the evacuation of U.S. citizens from the island of Cyprus following the unrest in Lebanon in July of 2006. As a risk-based organization, FAMS is responsive to current intelligence, threats and vulnerabilities. Mission coverage goals are adjusted continually in response to emerging and evolving threats. Additionally, Federal Air Marshals have leveraged their basic emergency response training to intervene successfully in thousands of in-flight medical emergencies and non-terrorist incidents involving unruly passengers.

### **Workforce Engagement**

TSA sets high standards for the code of conduct for all of our employees, especially law enforcement personnel. Professionalism and integrity on and off duty is expected of all Federal Air Marshals. Since becoming the FAMS Director in June 2014, I have implemented several initiatives to promote the highest level of integrity, professionalism, and accountability. Over the past year, my Deputy and I have embarked upon an aggressive workforce engagement campaign, convening over 50 office visits and “Town Hall” sessions across the country. I have personally visited the headquarters sites and all 22 field offices. We meet with personnel at all levels of the organization to communicate expectations, gauge concerns, and answer questions. I have applied a multi-pronged approach to ensure vigorous communications and feedback through all levels of the organization.

During these site visits, I discuss my appreciation to the workforce and specifically address the ongoing “Thank You Campaign”, wherein hundreds of employees have received letters of commendation for noteworthy accomplishments. I also recently implemented a “Director’s Award,” which honors one non-supervisory employee at each office location who demonstrates the highest level of integrity and serves as a role model to their colleagues. We have also launched a new product on the FAMS internal website homepage entitled “In the Spotlight” where employees are recognized for civic related activities and accomplishments.

Additionally, FAMS has a number of programs to provide our workforce with the resources and support they need to carry out their mission. As part of our efforts, FAMS maintains a robust system of both medical, including mandatory physicals, and psychological assistance programs which are available to the workforce and their families. The FAMS Medical Programs Section is staffed with a physician and other full time medical professionals who are available to FAMS personnel 24/7 and upon request. FAMS also has a Critical Incident Response Unit that provides guidance and support to assist FAMS employees and their families in the event of a critical or traumatic incident. This unit provides guidance and support to assist FAMS, along with other offices within TSA, in the event of a critical or traumatic incident. For example, shortly after the LAX shooting, members of the FAMS Los Angeles Field Office mobilized to offer assistance to all affected.

Further, FAMS contracts with a professional counseling team with licensed mental health professionals that provides services to employees that are free and confidential. Finally, FAMS employees can contact TSA’s Employee Assistance Program (EAP), which provides short-term counseling and resources, and referral services at no cost to employees and family members.

### **Workforce Realignment**

In order to maximize organizational effectiveness and efficiency, in 2012 FAMS completed a staffing and field office assessment to ensure that FAMS are located in offices that are positioned in a risk-based manner to cover the most critical flights. As a result, six offices will be closed: Cincinnati, Cleveland, Phoenix, Pittsburgh, San Diego, and Tampa. As of today, we have closed four of these offices, with the final two slated to close next summer. Personnel were reassigned to our most critical offices, namely those offices which serviced the highest risk flights. Despite these closures, Office of Law Enforcement (OLE)/FAMS will continue to

maintain a presence in these locations. OLE/FAMS will maintain an Assistant Federal Security Director for Law Enforcement at each location and FAMS assigned to the FBI's Joint Terrorism Task Force will not be affected. While personnel will be reassigned to other offices, these closures will not adversely impact our ability to maintain coverage onboard flights at these airport locations. Additionally, though VIPR team personnel will be transferred to other offices, operations involving specific events and infrastructure will remain unaffected

#### **Concept of Operations (CONOPS)**

In consultation with the Department of Homeland Security, FAMS recently completed an updated CONOPS for mission deployment addressing risk mitigation and incorporating randomness and unpredictability. While the focus remains on the highest risk flights, the new CONOPS ensures adversary uncertainty and deterrence through potential deployment on any domestic flight. A "risk by flight" methodology is currently under development which incorporates mission planning based upon passenger travel patterns, assessed passenger risk, and consideration for locations with known vulnerabilities.

#### **Visible Intermodal Prevention and Response (VIPR)**

The FAMS manages the VIPR Program, which consists of teams of Federal Air Marshals, Behavioral Detection Officers, Transportation Security Specialists-Explosives, Transportation Security Inspectors and Canine teams who work closely with federal, state, and local law enforcement partners and stakeholders in the aviation and surface transportation sectors.

Surface transportation offers an attractive target for our adversaries, as we learned from the subway bombings in Madrid in 2004 and London in 2005. Through a joint planning process, TSA works with local law enforcement to plan operations that leverage existing resources to provide enhanced detection capabilities and a visible deterrent to terrorist activity. In 2014, VIPR teams conducted approximately 14,000 operations at transportation venues nationwide, to include National Security Special Events (NSSE) and Special Event Assessment Rating (SEAR) activities such as the Super Bowl, NCAA Final Four, and State of the Union. The 2014 NFL Super Bowl in the greater New York City area presented a unique set of challenges based upon the heavy reliance on mass transit to attend all the events surrounding the big game. Our VIPR teams successfully worked side by side with our local, state and federal law enforcement partners to ensure the safety and security of the traveling public attending that week's festivities.

#### **Conclusion**

FAMS is a strong counterterrorism layer in the security TSA provides to the traveling public. We take our mission seriously and our workforce is dedicated to preventing and disrupting acts of terror onboard aircraft. I appreciate this Committee's partnership in our efforts and support for this critical mission.

Thank you for the opportunity to appear before you today and I will be happy to answer any questions.

Chairman CHAFFETZ. Ms. Book, you are now recognized.

**STATEMENT OF HEATHER BOOK**

Ms. BOOK. Thank you.

Good afternoon, Chairman Chaffetz, Ranking Member Cummings, and distinguished members of the committee. Thank you for the opportunity to testify today.

Our highest priority at TSA is accomplishing the important mission to protect the Nation's transportation systems and to ensure freedom of movement for legitimate travel and commerce. Our new Administrator, Mr. Peter Neffenger, has committed to ensuring that we continue to pursue our vision of an effective, high-performing counterterrorism organization. We are a security organization, and every member of our team must be focused on this core mission.

Most importantly, our new Administrator has committed to leading with values that define our agency—integrity, innovation, and team spirit—and he has asked each of our employees to do so, as well.

Every day, TSA's 57,000 employees serve to ensure the security of our Nation's transportation networks, interacting with the traveling public millions of times each day. We screen passengers and baggage at nearly 450 airports across the United States. We deploy Federal Air Marshals on U.S. Aircraft worldwide to ensure the safe conduct of flights on high-risk routes and to cover special mission needs. We vet 14 million passenger reservations and 13 million transportation workers against the terrorist watchlist every week.

The totality of our efforts facilitate safe, secure air travel for 1.8 million people per day. In doing so, the vast, overwhelming majority of our workforce serves with honor and integrity.

Our success depends upon the dedication and professionalism of our workforce. Public service is a public trust, demanding adherence to the highest ethical and personal standards of conduct. Because TSA employees interact directly with the public and hold sensitive security positions, their conduct is held to the strictest standards. When a TSA employee fails to live up to those standards, he or she violates that trust and undermines the honorable work that others do keeping the traveling public safe.

For all these reasons, we have no tolerance for misconduct or criminal activity in the workplace. When allegations or incidents of misconduct arise, they are investigated by the DHS Office of Inspector General or by TSA's Office of Inspection, an independent office that reports directly to the TSA Administrator and Deputy Administrator.

Office of Inspection reviews allegations and reports them to DHS Office of Inspector General. When OIG elects not to handle the case, Office of Inspection conducts the investigation.

The Office of Inspection also conducts independent oversight inspections of operational programs, procedures, and policies. These inspections assess compliance and afford employees an opportunity to discuss allegations of misconduct in a confidential setting.

To promote consistency, timeliness, and accountability in the disciplinary process, TSA created the Office of Professional Responsibility, or OPR, the office that I lead. OPR adjudicates all allega-

tions of misconduct involving senior-level employees and law enforcement personnel, including the Federal Air Marshals. OPR officials also review all reports of investigation from the OIG regardless of the pay grade or seniority of the employee.

OPR has promoted greater transparency and consistency in the entire TSA disciplinary system by creating a table of offenses and penalties. The table provides ranges of penalties for each type of offense and guides the decisions of officials both at OPR and in the field.

The Office of Professional Responsibility has a trained staff dedicated to adjudicating disciplinary matters involving senior-level employees and law enforcement personnel, including the Federal Air Marshals.

OPR affords employees due process and holds them accountable to TSA's high standard of conduct. Having a dedicated staff of adjudicators who serve as independent proposing and deciding officials has reduced the time between the issuance of the resolution proposal notice and the decision letter.

Through use of the dedicated staff and the table of offenses and penalties, OPR has taken strong actions and has maintained a consistent approach to accountability.

