

Statement of Senator Daniel K. Akaka
“Review of the Transportation Security Administration Personnel System”
Committee on Homeland Security and Government Affairs
Subcommittee on Oversight of Government Management, the Federal Workforce,
and the District of Columbia
March 5, 2007

Today’s hearing will review the personnel system for Transportation Security Officers (TSOs) at Transportation Security Administration (TSA). I am pleased to welcome TSA Administrator Kip Hawley and the President of the American Federation of Government Employees (AFGE), John Gage, to the Subcommittee.

TSA was created in response to the attacks of September 11, 2001, when terrorists hijacked four planes, crashing two into the World Trade Center, one into the Pentagon, and the other in a field in Pennsylvania. That terrible day was a wake up call for America to increase our security efforts and ensure that such attacks never happen again.

To secure the aviation industry, Congress passed the Aviation and Transportation Security Act (ATSA), which, among other things, created the Transportation Security Administration and federalized the aviation screening workforce. In designing the TSA, the Act required the TSA to follow the personnel system for the Federal Aviation Administration (FAA). However, the agency was allowed to employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment for TSOs without regard to other laws.

A year later, Congress passed the Homeland Security Act to merge 22 agencies, including TSA, into a Department of Homeland Security (DHS) in an effort to improve the federal government’s ability to prevent and respond to terrorist attacks. The Homeland Security Act also provided broad personnel flexibility to the DHS in order to quickly respond to threats and ensure that the Secretary had the flexibility to move resources as needed. However, the Act provided that DHS employees would have an independent and fair appeals process, full whistleblower rights, and collective bargaining. TSA was not included in this personnel system and, as a result, TSOs are left without many of the statutory protections for DHS employees.

Since 2001, TSA has faced high attrition rates, high numbers of workers compensation claims, and low employee morale which, in my opinion, is a direct result of a lack of employee rights and protections. Without a fair process to bring whistleblower complaints, employees are constrained in coming forward to disclose problems leading to worker injuries or, more importantly, vulnerabilities to national security. Moreover, without collective bargaining, employees have no voice in their working conditions, which could drastically reduce attrition rates.

TSA has made improvements in managing the screening workforce. But we must build upon these efforts and give employees a real place at the table. Protecting employees from retaliatory action complements efforts to secure our nation. Strong employee rights and protections ensures that we have a screener workforce focused on their mission, and not preoccupied by fear of retaliatory treatment by management.

On January 9, 2007, the House of Representatives passed H.R. 1 to implement the recommendations of the 9-11 Commission. On February 17th, the Homeland Security and Governmental Affairs Committee reported out the Senate companion, S. 4. Both bills contain provisions to require the Secretary of DHS to place TSA under either the FAA or the DHS personnel system. Today's hearing will provide an opportunity to gather the facts on the need for the proposal as well as how such a proposal, if passed, could be implemented.

I believe it is time to ensure that TSA screeners are provided the same rights and protections as all other employees at DHS. I also believe that by denying TSA screeners the same rights provided to other DHS employees, we are reinforcing the very stovepipes we sought to tear down by consolidating agencies within DHS.