

Opening Statement
Rep. Elijah E. Cummings, Ranking Member

Hearing on “Federal Air Marshal Service: Oversight”
September 17, 2015

Mr. Chairman, thank you for holding today’s hearing on allegations of misconduct by employees of the Federal Air Marshal Service (FAMS). Our Committee has been looking into two separate cases.

In February, press reports alleged 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 regarding this incident.

A second incident was reported publicly 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, and these employees must be held accountable.

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 public hearing. Despite these limitations, however, I want to thank you very much for the detailed briefing you gave to me and to Chairman Chaffetz 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.

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 rooted 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. 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 (EPA) and its Inspector General (IG) 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.

Mr. Chairman, 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.

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 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.

Thank you again, Mr. Chairman, for calling this hearing.