OPR has partnered with the Office of Law Enforcement/Federal Air Marshal Service to educate the workforce in the field regarding disciplinary process and the table of offenses and penalties. The goal of our joint outreach efforts is to motivate positive behavior and to deter or prevent misconduct by providing notice of the possible penalty and consequence.

Additionally, OPR has supported Director Allison's alcohol awareness initiative by amending policy to require Federal Air Marshals to abstain from consuming or being under the influence of alcohol for a minimum of 10 hours before mission report time. For the offense of driving a privately owned vehicle off duty while intoxicated, the table of offenses and penalty requires a 30-day suspension for law enforcement employees.

Because TSA, through my Office of Professional Responsibility, has taken an aggressive approach in drafting solid proposals and decision letters in disciplinary matters, and through the support of the Office of Chief Council, OPR has had strong cases in the event of litigation.

Ethics and integrity are at the core of who we are as a counterterrorism agency. It is up to all of us to always show the highest level of professionalism and perform our work with honor and pride.

As we strive to continue strengthening transportation security and improving the overall travel experience for all Americans, we always bear in mind that the success of our mission depends on the conduct of our people. The freedom to travel is fundamental to our American way of life, and TSA is fully committed to ensuring that the public can do so securely.

Thank you for the opportunity to appear before you today. I am pleased to address any questions that you may have.

Chairman CHAFFETZ. Thank you.

We will now recognize the gentleman from Florida, the subcommittee chairman for transportation but also the former chair-

man of the full Transportation Committee in the House of Representatives, Mr. Mica, for 5 minutes.

Mr. MICA. Thank you, Mr. Chairman, for calling this important hearing reviewing some of the performance of the Federal Air Marshal Service.

Unfortunately, the FAMS, Federal Air Marshal Service, has had a recent history of a whole host of misconduct on a whole host of occasions. We have had the gun purchase scandal, the air marshal scheduling scandal, and allegations of cronyism and discrimination issues, air marshals dependent on drug and alcohol.

And you were brought in, Mr. Director Allison, when? Last year?

Mr. ALLISON. Yes, sir. June 2014.

Mr. MICA. —to kind of clean things up.

And I think the chairman has been pretty complimentary on some of your efforts in trying to put some of that behind us, institute some corrective measures, and also hold people accountable. And part of this hearing was also to highlight your successes.

Unfortunately, the allegations and the problems still continue. As recently as, I am told, September 3, you informed the committee of an ongoing investigation—this is a new one—into solicitation of prostitutes. Is that correct?

Mr. ALLISON. Yes, sir.

Mr. MICA. And that is an ongoing investigation, correct?

Mr. ALLISON. Yes, sir.

Mr. MICA. In March, TSA began investigating a workers' compensation fraud case in the Chicago FAMS office. Allegedly, an air marshal claimed that he hurt his shoulder; however, I guess there are some videos and some other evidence disputing his claim.

So we have that case pending, too. Is that investigation underway or continuing?

Mr. ALLISON. Yes, sir, that is an active investigation.

Mr. MICA. Well, when we set up all the security measures after 9/11, we tried to have a layered system. We, first, dramatically expanded the air marshals. There were only a handful on the eve of 9/11, and we think that is an important element in a layered system.

We have gone from 16,500 screeners to some 46,000 screeners and almost 60,000 TSA employees. That is about right, isn't it, Ms. Book?

Ms. BOOK. Yes.

Mr. MICA. Yeah. Back in 2007, we had 30,000 screeners. And this was a leaked report; it was on CNN. And it said there is a 75-percent failure rate in the screeners' ability to detect explosive devices and other devices that could do harm. Then, most recently, we have had—I guess USA Today had a leaked report about a 95-percent failure rate. These are anecdotal to press reports.

Are you familiar, Mr. Allison and Ms. Book, with those reports?

Mr. ALLISON. Yes, sir. We are all familiar with the reports.

Mr. MICA. So we built a system, we have increased the number of personnel from 16,000 to 30,000 for screeners, then to 46,000 currently for screeners. It has gotten worse, rather than better.

We have had a history of misconduct and problems with FAMS, which is a backup. Fortunately, we have thousands of airline pilots

who have gone all the way to New Mexico, wherever they are trained, to arm themselves and also protect us.

But the layered system that FAMS is so important to fill part of that layer unfortunately still has some serious problems. Is that correct, Mr. Allison?

Mr. ALLISON. I prefer to look at those as challenges and opportunities, Mr. Congressman.

Mr. MICA. Well, it is not an opportunity when the reports we get—now, it is nice that you come to us and tell us about it, but it looks like we still have problems.

I haven't gotten into scheduling, and I would like you to provide the committee with some information that could be part of the record, either kept classified. I want to know about overseas flights and how many of those are covered. I am told you are not covering those overseas flights.

Almost every instance—Richard Reid, the liquid bombers, the diaper bomber—all of these people trying to do us harm are coming in or involve international flights, and you are not properly scheduling folks.

So I think that should be reported back to the committee, how many people you have on this and the problems that are not being aired publicly about our most at-risk flights and then our backup system with air marshals not operating the way it should.

I yield back.

Chairman CHAFFETZ. I thank the gentleman.

Members are advised that we have three votes on the floor. The voting has started. It is my intention to recognize Ms. Watson Coleman of New Jersey for her 5 minutes. We will then go into recess. After the votes, we will reconvene. That will be no sooner than 3 p.m. And likely a little bit after that. So, if members need to depart to get to the floor, I would advise that they do so.

We will now recognize Ms. Watson Coleman of New Jersey for 5 minutes and then recess from there.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman. But use your influence with the majority so they don't close out the voting before I get there. Thank you for holding this hearing.

Chairman CHAFFETZ. You are on your own. Good luck with that one.

Mrs. WATSON COLEMAN. Well, Mr. Allison and Ms. Book, I want to get to the issue of the day here, which has to do with these allegations and what your agency does when these allegations arise. So I would like to explore with you a little bit about the authority that the agency has when there are allegations of misconduct. Okay?

First of all, do these air marshals have to have security clearances?

Mr. ALLISON. Yes, Ms. Congressman. These positions are designated as national security critical sensitive positions, which are subject to Top Secret clearances.

Mrs. WATSON COLEMAN. So if there are allegations of a serious breach of conduct, can the agency sort of suspend a clearance on an individual?

Mr. ALLISON. Yes. Congresswoman, the adjudication guidelines, of which you are referring, there are 13 criteria: allegiance to the United States, foreign influence, foreign preference, financial re-

sponsibility or irresponsibility, criminality, and so forth. So when these allegations occur, these are actually referred for investigation, first and foremost. And as these investigations are ongoing, if these investigators, who are very good, by the way—they actually refer these to the Office of Security.

They can, in turn, take a look at that statement or activity and decide if it hinges upon one of the 13 criteria that I identified either on a continual basis or a one-time, sort of, egregious incident. From that, they will make or could make an unfavorable determination of whether that individual will have his clearance suspended or even petitioned for a revoke.

These are two-step processes. If it is a suspension, the agency, the Federal Marshal Service, will move forward with an indefinite suspension without pay up until the time that this issue is resolved.

Mrs. WATSON COLEMAN. I was going to ask you about that issue, about without pay.

Let me understand this. So, at the point that the allegation is made, what has to take place before a decision is made, even before the investigation is thoroughly conducted, is that the security clearance is suspended, that the individual is not working in that capacity.

Does that happen before the investigation is completed, or do you have to go through the investigation in order to do that?

Mr. ALLISON. Congresswoman, it could happen before. It depends upon the facts and circumstances of the case. Most of the times, these are admissions. Sometimes—it won't be done based just on an allegation; we need a little bit more than that. But typically they are based upon admissions or a strong set of facts and circumstances.

Mrs. WATSON COLEMAN. So the allegations that are part of this hearing and the reason for this hearing, do they represent the kinds of allegations that would cause the agency to take away the security clearance, put the individual's status in suspension, and/or also stop the pay?

Mr. ALLISON. We found out about this in June, and by mid-July these individuals were all suspended without pay.

Mrs. WATSON COLEMAN. Uh-huh.

So, in your experience and with your knowledge, do you believe that you have all the authority that you need to deal with these issues as they come to your attention? Or is there something that is lacking that you need that would help you facilitate the resolution of these issues dealing with these infractions?

Mr. ALLISON. Congresswoman, I was asked that same question by Ranking Member Cummings last night, and what I told him was, if we are waiting on discipline to be the only measure by which we can mold and shape a model workplace, our arms are going to be tired from taking off all these people's heads.

Mrs. WATSON COLEMAN. Yeah.

Mr. ALLISON. So what I believe and the road that we have embarked upon is bringing to bear all the resources that we have within the organization—performance management, policy, training, enforcement, discipline is one of them, the personnel security aspect, and then good old-fashioned leadership.

