

# Union Calendar No. 161

115TH CONGRESS  
1ST SESSION

# H. R. 1351

**[Report No. 115–226]**

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.

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## 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

JULY 17, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 2, 2017]

# **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 Oversight*  
5 *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—*

9 *(1) by redesignating the second subsection (i) (re-*  
10 *lating to accessibility of computer-based training fa-*  
11 *cilities) as subsection (k); and*

12 *(2) by adding at the end the following new sub-*  
13 *section:*

14 *“(l) TSA MISCONDUCT INSPECTIONS.—*

15 *“(1) IN GENERAL.—Not later than 60 days after*  
16 *the date of the enactment of this subsection, the Ad-*  
17 *ministrator of the Transportation Security Adminis-*  
18 *tration (TSA) shall—*

19 *“(A) designate a senior official to imple-*  
20 *ment a plan to oversee unannounced inspections*  
21 *at airports of agency actions taken to address*  
22 *TSA employee misconduct, including actions*  
23 *taken by managers at airports to address any*  
24 *such misconduct through corrective actions, up to*  
25 *and including removal from Federal service, in*

1           *accordance with Department of Homeland Secu-*  
2           *rity and TSA policies;*

3           “(B) *on a biannual basis thereafter until*  
4           *September 30, 2023, the official specified in sub-*  
5           *paragraph (A) shall certify to the Administrator*  
6           *that the unannounced inspections referred to in*  
7           *such paragraph were completed across a suffi-*  
8           *cient number of airports such that all airports*  
9           *are—*

10                   “(i) *inspected before such date; and*

11                   “(ii) *provided adequate information*  
12                   *regarding agency actions taken to address*  
13                   *TSA employee misconduct;*

14           “(C) *designate a senior official other than*  
15           *the senior official designated pursuant to sub-*  
16           *paragraph (A) to review the results of such un-*  
17           *announced inspections to identify causes of any*  
18           *variances and overall trends in the way actions*  
19           *are taken in response to TSA employee mis-*  
20           *conduct and develop corrective actions and rec-*  
21           *ommendations, up to and including removal*  
22           *from Federal service, as appropriate; and*

23           “(D) *direct the official described in sub-*  
24           *paragraph (C) to implement the corrective ac-*

1            *tions and recommendations specified in such*  
2            *subparagraph.*

3            “(2) *CONSOLIDATION AND COORDINATION.*—*Un-*  
4            *announced inspections under paragraph (1) of certain*  
5            *locations may be consolidated and coordinated with*  
6            *other relevant TSA offices, as determined appropriate*  
7            *by the Administrator of the TSA.*

8            “(3) *EXTENSION.*—*The Administrator of the*  
9            *TSA may extend the final date specified in para-*  
10           *graph (1)(B) for completing the unannounced inspec-*  
11           *tions under paragraph (1) for not more than one ad-*  
12           *ditional fiscal year if exigent circumstances warrant.*  
13           *If the Administrator determines that such an exten-*  
14           *sion is necessary, the Administrator shall provide to*  
15           *the Committee on Homeland Security and the Com-*  
16           *mittee on Appropriations of the House of Representa-*  
17           *tives and the Committee on Homeland Security and*  
18           *Governmental Affairs, the Committee on Commerce,*  
19           *Science, and Transportation, and the Committee on*  
20           *Appropriations of the Senate written justification re-*  
21           *garding such circumstances prior to granting such ex-*  
22           *tension.*

23            “(4) *DEPARTMENT OF HOMELAND SECURITY RE-*  
24            *VIEW.*—

1           “(A) *IN GENERAL.*—On a biannual basis,  
2           the official specified in paragraph (1)(C) shall  
3           provide to the Chief Human Capital Officer of  
4           the Department of Homeland Security the results  
5           of unannounced inspections conducted pursuant  
6           to such paragraph.

7           “(B) *IDENTIFICATION.*—The Chief Human  
8           Capital Officer of the Department of Homeland  
9           Security may review the results of the unan-  
10          nounced inspections conducted pursuant to para-  
11          graph (1)(A) to, as appropriate, identify trends  
12          and make recommendations, to the Adminis-  
13          trator of the TSA to address employee mis-  
14          conduct.

15          “(C) *IMPLEMENTATION.*—The Adminis-  
16          trator of the TSA shall coordinate with the Chief  
17          Human Capital Officer of the Department of  
18          Homeland Security to implement any rec-  
19          ommendations made pursuant to subparagraph  
20          (B) within the timeframes established by the  
21          Chief Human Capital Officer.

22          “(5) *INFORMATION TO CONGRESS.*—The Admin-  
23          istrator of the TSA shall make the results of the unan-  
24          nounced inspections, including any recommended cor-

1        *rective actions for addressing variances, identified*  
2        *under this subsection readily available to—*

3                *“(A) the Committee on Homeland Security*  
4                *and the Committee on Appropriations of the*  
5                *House of Representatives;*

6                *“(B) the Committee on Homeland Security*  
7                *and Governmental Affairs, the Committee on*  
8                *Commerce, Science, and Transportation, and the*  
9                *Committee on Appropriations of the Senate; and*

10                *“(C) as appropriate, personnel of the De-*  
11                *partment of Homeland Security, as determined*  
12                *by the Administrator.*

13                *“(6) DEFINITIONS.—In this subsection:*

14                *“(A) ACTIONS.—The term ‘actions’ means*  
15                *consequences for employee misconduct, up to and*  
16                *including removal from Federal Service, estab-*  
17                *lished by TSA policy.*

18                *“(B) UNANNOUNCED INSPECTIONS.—The*  
19                *term ‘unannounced inspections’ means a review*  
20                *of information without providing advanced no-*  
21                *tice to the party under review.”.*

22                *(b) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-*  
23                *tional funds are authorized to carry out the requirements*  
24                *of this Act and the amendments made by this Act. Such*

- 1 *requirements shall be carried out using amounts otherwise*
- 2 *authorized.*





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