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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 5, 2011

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The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

The Subcommittee on National Security, Homeland Defense, and Foreign Operations is conducting oversight of the Transportation Security Administration's ("TSA") policies and procedures relating to airport security. This includes an examination of technology employed at screening checkpoints, enhanced pat-downs, and those who administer them. As part of this oversight, I am writing to request information relating to TSA's protocols for the screening of minors, as well as the employment and training of Transportation Security Officers ("TSO").

As you are aware, on April 12, 2011, a homemade video surfaced on YouTube featuring a TSO conducting an invasive pat-down on a 6 year-old girl.<sup>1</sup> This was the subject of my letter to TSA Administrator John S. Pistole which remains unanswered.<sup>2</sup> From all outward appearances, the TSO arguably violated TSA's policy to exclude children under the age of 13 from enhanced pat-downs.<sup>3</sup> Statements made by the Department would have us believe otherwise. On April 20, 2011, you stated that the pat-down was conducted "professionally and according to the protocols."<sup>4</sup> The TSA Blog also states that "TSA has reviewed the incident and the security officer in the video followed the current standard operating procedures."<sup>5</sup>

I am still failing to see how the TSO's actions followed TSA's publicly stated policy that children under the age of 13 are exempt from enhanced pat-downs and are to receive modified treatment.<sup>6</sup> If the Department has indeed conducted a thorough review of this incident, then I ask

<sup>1</sup> The video can be found at: <http://www.youtube.com/watch?v=ba030UmbkCo> (last visited April 27, 2011).

<sup>2</sup> Letter from Subcommittee on National Security, Homeland Defense, and Foreign Operations Chairman Jason Chaffetz to Transportation Security Administration Administrator John S. Pistole, April 13, 2011.

<sup>3</sup> *Id.*

<sup>4</sup> Jeff Poor, *Napolitano Backs 6 Year-old's Pat-Down: 'Done Professionally According To The Protocols'*, The Daily Caller, Apr. 20, 2011, found at: <http://dailycaller.com/2011/04/20/napolitano-backs-6-year-olds-pat-down-done-professionally-according-to-the-protocols/print> (last visited April 27, 2011).

<sup>5</sup> Blogger Bob, *Screening of 6 Year-old at MSY*, The TSA Blog, April 13, 2011, found at: <http://blog.tsa.gov/2011/04/screening-of-6-year-old-at-msy.html> (last visited April 27, 2011).

<sup>6</sup> Letter from Subcommittee on National Security, Homeland Defense, and Foreign Operations Chairman Jason Chaffetz to Transportation Security Administration Administrator John S. Pistole, April 13, 2011.

that it immediately produce its step-by-step analysis and findings to this Subcommittee. This should include a detailed explanation of how each maneuver performed by the TSO coincides with TSA's policy for the screening of young children.

On a related matter, I am also concerned that the Department's processes and criteria for hiring personnel stationed at airports are substandard. For example, federal agents recently arrested Philadelphia International Airport screener Thomas Gordon Jr. for distributing child pornography via Facebook.<sup>7</sup> According to reports, agents seized computer equipment containing more than 600 images.<sup>8</sup> The fact that Mr. Gordon had an opportunity to conduct invasive pat-downs of young children is sickening.

Currently, the qualification threshold for TSOs appears to be unsatisfactorily low. According to job descriptions posted on usajobs.gov, no high school diploma or GED is even required.<sup>9</sup> Among other things, core competencies merely include the ability to see, hear, speak English, pass a credit and background check, and be at least 18 years of age.<sup>10</sup> There is no level of experience necessary and no indication of whether misdemeanor or felony sex offenses are disqualifying factors. Like many Americans, I am skeptical that a TSO cadre meeting such minimal requirements is sufficiently able to meet the sophisticated and evolving terrorist threat we face.

In order to assist the Subcommittee with its oversight efforts, please provide the following information as soon as possible, but **no later than 5:00 p.m. on May 20, 2011**:

1. An immediate response to my letter to Administrator John. S. Pistole dated April 13, 2011;
2. TSA's policy and standards for the screening of children under the age of 13 that was in effect on the day six year-old Anna Drexel was patted down as shown in the April 12, 2011, video posted on YouTube;
3. TSA's current policy and standards for the screening of children under the age of 13;
4. A complete explanation of what constitutes a "modified" pat-down for children under the age of 13;

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<sup>7</sup> John Shiffman, *Airport Passenger Screener Charged in Distributing Child Pornography*, The Philadelphia Inquirer Digital, April 23, 2011, found at: [http://articles.philly.com/2011-04-23/news/29466700\\_1\\_tsa-spokeswoman-ann-davis-child-pornography-federal-agents](http://articles.philly.com/2011-04-23/news/29466700_1_tsa-spokeswoman-ann-davis-child-pornography-federal-agents) (last visited April 27, 2011).

<sup>8</sup> *Id.*

<sup>9</sup> Federal Job Announcement No. SUN-F09-P001, found at: [http://jobview.usajobs.gov/GetJob.aspx?JobID=98117081&JobTitle=Transportation+Security+Officer+\(TSO\)&q=tsa&where=&brd=3876&vw=b&FedEmp=N&FedPub=Y&x=146&y=19&AVSDM=2011-04-12+02%3a36%3a00#qualifications](http://jobview.usajobs.gov/GetJob.aspx?JobID=98117081&JobTitle=Transportation+Security+Officer+(TSO)&q=tsa&where=&brd=3876&vw=b&FedEmp=N&FedPub=Y&x=146&y=19&AVSDM=2011-04-12+02%3a36%3a00#qualifications) (last visited April 27, 2011).

<sup>10</sup> *Id.*

5. A complete explanation of what it means for a child under the age of 13 to be exempt from thorough pat-downs, as stated by Administrator Pistole on November 16, 2010;
6. A copy of all training manuals for the screening of passengers including, but not limited to, children under the age of 13;
7. A complete description of TSA's process for the hiring of airport personnel including, but not limited to, Transportation Security Officers;
8. A list of all qualifications and criteria considered for the employment of airport personnel including, but not limited to, Transportation Security Officers. This list should also include factors that would disqualify a candidate from employment;
9. A list of all behavior considered to be terminable offenses and those for which TSA administers disciplinary action;
10. A list of all instances where airport personnel have exhibited behavior that warranted either termination or disciplinary action. In each case of disciplinary action, please provide a description of the action taken; and
11. A list of all airport personnel employed by TSA who have been arrested for, and convicted of, misdemeanor or felony offenses including, but not limited to, those of a sexual nature.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

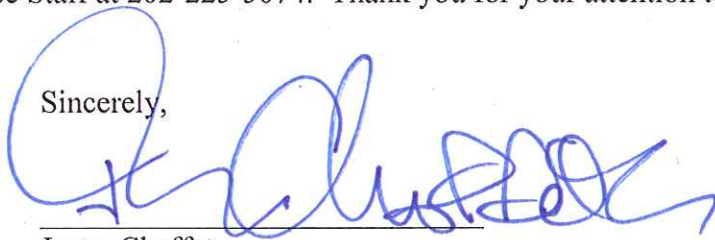
Hon. Janet Napolitano

May 5, 2011

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If you have any questions about this request, please contact Thomas Alexander or Mitchell Kominsky of the Committee Staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz

Chairman

Subcommittee on National Security, Homeland Defense,  
and Foreign Operations

Encl.

cc: The Honorable John F. Tierney, Ranking Minority Member, Subcommittee on National Security, Homeland Defense, and Foreign Operations