Mrs. WATSON COLEMAN. Well, I have to tell you, I am very expressed with your testimony about your being proactive about your trying to create an environment of professionalism, how you are both thinking as well as training as well as holding accountable. So I thank you for answering the questions.

I thank you for my time, Mr. Chairman. I yield back.

Chairman CHAFFETZ. I thank the gentlewoman.

As I said previously, we are going to go into recess. We appreciate your patience and understanding. The committee will reconvene at the conclusion of those votes, but we will say no sooner than 10 minutes after the top of the hour. We stand in recess until then.

Chairman CHAFFETZ. The committee will come to order. Appreciate your patience as we took a recess for the votes that were on the floor, the swearing in of a new Member, the gentleman from Illinois.

We now are pleased to recognize, as we continue with the hearing, Mr. Duncan from Tennessee.

Mr. DUNCAN. Well, thank you, Mr. Chairman. And I don't have any questions, but I do want to make a few statements for the record.

And let me say first of all that I almost never disagree with my chairman, and Ranking Member Cummings is one of the members here that I respect the most, but I personally think this Federal Air Marshal Service is probably the least or certainly one of the least-needed organizations in our entire Federal Government.

And this is no criticism of Director Allison. He has been given a job, and it is his duty to do the best that he can.

And I may have been the first or one of the first to question the need for this organization, but many people have done that in the past few years. Gram Slattery wrote in the Harvard Political Review, he said, "A third and, for our purposes, final example would of course be the Federal Air Marshal Service—not the one of Hollywood's imagination, but the real one, which has come to be a symbol of everything that's wrong with the DHS: the agency in which 4,000 bored cops fly around the country first-class, committing more crimes than they stop, and waiting to be among the 0.1 percent of agents making one of those rare, ephemeral \$200 million arrests."

And what he's referring to, there was a USA Today article a few years ago that said that there were more air marshals being arrested than arrests by air marshals. There were a few years there where they averaged four arrests a year, and this is for an agency that was getting over \$800 million a year. And, in fact, in the last 10 years, they've gotten almost \$9 billion total.

Then there was a book written by John Mueller, a professor at Ohio State, along with Mark Stewart, an Australian statistical engineer, who wrote a book called "Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats and Why We Believe Them." One of the key findings of this book was that these two professors could not find any internal discussions, public reports, government personnel, or sources of any kind that could explain how the DHS could justify the spending on the Federal Air Marshal Service.

And they said, because the agency so totally fails a cost-benefit analysis, when they wrote, they said, since the FAMS costs \$1.2 billion per year—which I guess that was how much it was at the time they were writing—and its effectiveness is in serious doubt, and they said, an alternate policy measure is to double the budget of the FFDO program, the Federal Flight Deck program, and also to increase the spending on the secondary security barriers, the IPSBs.

Former Congressman Sonny Callahan I remember saying years ago, he said, we did everything we really needed to do when we secured the cockpit doors. And, of course, now we spend billions on the TSA.

But these two professors recommended a 75-percent cut in funding for the Federal Air Marshal Service because it was so ineffective.

Then former Senator Tom Coburn wrote in his last report that he made as a Senator, he said, “It’s unclear to what extent the air marshal program is reducing risk to aviation security, despite the more than \$820 million annually that is spent on the program.” In addition, he wondered if other enhanced security screening and safety precautions undertaken by the TSA and the airlines themselves have made—he said they’ve made the Air Marshal Service irrelevant.

It seems to me—of course, every Member of Congress flies here usually about twice a week. And that is what these air marshals do; they fly back and forth, back and forth, back and forth. It has to be one of the softest, easiest jobs in the Federal Government but, I think, one of the least necessary.

And so I just wanted to put those comments on record, Mr. Chairman, because I think this money—there are so many better things that this money could be and should be being spent on.

Thank you very much.

Chairman CHAFFETZ. I thank the gentleman.

We will now recognize the gentlewoman from Illinois, Ms. Duckworth, for 5 minutes.

Ms. DUCKWORTH. Thank you, Mr. Chairman.

Director Allison, I was troubled by your written testimony because it did little to address ongoing investigations of allegations of workers’ comp fraud and sexual misconduct by the air marshals. I think that this behavior undermines your mission and the Americans that the agency serves.

I am especially disappointed that the scandal involves air marshals from your Chicago office, which is, of course, near one of the world’s busiest airports, Chicago O’Hare. My constituents expect and deserve to be served by a dedicated corps of Federal Air Marshals who are 100-percent committed to safeguarding flights in and out of Chicago.

And, as other members have rightly noted, these allegations are highly disturbing because they involve Federal law enforcement officers. And Congress entrusts these men and women with a badge, a gun, a solemn oath to protect our constituents from terrorist acts.

And if the allegations of this egregious behavior and misconduct are proven true, I strongly believe that the three Chicago air mar-

shals must be held fully accountable. And I know that you are well on your way to doing so, and one of which have retired.

But my concerns extend beyond this particular incident. My fundamental questions about the potential weaknesses is in how the Air Marshal Service recruits, vets, and hires new applicants into the job.

This scandal that was disclosed last night comes on the heels of another alleged incident of gross misconduct involving your employees earlier this year, and it is simply unacceptable. And now that there are two incidents, I want to make sure that, you know, these are highly unusual, isolated incidents and not a weakness in the recruiting program.

However, this committee can't replace facts with hope. We have an oversight responsibility to examine whether these scandals are symptoms of a deeper, more comprehensive problem that threatens to undermine the Service's effectiveness in recruiting, evaluating, and hiring potential air marshals.

So, Director Allison, can you briefly describe how Federal Air Marshal Service's recruiting, vetting, and hiring system allowed individuals who are suspected of engaging in incredibly inappropriate misconduct to become Federal Air Marshals in the first place? And include in your answer details on the type of after-action review your team conducted to make such a determination.

Mr. ALLISON. Congresswoman, first of all, let me just state my opinion about the activity that we're talking about here today.

For law enforcement officers to engage in this conduct that really contributes to the scourge of human trafficking is reprehensible. These individuals are a disgrace to the profession; they are a disgrace to our organization. I came from a place in the military where you never embarrass yourself or the organization. And this committee has my commitment that I'm going to take a personal interest in making sure these people are shown the door.

To your question about hiring, the vast majority of the air marshals were hired in a standup right after 9/11. Since then, we've had a couple of other hiring opportunities. I believe one might have been in 2007 or 2008, and, subsequent, there was one in 2011. That was the last time we've hired.

The good news is we're a learning organization. We've gotten better, and our last hiring effort, we actually infused much more scrutiny upon the folks.

So I'm not here to say that—I'm not blaming it on 9/11, the standup. That was a challenging time for a lot of people. But, as we move forward and if I get the opportunity to hire, to your point, we're going to put polygraphs in place, which we weren't doing before. They were all vetted and everybody had a background check, but background checks are snapshots in time. They don't predict future behavior.

So I don't know if I can say unequivocally we didn't do a good job of hiring. I think we can do a better job of hiring, to your point.

Ms. DUCKWORTH. Will you be doing any type of a formal analysis of the hiring process, perhaps conducting an independent review within your organization or perhaps turning to DHS and asking their IG office to do a review for you, so that you get a truly independent look at it?

Mr. ALLISON. I'm certainly willing to ask the IG. But just let me share with you, in the President's budget for this year, we had made a request, but, in that process, we actually worked internally with our Office of Human Capital, our Office of Civil Rights and Liberties, we had a team of people looking at, okay, if we get a chance to hire, what is this going to look like, how are we going to manage this, and what's the best way to move forward. Because we want quality applicants. I would rather not have to deal with bad employees. So I share your concern.

Ms. DUCKWORTH. I am out of time. I yield back, Mr. Chairman. Chairman CHAFFETZ. Thank you.

I now recognize myself for 5 minutes.

I want to talk specifically about those that were based in Chicago. This all started because what happened?

Mr. ALLISON. Well, Mr. Chairman, as I explained to you last night, I cannot give any details on that investigation.

Chairman CHAFFETZ. So there was a suggestion that there was some fraud involved in a disability claim, correct?

Mr. ALLISON. Mr.—

Chairman CHAFFETZ. Go ahead and leave your mic on, because I am going to keep asking here.

Mr. ALLISON. There was an investigation, and in the conducting of that investigation they found activity that led to what we're here talking about today.

Chairman CHAFFETZ. And—

Mr. ALLISON. And which is still ongoing, by the way.

Chairman CHAFFETZ. What leads you to believe it is ongoing? There was a disability fraud allegation. Is that going to be prosecuted?

Mr. ALLISON. I do know that that was referred to the U.S. Attorneys Office and—

Chairman CHAFFETZ. And what did they tell you?

Mr. ALLISON. They told me I should contact the U.S. Attorneys Office.

Chairman CHAFFETZ. And did they tell you they are going to prosecute it?

