



**STATEMENT OF JAY BRAINARD
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TRANSPORTATION SECURITY ADMINISTRATION
U.S. DEPARTMENT OF HOMELAND SECURITY
BEFORE THE
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES**

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Chairman Chaffetz, Ranking Member Cummings, and members of the committee, I am pleased to appear at the request of this committee today to discuss issues surrounding the Transportation Security Administration.

Our business is a serious business. The national strategy of the United States of America is clear, “Defending our Nation against all enemies, both foreign and domestic, is the first fundamental commitment of the Federal Government”. When that commitment is in danger of being fulfilled then it is incumbent upon those of us entrusted to ensure our national security to come forward, and if necessary report to you, and do so at whatever the cost may be. We are all here today for that purpose.

While the new administrator of TSA has made security a much needed priority once again, make no mistake about it, we remain an agency in crisis. TSA remains in crisis as a result of poor leadership and oversight of many of our senior leadership appointments which have taken place over the past several years, some of which still serve in key positions within our agency today. Our culture went into rapid decline after having gone unchecked by its leader and the various agencies and committees responsible for oversight, and for that reason we continue to have a crisis of leadership and culture.

From 2011 to early 2015 TSA chose, in abundance, unprepared employees to fill key senior leadership vacancies; these were people who were chosen not because they were time tested leaders, or mature, or experienced in actually leading people in large complex organizations, but because they were liked or good at managing programs or projects, in fact many of these leaders lacked any security experience or had ever worked in a field operation their entire career.

The continuous result of the Federal Employee Viewpoint Survey each federal agency’s workforce responds to, as graded by its own people, has declared repeatedly our agency has failed its employees year after year. We continue to have a culture problem in TSA brought on by an unwillingness to address misconduct of senior executives combined with poor leadership and decision making, all of which have been the number one contributing factor of our security risks and which led to our poor performance. We have low morale, a lack of trust, and field leaders who are fearful to speak out, and for good reason. People at all levels of the agency, both in the field and at Headquarters have spent most of their time having to constantly look over their shoulder when doing the right thing. And let me make one thing abundantly clear, this is not a TSA Headquarters issue. There are legions of decent people at our headquarters who are just as disgusted and just as concerned as I am sitting here today. This is and has always been a senior executive leadership problem; I refer to those at the very top of the food chain. For years we had many senior executives, most of which who completely lacked the experience needed for their position, run amok and make decisions or conduct themselves in an unethical manner which eroded our ability to complete the security mission and grossly compromised the integrity of our agency.

Until substantive change occurs TSA will remain a culture of positional leadership. Despite the results of our covert testing being made public we still have some of those same leaders in critical positions whose focus and attention are on numbers first and leave security and people last. In fact, many of the same people who broke our agency remain in positions of key influence even today. Because of this we continue to empower positional leaders who obtain compliance because they fill a certain leadership vacancy, and to be clear, they are not followed because they are leaders. Subordinates follow these positional leaders out of fear, whose only objectives are limited to bean counting and instilling fear into anyone who opposes them. These leaders are some of the biggest bullies in government and as a result many people feel battered, abused, and overworked. These positional leaders convince themselves they are liked by everyone and their decisions are accepted because there's almost no one left to question them. They have become powerful in their own mind and regularly make decisions regardless of the people affected by them. I know of several people in key leadership positions that "went along to get along" who regret having supported the agenda of those positional leaders.

In an effort to clean up our agency TSA's former administrator John Pistole and the former deputy administrator of TSA John Halinski instituted agency-wide Ethics Training complete with a "TSA wall of shame" for the purpose of exposing the few bad apples among our agency and publicly shaming them. To quote Mr. Halinski's message to our people in one of the videos every employee was required to see, "People, we're better than this". Well, that Wall of Shame is more than a few names light today as senior executives in TSA have been held to a completely different standard than the rest of the agency.

