

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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April 26, 2016

The Honorable Peter V. Neffenger
Administrator
Transportation Security Administration
601 12th Street, South
Arlington, VA 20598

Dear Administrator Neffenger:

We are writing to request information regarding (1) the process by which [REDACTED] currently the [REDACTED] in the Office of Security Operations (OSO), was disciplined in 2015 for misconduct, and (2) the process by which his security clearance was reviewed after this discipline was imposed. [REDACTED]

Concerns About [REDACTED] Settlement Agreement

On June 15, 2015, [REDACTED] of TSA's Office of Professional Responsibility (OPR) issued a Notice of Proposed Removal (NPR) recommending that [REDACTED] then [REDACTED] in the Office of Intelligence and Analysis (OIA), be terminated from his employment at TSA. This recommendation was based on the findings of a Report of Investigation (ROI) issued by TSA's Office of Inspections (OOI) on April 7, 2015. The NPR found [REDACTED]

Specifically, [REDACTED] found [REDACTED]

¹ Notice of Proposed Removal from [REDACTED] Unit Chief, Office of Professional Responsibility, Transportation Security Administration, to [REDACTED] Assistant Administrator, Office of Intelligence Analysis, Transportation Security Administration (June 15, 2015).

² *Id.*

³ *Id.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On April 15, 2016, Committee staff conducted a transcribed interview with [REDACTED] during which he explained that an “hour or less” after receiving this Notice of Proposed Removal on June 15, 2015, TSA officials presented him with a proposed settlement agreement that significantly reduced his disciplinary penalty.¹⁰

⁴ Transportation Security Administration, *Report of Investigation, Case Number: 1150026* (Apr. 7, 2015), at Attachment 2.

⁵ Notice of Proposed Removal from [REDACTED] Unit Chief, Office of Professional Responsibility, Transportation Security Administration, to [REDACTED] Assistant Administrator, Office of Intelligence Analysis, Transportation Security Administration (June 15, 2015).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ H. Comm. on Oversight & Gov’t Reform, Transcribed Interview of [REDACTED] Tr. at 255 (Apr. 15, 2016).

Under Executive Order 12986, only individuals who exhibit “strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion” shall be granted access to classified information.¹⁴

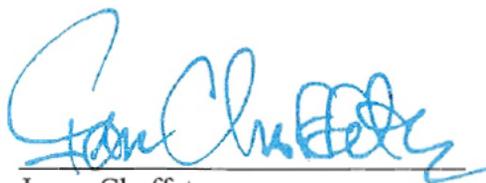
When General Taylor briefed Committee staff on April 21, 2016, he stated that he assumed a review of [REDACTED] fitness to hold a security clearance would be conducted because it was a standard practice whenever disciplinary action was taken, but he had no knowledge of whether such a review happened in [REDACTED] case.¹⁵

In this case, the NPR issued on April 7, 2015, found [REDACTED] and this conclusion should have caused TSA officials to request a review of [REDACTED] security clearance. Yet, today [REDACTED] continues to hold the position of [REDACTED] within the Office of Security Operations, and he appears to continue to hold his security clearance.

Conclusion

In light of this information, we request that you provide information to the Committee as soon as possible regarding the process by which the recommendation for [REDACTED] termination was overruled and replaced with a much less severe penalty in less than one hour. We are also making a request of the Department of Homeland Security Inspector General to investigate the process by which [REDACTED] security clearance was reviewed following the ROI, and whether it was conducted under the proper procedures.

If you have any questions about this request, please contact Michael Ding of Chairman Chaffetz’ staff at (202) 225-5074 or Lucinda Lessley with Ranking Member Cummings’ staff at (202) 225-5501. Thank you for your cooperation with this matter.



Jason Chaffetz
Chairman

Sincerely,



Elijah E. Cummings
Ranking Member

cc: The Honorable John Roth, Inspector General
Department of Homeland Security

¹⁴ Exec. Order No. 12968, 60 FR 40245 (Aug. 7, 1995).

¹⁵ Briefing by General Francis X. Taylor, Under Secretary for Intelligence and Analysis, Department of Homeland Security, to House Government Reform Committee (Apr. 21, 2016).