Mr. ALLISON. I did not—I did not get that, Mr. Chairman. What I got was for details relating to—

Chairman CHAFFETZ. This is the concern, is that they are actually not going to prosecute it.

What is the disposition of the other people?

Mr. ALLISON. Everybody involved in this—

Chairman CHAFFETZ. How many people?

Mr. ALLISON. Well, there were three.

Chairman CHAFFETZ. The other two people, what has happened to the other two?

Mr. ALLISON. All of the individuals involved were put on indefinite suspension without pay, and one individual has resigned.

Chairman CHAFFETZ. When you put them on indefinite suspension without pay, which I think is probably due course to doing that, what was the time from when you heard about it to when you actually were able to do that, put them on suspension?

Mr. ALLISON. We were notified sometime around the second or third week of June, and by the middle of July, I believe, they were on indefinite suspension.

Chairman CHAFFETZ. What was the highest rank of the person implicated?

Mr. ALLISON. Most of our line employees are—we have a different pay system, but equivalent to the GS system, more or less—the 13 level. They weren't supervisors, to your—

Chairman CHAFFETZ. They were not supervisors.

Did any of these three individuals have misconduct in their past record, or disciplinary action?

Mr. ALLISON. Mr. Chairman, I'm not aware—if it was, it was minor.

Chairman CHAFFETZ. Do you think these individuals believe their behavior is condoned? I am not asking if it was condoned by you. I am asking if these individuals believed their supervisors would look the other way. Did they believe their supervisors engaged in similar type of behavior or that the media wasn't involved and so, therefore, it wouldn't be an issue?

Mr. ALLISON. I do not know, Mr. Chairman. But I can just tell you that the majority of our people, when they hear about these things, they're sickened. So, for them to, as you stated, assume that it was okay, I think it's a case where they must've thought it was okay and they must've felt they weren't going to get caught.

Chairman CHAFFETZ. Were any of these—these were three men, correct?

Mr. ALLISON. Yes, sir.

Chairman CHAFFETZ. Were they involved and engaged in sexual misconduct with anybody that was underage?

Mr. ALLISON. I'm not aware of that, Mr. Chairman.

Chairman CHAFFETZ. Were any of these women these men engaged with in sexual misconduct, were any of them foreign nationals?

Mr. ALLISON. I'm not aware of that, Mr. Chairman.

Chairman CHAFFETZ. Has there been any contact made with the intelligence community to determine if any of these contacts resulted in a breach of security?

Mr. ALLISON. Well, one, I'm not sure there was anybody that was a foreign individual, but—so, no, we haven't contacted the intelligence—

Chairman CHAFFETZ. And this was not an isolated incident, was it?

Mr. ALLISON. Meaning, sir?

Chairman CHAFFETZ. That it didn't just happen once.

Mr. ALLISON. I'm not aware of the frequency.

Chairman CHAFFETZ. But it was more than once.

Mr. ALLISON. I suspect you're right.

Chairman CHAFFETZ. We have talked about prevalence of potential alcohol abuse in FAMS. How would you assess the situation, and what specifically are you doing about it?

Mr. ALLISON. So, Mr. Chairman, the suggestion that there is alcohol abuse, I'm not aware of that.

I will tell you that, my 23 months that I spent in the Office of Inspection before I became the FAMS Director—and, by the way,

I had no idea I was coming to be a FAMS Director—it didn't take a rocket scientist to figure out that Mr. Booze was an enabling factor with a lot of off-duty misconduct—domestic violence issues, DUIs.

So, upon taking the position, the first thing I did was order the orchestration of an alcohol awareness program, which was really founded on two individuals who poured their heart and souls out on this video and talked about how alcohol ruined their lives. They almost died. And so the point of that was to say to the workforce, "If you have a problem, come forth. We're going to help you."

So I'm on there talking about the mission, our reputation as an organization. The Federal Air Marshals are talking about what alcohol did to them, the fact that they're still productive members of the organization. We have the medical people talking about the assistance that's available to them. And, also, the personnel security chief talks about what can happen these things—if it's not managed appropriately.

So I ordered that to be completed. The product exceeded my expectations, a tribute to my staff. Everybody in the organization had received that training by May of this year.

Chairman CHAFFETZ. And as I yield back my time, I guess this is one of the things that impresses me about you specifically, about this organization, the management you provided, is taking a proactive stance and taking proactive measures to deal with something that was obviously an issue. It is not simply unique to FAMS; it is an issue that a lot of law enforcement deal with. And I think it was very appropriate that you did that, and I appreciate you doing that.

My time has exceeded. I will yield back and now recognize Mrs. Lawrence for 5 minutes.

Mrs. LAWRENCE. Thank you, Mr. Chairman.

Director Allison and Ms. Book, thank you for being here today. I appreciate you being here.

The alleged misconduct of Federal Air Marshals that have been reported in the media, if it is true, is outrageous and unacceptable.

I understand that discussing specifics of these allegations could jeopardize ongoing investigations, and we don't want that to happen. But without going into specific investigations, we do have an opportunity—and I really appreciate what I just heard you say, Director Allison—we have the opportunity to discuss positive policy changes that agencies can implement to ensure that serious misconduct is dealt with quickly and fairly.

So my question to you today, in addition to the EPA and IG—the IG, they were able to identify employee misconduct cases involving pornography for expedited processing. EPA reports that this new procedure is already working. They have taken prompt administrative action in two misconduct cases since initiating ongoing communications with the Office of Inspector General.

Director Allison, can you let me know, is there a similar process for the Federal Air Marshal Service in which investigators, management, and leadership communicate, with the goal of streamlining—streamlining—the disciplinary process?

Mr. ALLISON. Sure, Congresswoman. So the good news is we've been doing that probably for about 4 years.

And we're a little bit different—and I saw the memo that was provided to me last night by the staff—we're a little bit different organized than EPA. So we do have a DHS IG, but, within TSA, we do have an Office of Inspection where there are criminal investigators that do investigations.

And so, similarly to what you described is, when these investigations are occurring, if the facts and circumstances present themselves and gives us an opportunity to take an administrative action, we will do that.

Now, all cases are different. You know, sometimes the U.S. Attorneys Office is involved and you can't share the information. But, to your point, we look for opportunities when we can, where we can.

Mrs. LAWRENCE. Well, I want to thank you.

But I just want to say that the bad apples in any organization tend to get all the media. We recognize that. But we don't want to overlook the way that agencies are streamlining their disciplinary processes without sacrificing the due process rights of Federal employees.

I do want to say that your leadership, your responsibility of stepping up and addressing this issue—and I understand there are some things you can't speak on—but, being a Member of Congress and expecting our Federal agencies to conduct themselves at a level that would be respective of the taxpayers' investment in their jobs and our expectations of their performance, I expect leadership.

I appreciate the fact that you did meet with the chairman and our ranking member. I appreciate that. And I will stay in tune to what happens next.

Mr. ALLISON. Thank you, Congresswoman.

Mr. CUMMINGS. Would the gentlelady yield? Thank you very much.

Just one question. When you met with the chairman and yours truly last night, I wanted, you know, the committee to have the benefit of an answer to a question I asked you.

The chairman and I have concluded that the Secret Service over the years had developed a certain culture. Some might call it complacency; some, mediocrity. I do believe it has gotten better, and a lot of it has gotten better because of the things that we have done.

But I want you to talk about, do you believe that you have a culture problem? Because if there is a culture problem, I mean, you have to dig deep and really, kind of, almost reconstruct sometimes. But do you see that, or do you just see these as more like aberrations?

Mr. ALLISON. So, Mr. Ranking Member, what I see is, having the benefit of been into every field office—now, granted, there are some limitations, because if I go to an office today, New York, for example, there may be 75 Federal Air Marshals; if I stay the night, I'll see a different 75. So I can't get to everybody. But my experience of going out to the field, talking to the Federal Air Marshals, having candid conversations, I am truly impressed by the men and women that work for us.

They believe in what they do. As we sit here today, we're a week removed from the ceremonies that took place in the country about 9/11. A lot of people remember 9/11 one day a year; we remember

it every day of the year. And the men and women really value their responsibility in this organization.

But I have to candidly admit to you that we have some people who just feel like the rules don't apply to them and they don't have to abide by the rules. As I said jokingly last night—and I said I wouldn't say this today, but I'm going to—they don't wear T-shirts and they don't confess. You've got to find them.

So if I tell people what the expectations are and they nod their head, there's nothing else to talk about, right? It's time to find another job. And most of the people in this organization, they respect that. And they're looking for us, as leaders, to do something about this. They don't like being splashed all over the news every other month.

So do I think we have a culture problem? No. I just think we have a handful of people who, again, just think no one's looking and they can get away with this stuff.

I mean, you heard my remarks about, you know, soliciting prostitutes, which, again, you know, contributes to the scourge, as I said, of human trafficking. How can a law enforcement who really cares about this mission, this department, this organization, engage in that activity? It just baffles the mind. So, you know, it's time for them to find another job, and I'm going to help them do that.

