

115TH CONGRESS
1ST SESSION

H. R. 1351

To amend title 49, United States Code, to direct the Administrator of the Transportation Security Administration (TSA) to make certain improvements in managing TSA’s employee misconduct, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. PERRY (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend title 49, United States Code, to direct the Administrator of the Transportation Security Administration (TSA) to make certain improvements in managing TSA’s employee misconduct, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Over-
5 sight of TSA Employee Misconduct Act”.

6 **SEC. 2. TSA MISCONDUCT INSPECTION PLAN.**

7 (a) IN GENERAL.—Section 44935 of title 49, United
8 States Code, is amended—

1 (1) by redesignating the second subsection (i)
2 (relating to accessibility of computer-based training
3 facilities) as subsection (k); and

4 (2) by adding at the end the following new sub-
5 section:

6 “(l) TSA MISCONDUCT INSPECTIONS.—

7 “(1) IN GENERAL.—Not later than 60 days
8 after the date of the enactment of this subsection,
9 the Administrator of the Transportation Security
10 Administration (TSA) shall—

11 “(A) designate a senior official to imple-
12 ment a plan to oversee unannounced inspections
13 of the types of actions taken in response to em-
14 ployee misconduct allegations, including actions
15 taken by managers at airports to address any
16 such allegations through corrective actions, in-
17 cluding dismissal if warranted, in accordance
18 with Department of Homeland Security and
19 TSA policies;

20 “(B) on a quarterly basis thereafter until
21 September 30, 2022, the official specified in
22 subparagraph (A) shall certify to the Adminis-
23 trator that the unannounced inspections re-
24 ferred to in such paragraph were completed

1 across a sufficient number of airports such that
2 all airports are inspected before such date;

3 “(C) designate a senior official to review
4 the results of such unannounced inspections to
5 identify root causes of any variances in the way
6 actions taken in response to employee mis-
7 conduct allegations and develop corrective ac-
8 tions (including dismissal if warranted), as ap-
9 propriate; and

10 “(D) ensure that the official specified in
11 subparagraph (A) implements the recommenda-
12 tions made by the official specified in subpara-
13 graph (C).

14 “(2) DEPARTMENT OF HOMELAND SECURITY
15 REVIEW.—

16 “(A) IN GENERAL.—On a quarterly basis,
17 the official specified in paragraph (1)(A) shall
18 provide to the Chief Human Capital Officer of
19 the Department of Homeland Security the re-
20 sults of unannounced inspections conducted
21 pursuant to such paragraph.

22 “(B) IDENTIFICATION.—The Chief Human
23 Capital Officer of the Department of Homeland
24 Security shall review the results of the unan-
25 nounced inspections conducted pursuant to

1 paragraph (1)(A) to identify trends and, as ap-
2 propriate, make recommendations, including
3 timeframes for implementation, to the Adminis-
4 trator of the TSA to address employee mis-
5 conduct.

6 “(C) IMPLEMENTATION.—The Adminis-
7 trator of the TSA shall implement recommenda-
8 tions made by the Chief Human Capital Officer
9 of the Department of Homeland Security within
10 the timeframes established by the Chief Human
11 Capital Officer.

12 “(3) INFORMATION TO CONGRESS.—The Ad-
13 ministrator of the TSA shall make misconduct infor-
14 mation identified under this subsection readily avail-
15 able to—

16 “(A) the Committee on Homeland Security
17 and the Committee on Appropriations of the
18 House of Representatives;

19 “(B) the Committee on Homeland Security
20 and Governmental Affairs, the Committee on
21 Commerce, Science, and Transportation, and
22 the Committee on Appropriations of the Senate;
23 and

1 “(C) as appropriate, personnel of the De-
2 partment of Homeland Security, as determined
3 by the Administrator.

4 “(4) DEFINITIONS.—In this subsection:

5 “(A) ACTIONS.—The term ‘actions’ means
6 consequences for employee misconduct estab-
7 lished by the Transportation Security Adminis-
8 tration’s misconduct policy and related docu-
9 ments under this subsection.

10 “(B) MISCONDUCT.—The term ‘mis-
11 conduct’ means the failure of a Transportation
12 Security Administration employee to comply
13 with a performance plan, rule, regulation, or
14 law within the scope of such employee’s duties,
15 responsibilities, or functions.

16 “(C) UNANNOUNCED INSPECTIONS.—The
17 term ‘unannounced inspections’ means a review
18 of information without providing notice to the
19 party under review.”.

20 (b) NO ADDITIONAL FUNDS AUTHORIZED.—No ad-
21 ditional funds are authorized to carry out the require-
22 ments of this Act and the amendments made by this Act.
23 Such requirements shall be carried out using amounts oth-
24 erwise authorized.

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