Not one person responsible for the state of our agency is glad to see any one of us here today. Those who have spoken up have been and continue to be targeted and victimized, with the goal of running them out of federal service. Under the previous administration complaints were buried and in many cases so were the complainers. No significant, consistent, or even proportionate action has been taken to remove or even hold leaders in the TSA Executive Service properly accountable for misconduct and poor performance.

When the results of our covert testing were made public last May it was embarrassing and when it came time to address this problem the people who were really to blame never stepped forward to accept or even acknowledge any responsibility. Instead they sat back and watched our officers on the front line get publicly shamed. The truth is our officers didn't fail; they did exactly what that TSA Senior Executive Leadership team demanded from them. For years TSA Executive Leadership's priority shifted further away from security and eventually became focused only on reducing wait times and increasing checkpoint throughput. Those Federal Security Directors who raised any concerns or voiced a dissenting opinion to leadership were targeted, and one way was through the use of Directed Reassignments. One of my counterparts had a conversation with one of the very senior executive leaders responsible for our problems who had indicated to him they developed a loyalty-list and were systematically removing the Federal Security Directors who were on that list. For those not familiar, a Directed Reassignment is a tool regularly used by the airline industry to force people into retirement and because it is technically permissible to do so in civilian service, with a business reason even

without a mobility agreement, they targeted specific Federal Security Directors and Deputy Federal Security Directors. The only thing wrong with this was they were absent a business reason. As Federal Security Director vacancies occurred many of them were filled with underqualified personnel whose only redemption was their loyalty to the positional leaders who put them there. TSA executive leadership waged an all-out campaign against the Federal Security Directors and of the 157 original federal security directors hired after the 9-11 attacks there are only 5 of us left today. When it became public knowledge that the Veteran's Administration spent a few hundred thousand dollars on the directed reassignments of a few people the public was outraged. TSA spent millions.

In looking at the hearing agenda posted on this Committee's website it mentioned what I believe to be the most important part of why we are here, which was "the toll which management challenges have taken on our workforce." My opening statement only scratches the surface.

As the saying goes, "Those who do not learn from history are doomed to repeat it". While the idea of forgetting the mistakes of the past and looking ahead to a brighter future sounds good, the reality is our leadership usually changes when there is a change of administration. If that happens, and if these issues continue to go unaddressed, the people who damaged this agency will again be off the leash and what progress we have made under the new administrator will have been in vain. We need this Committee to take a serious look at the road ahead and ensure this never happens again.

I hope to add value to this hearing by answering your questions and providing insight based upon my experiences, thank you again for inviting me.



Jay Brainard is currently the Federal Security Director (FSD) for the State of Kansas. He was selected for this position in 2015. He is married to wife Holly and they have two daughters; Grace and Isabelle.

Prior to his appointment in Kansas, Mr. Brainard served as the Federal Security Director for the State of Maine from 2014 to 2015, the state of Iowa from 2004 to 2014, and in Evansville, Indiana from 2002 to 2004. He began his career with the Transportation Security Administration (TSA) as a Federal Air Marshal in 2002. Prior to his service with TSA, Mr. Brainard was a police officer and also president of Crisis Management Incorporated. Mr. Brainard also served as District Director of the Illinois State Crime Commission, was a team member of the department's tactical response unit, served as president of the Fraternal Order of Police and spent 12 years coaching high school football.

Mr. Brainard has presented at several conferences and summits on risk assessment and crisis planning and has authored comprehensive crisis management plans for both public and private entities. He has also worked extensively with police departments, businesses, and schools across the country to prepare for and respond to workplace and school shootings.

Mr. Brainard is a past recipient of the TSA Gale D. Rossides People First Award, the TSA Federal Security Director of the Year Award, The DHS Secretary Team Award, and was named Educator of the Year by the Illinois State Crime Commission. He also was cited for Meritorious Service as a police officer.



Jay Brainard

Federal Security Director