Chairman CHAFFETZ. I thank the gentleman.

We will now recognize the gentleman from Georgia, Mr. Hice, for 5 minutes.

Mr. HICE. Thank you, Mr. Chairman.

And thanks to both our witnesses for your testimony here today.

Ms. Book, I would like to draw some answers from you. Just overall, what is the role of the Office of Professional Responsibility?

Ms. BOOK. Thank you, sir.

So the Office of Professional Responsibility was created to handle the law enforcement cases and senior leadership cases. And so it's a centralized office that handles all the cases of misconduct.

We don't do the investigations. We have a separate office that handles the investigations, Office of Inspection. So they conduct the investigations, compile a report of investigation, and give it to our office.

Then my office has proposing and deciding officials that will handle the adjudication of the misconduct.

Mr. HICE. Okay. At what point do you get involved with an allegation?

Ms. BOOK. Well, we have monthly meetings, we have the Office of Inspection, also OLE/FAMS, and my office, to know that there are ongoing investigations. So I'm aware of the investigation, but I'm not involved in the investigation. So our office isn't involved until the report of investigation is completed and delivered to our office.

Mr. HICE. So what kind of jurisdiction do you have? If not investigations, what do you do?

Ms. BOOK. So we can take disciplinary action. We can propose—we can do letters of reprimand, letters of counseling, propose suspensions, implement the suspensions, removal actions.

Mr. HICE. All right. So you have a certain degree of latitude, then, so far as disciplinary action and that type of thing.

Ms. BOOK. Yes, sir.

Mr. HICE. Is there a scale to determine what kind of disciplinary action there is based on certain behavior?

Ms. BOOK. Yes. We developed a table of offenses and penalties. And so the table has categories of offenses, and then it has ranges of penalties that are used as a guide for the proposing officials when drafting the proposed removal document.

Mr. HICE. Okay. So if there is some disciplinary action or corrective action that you take, does the employee have a right to appeal?

Ms. BOOK. Yes, of course.

So when our proposing official completes the draft of the—say it's a proposed removal, then the letter is delivered to the employee with all the materials that are relied upon. Then the employee has 7 days to respond and, during that time, can request an extension if necessary to obtain counsel. And then they make a reply to the deciding official, who is a different individual, who hasn't seen the case until the same time that the employee received it. And so they have an opportunity to make a written reply and an oral reply.

Mr. HICE. Okay. So, by the time all the written and oral replies, what kind of timeframe are we looking at for an appeal process?

Ms. BOOK. It can depend. It depends on if extra time is needed for the employee to coordinate with their attorney. We want to give them that time if necessary. So it can depend. It's a range.

Mr. HICE. It could take a lengthy time.

Ms. BOOK. It could, but typically it does not.

Mr. HICE. Okay. How long does it—on your side, how long does it take to recommend disciplinary action?

Ms. BOOK. Well, once we receive the report of investigation, our goal is to—and we've been meeting this goal—is to issue the proposal or the letter of closure within 30 days, calendar days, from receipt of the investigation.

And then our deciding official also has a standard, too. That target is to issue the decision letter within 21 days following either the oral or the written reply, the last of those two.

Mr. HICE. Okay.

Does your disciplinary action include removal of employees? And if so, what is the cost? What's involved in removing someone?

Ms. BOOK. We do have authority to remove the employee. And I'm not understanding the question for the cost.

Mr. HICE. Yes, just the process, is that a big deal? Does it cost the agency time and money on research, investigation? Of course, you don't do all the investigation, but is it a big deal to have someone removed?

Ms. BOOK. Yes, it takes a lot of work. Yes, it does. I have a dedicated staff to do it, so that's why we're able to do it more quickly. But—so I have a dedicated staff of 30 people.

Mr. HICE. Do you feel you have the sufficient tools needed to proceed with adequate and sufficient disciplinary action when needed?

Ms. BOOK. I do. Thank you.

Mr. HICE. Okay. So you would not think from our perspective there is more that should be done; you have everything you need to deal with the issues, like what we're talking about today.

Ms. BOOK. Yes. I can't think of anything else that we would need.

Mr. HICE. Okay. All right. Thank you very much.

And, Chairman, I yield back.

Chairman CHAFFETZ. Thank you.

We will now recognize Ms. Kelly for 5 minutes.

Ms. KELLY. Thank you, Mr. Chair.

Thank you both for being here.

I, too, want to express my concern regarding the allegations reported by ABC, the channel I watch in Chicago, the city that I represent.

But I also want to give you the opportunity, Director Allison, to talk more about the positives. You shared with the chairman about the program dealing with alcohol, but can you talk more about the townhall meetings or the thank-you campaign that you are doing? What are some of the good things?

Mr. ALLISON. Sure.

You know, I really get a lot of enjoyment out of the townhall visits. You know, you walk in the room—and when I was a soldier, it was a big deal when the general showed up. I don't think I'm important, but everybody else seems to.

But it's imperative to have those conversations with our workforce, to tell them, this is where we are, this is what we're working on, am I looking at the right things, what say you, and give them an opportunity to ask questions. They range anywhere from, "What's the future of the organization," to "I heard about this change, I heard about that change." And the longer it goes, inevitably it gets down to personal issues, but that's what I'm there for.

So it's extremely invaluable, because out of that process what we've learned or what I learned was, in our effort over the years to really enforce policies and discipline, I think we—it might sound counterintuitive to what we're talking about today—probably went a little bit too far, to the point where we had a culture of writing people up. And what I mean is, you know, you don't want to have a place where your good people are walking on eggshells. And that's kind of where we are.

So we just recently rolled that back. And working with Heather and Office of Human Capital and our counsel office and Office of Inspections, we're really delegating a lot of these low-level, minor issues back to the management so they can lead, like managers should be doing. And then Heather's shop can focus on the more important issues and maybe help speed up the timelines. So that's something that was pretty significant that came out of the townhall meetings.

The thank-you campaign, I wish I could take credit for it, but my staff did.

Our air marshals get involved in a lot of things. I remember Congressman Walker from another hearing told me about his wife being a trauma—trauma nurse?

Mr. WALKER. Yes.

Mr. ALLISON. Our men and women are all over the place in a lot of airports around the world and around this country. They get involved in things. They help people in car accidents. You know, so a whole host of things like that.

The staff combs through the daily reports that come in and pick out issues, and they just send a thank-you letter. And it's from me, and it's to say, we're aware of this incident, you know, thank you. And I forgot the number of letters that went out, but it's quite a few.

Ms. KELLY. And can you share just some of the medical and psychological assistance programs that are available?

Mr. ALLISON. Yes, ma'am.

So we have to take yearly physicals, and so the medical staff pretty much follows up on those issues that come from the physicals.

But, also, what's really impressive about the medical staff is there's 24/7 on-call medical support. So you can imagine, we go to some pretty nasty countries. And anytime, day or night, a Federal Air Marshal calls, there is a nurse that is available to them to provide advice and counsel.

Just to give you one example, you may have heard of the individual that was assaulted with the needle in Nigeria. Our doctor was on the phone with him in Nigeria at 11 o'clock at night, as I was in my PJs at my desk, walking through what happened, trying to figure out what's the best way to manage that incident.

So it's a fabulous resource. They do a tremendous job and are certainly an enabling factor to our success.

Ms. KELLY. Well, I just want to thank you for your leadership, and I am sure things will continue to get better and better.

Mr. ALLISON. Thank you, Congresswoman.

Chairman CHAFFETZ. I thank the gentlewoman.

We will now recognize the gentleman from Oklahoma, Mr. Russell, for 5 minutes.

Mr. RUSSELL. Thank you, Mr. Chairman.

And, Director Allison, with regard to the particular incident, I realize it is under investigation, but could you speak to how it was initially discovered? Internally or externally?

Mr. ALLISON. Our Office of Inspection was running the initial investigation.

Mr. RUSSELL. And with that in view, for either one of you or both, how many of the most egregious incidents of misconduct have not been discovered by internal audits, inspections, or investigations?

Mr. ALLISON. I'm not sure I understand your question.

Mr. RUSSELL. I guess I'm curious to know—you know, the hallmark of a professional organization is that it discovers its own warts and makes corrections. So how many of these most egregious incidents that, you know, you come to testify on have not been discovered by internal audits, investigations, or inspections?

Ms. BOOK. Sir, I'll take that question.

I can't give you a specific number; I'm not in the Office of Inspections. But the Office of Inspections does have a hotline. It's a confidential number that can be called by the employees, and they can report allegations of misconduct.

Mr. RUSSELL. Would you characterize that the vast majority have been discovered internally by your organizations and then it becomes public, or vice versa?

Ms. BOOK. I couldn't speak to that. I'm sorry.

Mr. ALLISON. So, in this particular instance, this was found by us, and then it became public.

Mr. RUSSELL. Yeah. And that's really kind of the point I'm trying to make, is that the hallmark of a professional organization, it discovers its own warts.

And, you know, Mr. Chairman, with regard to one of our colleagues using the line of reasoning that, you know, the irrelevancy of the Federal Air Marshal program due to sexual misconduct incidents, I am mindful of the number of Members of Congress over the years that have committed sexual misconduct. One list has over 60. But no one would suggest that maybe we ought to eliminate Congress because of these trysts. And I think it's important to note that.

It doesn't mean that we don't have problems. I think you have displayed some professionalism here today in how you go after these incidents and that we have to do them. Because of the secretive nature of some of the work, a lot of the good news stories, intercepts, the incidents of terrorism that never happened, will never go reported. And so I just wanted to say thanks.

But there is, obviously, a lot more that can be done. Now, you have detailed some of those things in, for lack of a better term, establishing a good command climate or a good, you know, control of the organization. Alcohol, wine, women, and song has been the bane of law enforcers and soldiers for millennia.

What other than these sensing sessions or alcohol intervention programs, what other than that, though, are you doing to directly interface somebody's moral conduct and moral fiber so that when you are not present and they are by themselves that they will do the right thing? Could you speak to that?

Mr. ALLISON. Sure.

As you stated, Mr. Congressman, it comes down to individual accountability, right? That's what it comes to. So, as leaders, we have the opportunity to influence people, suggest and coach and mentor them that they will do the right thing. And the good news is the majority of our people do do the right thing.

I've had townhalls where I've had people—let me give you an example. I started the job on June 1, which was a Sunday. On Wednesday, I was in the Baltimore field office in 2014. I had a townhall. Probably 75 people in that room. In August, there was a gentleman who found himself in Des Moines, Iowa, on a DUI at 11:30 night and tried to make his flight the next day. He was in that townhall, sitting right there, taking notes for his squad. He's got to go. And he's gone.

And so you do your best to try to reach people, convince them to do the right thing. A lot of us do it because of a sense of duty and purpose and pride in the mission. Maybe some people are just here to collect a check. That's fine as long as they're doing the right thing. Welcome aboard. But you've got to do the right thing.

Mr. RUSSELL. Well, one thing that might be helpful, and, you know, with appreciation to the sensitive nature of the work, is the scope and scale to show incidents vice number of people that are doing the job.

I'm not going to ask you to speak to those numbers here, but it might be very useful for us to see the scope and scale, that really,

you know, these are either a major percentage or a problem, or maybe they're in isolation and they've been discovered internally by your organization.

And, with that, Mr. Chairman, I yield back.

Chairman CHAFFETZ. I thank the gentleman.

We will now recognize the gentleman from California, Mr. DeSaulnier, for 5 minutes.

Mr. DESAULNIER. Thank you, Mr. Chairman and Ranking Member.

Director, first, I want to join the positive comments about your management. It is really a relief to hear it off of, as the chairman said in his opening comments, some of the other hearings we have had and the difficulty of what would seem like just commonsense management leadership.

But I wanted to, besides congratulating you and thanking you, talk about a specific program that you have developed—it is my understanding you developed—that Mr. Russell sort of mentioned, the alcohol awareness campaign.

Could you just walk the committee through how—what was the genesis of you developing the campaign and, sort of, what the campaign does for prevention and intervention and then the testing protocol that would be able to intervene after you have done the prevention and intervention?

Mr. ALLISON. Sure.

So, Mr. Congressman, I was telling the chairman and the ranking member that, having been in Inspection, I saw where a lot of misconduct was associated with what I call "Mr. Booze." And so what we wanted to do was give our employees, you know, an opportunity and let them know that if you have a problem—which is very difficult, as I have come to learn—come forth, and we're going to help you, recognizing that most people don't have a problem; they just, you know, had one too many.

So the idea was to provide an avenue, an educational forum, and everybody had to take it. So now I know either you have a problem—if you don't have a problem, that means you know better. Right? So that is the either/or scenario that that created.

A lot of positive reviews by the workforce. It's very gut-wrenching when you hear these two gentlemen—and I hope they're watching today. Very courageous for them to come forth and tell their story. And both of them almost died. I'm happy to share it with anybody who would like to see it, if you so desire.

So, after that was done, because the positions are designated as critical sensitive—national security critical sensitive positions, we are subjected to random drug and alcohol testing. And it's what we all know that government employees experience. You get called into the office on a particular day, and you have to submit to a urinalysis. So that is ongoing.

Because of some of the activity that I saw overseas when I was in Inspection, we actually developed an extension of that program based upon our authority where we actually trained, equipped, and certified TSA employees with the Office of Inspection to just pop up on international destinations at random. And basically they're greeting people, but if you look like you're drunk or smell like you're drunk, you're going to get tested. So it's reasonable sus-

pcion. Not really popular with the workforce, obviously. But, as I talk to people and explain what we're trying to do, to try to get a handle on these incidents, they understand it.

So that's how we orchestrated this whole program, and that's how those processes work together.

Mr. DESAULNIER. Do you think there are lessons learned, from your experience, that should be shared either with your sister agencies in the Federal Government or with public safety in general?

Mr. ALLISON. You know, I wasn't looking for credit when we did it, but as I shared it with people, they do think it's a valuable tool. Because, at the end of the day, as government executives and public servants, as we're doing today, you will be called to ask, what are you doing about it? Right? But if we can help people, if one person comes forward, that's great. And we had a couple people come forward. But, as I've come to learn, it's very tough.

Mr. DESAULNIER. I appreciate your work.

Thank you, Mr. Chairman. I yield back.

Chairman CHAFFETZ. I thank the gentleman.

We will now recognize the gentleman from Wisconsin, Mr. Grothman, for 5 minutes.

Mr. GROTHMAN. Yeah. It's a little disturbing that you have to go through a program to tell people they shouldn't be working while drunk, but I'm glad you're having success with your program.

About how many air marshals do we have out there?

Mr. ALLISON. Sir, I can't discuss the number of Federal Air Marshals in public. I'd be glad to speak to you in private and go into great detail.

Mr. GROTHMAN. Okay. And what do they do during the day? Is their job they're supposed to kind of be the policemen in the air?

Mr. ALLISON. Well, pursuant to the Aviation Transportation Security Act that was passed back in 2002, after 9/11, we are responsible for detecting and deterring and defeating criminal acts, which means we are aviation security specialists on U.S.-flagged air carriers.

Mr. GROTHMAN. So does that mean basically their job consists of sitting on an airplane and being the policemen?

Mr. ALLISON. Their job is to be security, yes, aviation security.

Mr. GROTHMAN. Do they hang around the airports otherwise, or what is my job if I spend 40 hours a week as an air marshal? What am I doing?

Mr. ALLISON. The majority of the time of the air marshals, they're flying. They're actually on flights.

Mr. GROTHMAN. Last year—and I was trying to tell from your budget, make a wild stab at how many people you had working there. I mean, I've never heard on a personal level in the times that I've flown or anybody else that I've ever talked to has flown, you know, a time when somebody was arrested on an airplane. I'm sure it happens.

Last year, how many incidents in which somebody had to be arrested or removed from an airplane did your guys come up with?

Mr. ALLISON. I don't know the number, but I would be confident telling you it wasn't that many.

Mr. GROTHMAN. Yeah, that's what I wondered. I wondered whether there were more incidents involving the air marshals or whether the air marshals are detecting more incidents. Could you give a stab at that?

Mr. ALLISON. Well, my response, Mr. Congressman, would be, we are responsible for providing security on these flights. I'm not so sure the metric of an arrest is a fair metric. I got it, it's an easy one to say, how many arrests have you made?

I would direct the fact that the Federal Air Marshal Service, in conjunction with the intelligence community, all those analysts, the analysts at the Terrorist Screening Center, everybody in Department of Homeland Security who's committed to securing our country and the transportation system and the fact that we haven't had another attempt like 9/11. We do know that there is an active threat against aviation to this country. There are a number of groups that still want to attack aviation.

So I understand when someone says, "How many arrests have you made?", or, "How many terrorists have you stopped?" I can meet with you in private. I think you would be very surprised with some data that I would show you. But I do understand the question and where it comes from. But I would have to be honest with you, I don't think that's a fair metric.

Mr. GROTHMAN. Okay.

Is it—can your guys ever have a drink in an airport?

Mr. ALLISON. Drinking on duty is specifically—it's not allowed.

Mr. GROTHMAN. Okay. I mean, whether—can they ever drink in an airport, though?

Mr. ALLISON. If you're—are you suggesting on duty?

Mr. GROTHMAN. No, just period. I mean—I suppose you're not supposed to have a drink beforehand either. I just wondered, you know—

Mr. ALLISON. No, I mean, we have a rule that there is no drinking 10 hours before a flight.

Mr. GROTHMAN. Oh, okay.

Mr. ALLISON. I'm sorry. I didn't understand your question.

Mr. GROTHMAN. And can you tell me—I guess everything here is secret—are they on all U.S., like, flagged carriers or just carriers that leave the United States or—

Mr. ALLISON. Yes, so we have authority to fly only on U.S.-flagged carriers. There are some 26,000 flights per day. Obviously, we're not on all of those flights. But we also do foreign and domestic flights.

Mr. GROTHMAN. Okay. And does that mean, if I'm flying United, I don't know if they do, from London to Rome, I might get one of your guys on there? Or does that mean it would have to be a flight coming or going from the United States?

Mr. ALLISON. If it's a U.S. air carrier, which I don't know if there's one that goes from London to Rome, but if it's a U.S. air carrier, there could be an air marshal on the flight. So we do do some international-international flights, Tokyo to Thailand and Amsterdam, I think, and another location.

Mr. GROTHMAN. Okay.

And are you ever involved in stuff other than on the airplane? I mean, might your guys just be hanging around the airport looking for stuff, or is it basically on an airplane type job?

Mr. ALLISON. Yes, sir. We manage the VIPR program. I don't know if you've heard of that, the Visible Intermodal Prevention and Response. And so there was legislation and appropriation given to the Federal Air Marshal Service to provide a visible deterrent within the aviation and surface venues. And you may have seen that at Union Station on the recent holiday with the Secretary.

Mr. GROTHMAN. Okay. Thank you very much.

I will yield the remainder of my time.

Chairman CHAFFETZ. I thank the gentleman.

We now recognize the ranking member, Mr. Cummings, for 5 minutes.

Mr. CUMMINGS. Thank you very much.

Director Allison, let me ask you this. I was listening to you talk about being proactive, and you also talked a little bit earlier about hiring and trying to make sure you hire the right people.

And, in this committee, we have been dealing with the Secret Service. In my community, we have been dealing with Baltimore City Police.

And, you know, I think, a lot of times—when I hire people, I look for two things: I look for smart people and people with passion for the mission. Got to have both. One without the other doesn't work. Because if they've got passion for the mission—if they're smart and they've got passion for the mission, like you said, there are certain things they're just not going to do. They're not going to do it. I mean, in other words, negative things, going against the mission. It's sort of like going against yourself.

And I'm listening to you, and I was thinking, you know, I think people can supervise with a culture of fear or with a culture of inclusiveness and excellence. And it's just like—you know, I sit on the board of the Naval Academy, and there's not a time that I meet with those midshipmen after our board meetings that I am not filled with just phenomenal admiration. You know why? Because they have both. They have a passion for the mission and this country, and they're smart. And so they basically sort of self-govern. I guess that's where you're trying to get to. People self-govern because they want to be a part of the elite of the elite.

And I was just wondering—I mean, I just kind of throw those concepts out there. Because I think sometimes we approach things from the backdoor with “gotcha, gotcha, gotcha.” And I think there's a natural inclination, if you are supervising with a “gotcha,” somebody is going to try to duck and dodge in the process. But if everybody is being lifted up, my theory is the people who are not about the mission are going to fall off. Because you know why? The people who are about it aren't going to tolerate it. They're just not going to tolerate it. Or the person who's not about the mission is going to feel so uncomfortable that it's just not—they know it's not going to work.

And I just wanted to—I mean, I've listened to all of what you've said, and I'm just wondering, how does what I just said, if any of it, fit into your philosophy of supervision?

And the reason why it's so important, you know, the chairman is right. I mean, we have folk come in here all the time, and it's almost like they're—they are in supervisory roles, but they seem as if they don't want to admit if there is a problem. And if there is a problem, they don't want to take the appropriate action to address it, with due process of course.

So I was just curious as to, you know, your feelings on that.

Mr. ALLISON. Sure, Mr. Congressman.

You know, leadership philosophy—I comport myself with the philosophy of: Mission first, people always. Right? Those aren't diametrically opposed.

And you're right, I think somewhere along the way—and, again, I've had some tremendous opportunities working for the government. I attended some wonderful leadership courses, and we all learn and grow as we progress through the Federal Government and you get more and more responsibility. So you are right, it is a learning exercise.

And specifically to your point, as you were talking, I wrote down something I had heard along the way, which is, "It's better to be a charismatic leader that inspires performance than a tyrannical one that demands it." And that's where we want to be, because that's when you're going to get the most bang for your buck.

As I said to you guys last night, if we can inspire people, coach people, mentor people, instill the mission, we're going to be in a lot better place, rather than waiting and being that person that you described that says, you know, I gotcha. That does not work. We know that does not work, I know that does not work.

So we need to be in a place where every person in the organization has pride in the organization, some degree of pride—a lot, a little, some degree of pride. You're not just here to collect a check. And, you know, once we get to that place, that's the place we want to be. You're exactly right.

Mr. CUMMINGS. Now, one of the things that—I mean, how do you feel about the morale in your agency overall?

Mr. ALLISON. The morale in the organization?

Mr. CUMMINGS. Yeah, the morale.

Mr. ALLISON. The only way I have to gauge that, Mr. Congressman, is through the surveys that come out every year, and they're not good.

You know, we had one when I first took over that I headed. And I own it. I'm not making any excuses. I'm in charge, so that—you know, that was done before I got there, but I own it. It was very low.

So that is challenging, you know; how do get the morale up? You know, in some respects, morale is an individual decision. We all have an opportunity to come to work every day and decide how we're going to feel. My morale's high. I feel good when I come into work. I'm energized, I'm excited.

And I can create the environment for morale, right? I can do things that are fair, that are transparent. We can communicate with our employees. We can let them know that we support them.

So that is a challenge. And, you know, the Department, as you're well aware, has taken on this quite feverishly over the couple years, so, as senior leaders, we all are working on it.

Mr. CUMMINGS. Yeah.

Last question. And I'll ask you and Ms. Book. I want to be real clear: So you all feel that you have the tools that you need? You don't need anything else from us, is that right, to deal with discipline and things of that nature?

Ms. Book?

Ms. BOOK. Thank you. Yes, we have all the tools that we need to deal with the discipline.

Mr. CUMMINGS. All right.

Director?

Mr. ALLISON. I believe the same, as well.

Mr. CUMMINGS. Okay.

Thank you very much.

Chairman CHAFFETZ. We now recognize the gentleman from North Carolina, Mr. Walker, for 5 minutes.

Mr. WALKER. Thank you, Mr. Chairman.

Director Allison, when did you start? When was your official start date?

Mr. ALLISON. June 1, 2014. It was a Sunday.

Mr. WALKER. Okay. All right. Okay. So you're, what, 18, 19 months into the job?

Mr. ALLISON. Something like that, sir.

Mr. WALKER. Okay.

About how many hours a week do you work on this process? I've got a hunch, but I wanted to hear from you.

Mr. ALLISON. Probably about 11 hours a day.

Mr. WALKER. Okay. Obviously, you do your homework because 3 months ago you remembered our conversation from the Committee on Homeland Security conversation. And I appreciate you doing that.

And if I can think back with you, I believe I remember we talked about some of the abuses of the Federal Air Marshal from a financial or fiscal standpoint, some of the first-class flying, and how are we trimming back and how are we doing. In those 3 or 4 months, can you just mention, have we made some improvements there?

Mr. ALLISON. Sure. I actually went back immediately—we have an industry engagement organization. They're very aggressive. They have a lot of reach-back into the industry. And I proposed those series of questions to them the very next day, and I've actually went back to them a couple times.

So we haven't heard anything, which is good news. But, at the same time, we made it very clear, if you are aware of abuses, if you, you know, are knowledgeable of abuses, report it, and we'll look into it.

Mr. WALKER. Well, it is kind of tough to acknowledge this, because you're not going out in groups. This is kind of on an honor system, which is kind of what led us to this other predicament and situation.

So, as far as self-reporting, you lead and supervise and direct an environment that's kind of tough when you're out there by yourself. Is that fair?

Mr. ALLISON. That is fair. But with respect to the context of the question that you asked, if members of the airline industry believe

that there are abuses, they have complete autonomy and freedom to report those incidents to us.

Mr. WALKER. I mean, does that happen? Do they know that? I mean, I mean, is there some kind of protocol—

Mr. ALLISON. Yes.

Mr. WALKER. —that people in the airline industry know who to contact when they see abuses?

Mr. ALLISON. There are routine meetings between this industry engagement and the airlines. We actually run a liaison unit within the Federal Air Marshal Service that has constant dialogue with the airlines.

Mr. WALKER. Two more points I want to make quickly during my time.

As we said months ago, we talked about the fiscal problems and how much we're spending. I think Chairman Duncan mentioned close to a billion dollars since we've launched this program. So you have from that—people have very good arguments as far as the concern about that. Now we have one that kind of hits it from another angle, which I'll call behavioral problems.

You see where it makes it tough to say this program continues to be legitimized as far as something needed, and I'd like for you to maybe take a minute to respond to that.

Mr. ALLISON. Sure. That's a fair observation, but I think an equally fair observation is to acknowledge the—every organization has misconduct. No organization is immune, no profession. You know, even the hallowed halls of which we sit here today has seen its share, on both sides of the aisle.

Mr. WALKER. Are you sure about that? No, I'm just kidding.

Mr. ALLISON. But I think what you're asking, what the committee is asking is a fair question: What are you doing about it?

I want—you know, the majority of the men and women behave themselves, and they're dedicated employees, and they do a great job. Now, if it got to the point where, you know, a huge percentage started involving themselves in this activity, I'd be spending more than 11 hours a day in the office. But that is not the case.

Mr. WALKER. Let me get to one final point, and then I'll yield back the balance of my time.

Explain or, if you would, lead me through this for us, how often the TSA or the DHS does a comprehensive field study in assessing the threats. Does it vary? Is it seasonal? I mean, is it up and down? What are you seeing out there? And help me understand why that's continued to be necessary.

Mr. ALLISON. So it's not by season, it's not by quarter; it's daily. So myself and the executive staff at TSA, we sit in intel meetings every morning. And the intelligence professionals at TSA, they're reaching back to the intelligence community, and they're getting that data, and, you know, they're providing briefings.

And I would offer any member of this committee—and we've done it with other Members of Congress—to join us at that morning meeting.

Mr. WALKER. Ms. Book, Director Allison, I appreciate your being here today, even sitting through a vote.

With that, I'll yield back to the chairman. Thank you.

Chairman CHAFFETZ. Thank you.

I'll recognize myself for the second round here. We do have a vote on the floor, and we will wrap up this hearing rather soon, but I do have a few more questions.

Director, the three individuals from Chicago, what would you like to see have happen to them?

Mr. ALLISON. I am confident that they will be shown the door. And that's what I'd like to see.

Chairman CHAFFETZ. Should they be prosecuted?

Mr. ALLISON. I would like to see them prosecuted, but the reality of the way the work is done and caseloads—and I'm not privy to say whether they can or not. It would be nice, but that's not reality, right? There's a lot of cases that don't get prosecuted.

Chairman CHAFFETZ. And this is one of the challenges. We have an organization, you have a director here who's trying to do the right thing, weed out the bad apples, but if the Department of Justice doesn't get up off their seat and actually prosecute some of these cases, there won't be the full extent of the consequences that I think is important for all the Federal employees to see, not only to the people who are doing misdeeds, to get the sense of justice here that, you know, you better get your act in order or it may happen to you, but also all the good apples, to know that there are consequences, that we are looking out for the 90-plus percent of the people who do do the job right, they do work hard and show up on time, and they don't drink and they don't do all those things. But they all know what's happening, they know when somebody else is messing up. And when nobody's held accountable and there's no accountability and no justice, there's no justice. And it frustrates those employees.

What is the disposition of—Ms. Book, what's the disposition of Robert Bray? What's going on with him? He's the former Director.

Ms. BOOK. Yes. He is retired.

Chairman CHAFFETZ. Did he get prosecuted?

Ms. BOOK. No, he did not.

Chairman CHAFFETZ. There's a case that's going on that involves somebody who was reassigning flights so they could meet up with other people for some sexual type of rendezvous. What's the disposition of that case?

Ms. BOOK. That case is still under investigation.

Chairman CHAFFETZ. So we have several people involved in that investigation. Have there been any charges levied so far?

Ms. BOOK. As far as I know, it's still under investigation.

Chairman CHAFFETZ. Still under investigation, still no charges.

And here we have the case of three people in Chicago. The person who retired or resigned, however you want to term it, what's going to happen to that person? Any prosecutions?

Director Allison?

Mr. ALLISON. I do not know, sir.

Chairman CHAFFETZ. My concern is that he's going to be simply allowed to retire. He'll get his full benefits, all the other benefits, yet he—he was entrusted with a gun on an airplane to protect 100-plus people on any given flight, and for him to just simply walk away is just not right. And you know what? Losing a security clearance, eh, I don't know that that cuts it.

Director?

Mr. ALLISON. So I don't know if he was in the organization long enough to receive a retirement or any benefits. Obviously, as Federal employees, you accumulate tenure at different increments and you are entitled to something. But the fact of the matter is, you know, anybody can leave when they want to, right? So if you know you're under discipline and you say, "I'm resigning," we can't stop people from resigning.

Now, if the facts and circumstances lead one to believe that—or we can get a prosecution, perhaps—as we know, unemployed people get prosecuted all the time. But we still will drive forward on our personnel security process, so, as a minimum, this person probably won't see Federal service anymore and maybe not even law enforcement, because they're going to come back and call us.

Chairman CHAFFETZ. I hope so. I hope they do the calling.

The second person or the other person who was not involved and engaged in the potential disability fraud, what's the disposition of that person? They're still employed by the Federal Air Marshals?

Mr. ALLISON. Well—so, the Chicago incident, all three individuals indefinitely suspended, one individual resigned. So one of the two people you're asking about is on indefinite suspension.

Chairman CHAFFETZ. With or without pay?

Mr. ALLISON. Indefinite suspension is—any type of suspension is without pay. A regular suspension is usually defined by a period of time—3 days, 7 days, 45 days, et cetera. Indefinite suspension has no time limit. So he will sit on indefinite suspension until the conclusion of this investigation.

Chairman CHAFFETZ. And do you have discretion to make that decision?

Mr. ALLISON. Yes, we do.

Chairman CHAFFETZ. Now, this is the disconnect. And I was mentioning this to Ranking Member Cummings. We have had similar situations in other departments and agencies and some within Homeland Security. We've had the Administrator of the EPA—obviously not part of Homeland Security—but we did have the Director of the Secret Service here, and we've had the former Director—she's now resigned—of—Administrator of the Drug Enforcement Agency, all three of which led us to believe that their hands were essentially tied on revoking of security clearances.

I like the fact that you have discretion and you can make this decision and that you can move forward. Can you help me? Can you provide any insight? Why is it that you have that ability and you're exercising it, as opposed to these others, who say, ah, there's nothing I can do?

Mr. ALLISON. Well, Mr. Chairman, I'm not sure. I can't speak for the Service or DEA. I can tell you unequivocally this is what we do. You know, we abide with strict guidance—or strict adherence to the personnel security guidelines, and we are lawfully exercising what's our authority to do.

Chairman CHAFFETZ. And I think one of the major differences here is leadership. And I'm not saying you got it perfect, and I think it's important we continue to engage with you in oversight. But your openness and willingness to engage in that oversight, your proactive communication with the committee speaks volumes about you and your organization.

It is imperative that we figure this out for other departments and agencies, because I do think there's a lack of leadership. It leads to a negative culture, and I think it leads to inaction. And that inaction festers. If you don't dig out the root of the problem, it becomes a bigger infection. And I like the fact that you're addressing this head-on. I encourage you to please, please continue to do that.

And to the rest of the Federal Government, let's learn from these lessons. Rout out the waste, fraud, and abuse. Applaud and support the good men and women, the overwhelming majority who do it and do it the right way.

And, with that, I will yield back.

We will recognize the ranking member as we go.

Mr. CUMMINGS. Mr. Chairman, I'll be very brief.

First of all, Director Allison and Ms. Book, I don't know whether you watch our hearings often?

Mr. ALLISON. I've—I've watched every one of them.

Mr. CUMMINGS. You must have an exciting life.

The—

Chairman CHAFFETZ. That's a long flight he's on, I tell you.

Mr. CUMMINGS. But rarely are we able to jointly give these kind of compliments. And that's why I say that. But they're meant very sincerely. It's always good to have an example of what should be done. And I think that now that we hear about what you're doing, it helps us.

And I know you—I know you want to stay in your lane. I got that. But you are presenting an example of the way it should be done. And now, you know, we're going to—I hate to tell you this, but we're going to hold other agencies to the same standard. Because when they come in, we're going to ask, why can't they do these things?

But, again, thank you.

And an interesting thing, too. When I asked did you have—did you need any additional authority. I think what the difference is, other folks actually—you all take the authority that you have and use it. Other folks don't always do that. And I think that's the big difference.

With that, I want to thank you all very much. And I want to—by the way, we really want to thank all of the employees of your agency. We appreciate what they do.

A lot of times—you know, my mother used to, when she prayed, she would say, "Thank you, Lord, for protecting me from my seen and unseen dangers." And so, when things aren't seen, a lot of times people don't know what your agents are able to avoid. They only hear about the things that go wrong, and then you catch somebody or something like that, but I know there's a lot of unseen things that they also address. And I want to thank all of them on behalf of a grateful Congress.

Thank you very much, Mr. Chairman.

Chairman CHAFFETZ. Well said. Thank you.

The committee stands adjourned.

[Whereupon, at 4:46 p.m., the committee was adjourned.]