

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1351
OFFERED BY MR. PERRY OF PENNSYLVANIA**

Strike all after enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Strengthening Oversight of TSA Employee Misconduct Act”.

4 SEC. 2. TSA MISCONDUCT INSPECTION PLAN.

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

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

10 (2) by adding at the end the following new subsection:

12 “(1) TSA MISCONDUCT INSPECTIONS.—

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

17 “(A) designate a senior official to implement a plan to oversee unannounced inspections

1 at airports of agency actions taken to address
2 TSA employee misconduct, including actions
3 taken by managers at airports to address any
4 such misconduct through corrective actions, up
5 to and including removal from Federal service,
6 in accordance with Department of Homeland
7 Security and TSA policies;

8 “(B) on a biannual basis thereafter until
9 September 30, 2023, the official specified in
10 subparagraph (A) shall certify to the Adminis-
11 trator that the unannounced inspections re-
12 ferred to in such paragraph were completed
13 across a sufficient number of airports such that
14 all airports are—

15 “(i) inspected before such date; and

16 “(ii) provided adequate information
17 regarding agency actions taken to address
18 TSA employee misconduct;

19 “(C) designate a senior official other than
20 the senior official designated pursuant to sub-
21 paragraph (A) to review the results of such un-
22 announced inspections to identify causes of any
23 variances and overall trends in the way actions
24 are taken in response to TSA employee mis-
25 conduct and develop corrective actions and rec-

1 ommendations, up to and including removal
2 from Federal service, as appropriate; and

3 “(D) direct the official described in sub-
4 paragraph (C) to implement the corrective ac-
5 tions and recommendations specified in such
6 subparagraph.

7 “(2) CONSOLIDATION AND COORDINATION.—
8 Unannounced inspections under paragraph (1) of
9 certain locations may be consolidated and coordi-
10 nated with other relevant TSA offices, as determined
11 appropriate by the Administrator of the TSA.

12 “(3) EXTENSION.—The Administrator of the
13 TSA may extend the final date specified in para-
14 graph (1)(B) for completing the unannounced in-
15 spections under paragraph (1) for not more than one
16 additional fiscal year if exigent circumstances war-
17 rant. If the Administrator determines that such an
18 extension is necessary, the Administrator shall pro-
19 vide to the Committee on Homeland Security and
20 the Committee on Appropriations of the House of
21 Representatives and the Committee on Homeland
22 Security and Governmental Affairs, the Committee
23 on Commerce, Science, and Transportation, and the
24 Committee on Appropriations of the Senate written

1 justification regarding such circumstances prior to
2 granting such extension.

3 “(4) DEPARTMENT OF HOMELAND SECURITY
4 REVIEW.—

5 “(A) IN GENERAL.—On a biannual basis,
6 the official specified in paragraph (1)(C) shall
7 provide to the Chief Human Capital Officer of
8 the Department of Homeland Security the re-
9 sults of unannounced inspections conducted
10 pursuant to such paragraph.

11 “(B) IDENTIFICATION.—The Chief Human
12 Capital Officer of the Department of Homeland
13 Security may review the results of the unan-
14 nounced inspections conducted pursuant to
15 paragraph (1)(A) to, as appropriate, identify
16 trends and make recommendations, to the Ad-
17 ministrator of the TSA to address employee
18 misconduct.

19 “(C) IMPLEMENTATION.—The Adminis-
20 trator of the TSA shall coordinate with the
21 Chief Human Capital Officer of the Depart-
22 ment of Homeland Security to implement any
23 recommendations made pursuant to subpara-
24 graph (B) within the timeframes established by
25 the Chief Human Capital Officer.

1 “(5) INFORMATION TO CONGRESS.—The Ad-
2 ministrator of the TSA shall make the results of the
3 unannounced inspections, including any rec-
4 ommended corrective actions for addressing
5 variances, identified under this subsection readily
6 available to—

7 “(A) the Committee on Homeland Security
8 and the Committee on Appropriations of the
9 House of Representatives;

10 “(B) the Committee on Homeland Security
11 and Governmental Affairs, the Committee on
12 Commerce, Science, and Transportation, and
13 the Committee on Appropriations of the Senate;
14 and

15 “(C) as appropriate, personnel of the De-
16 partment of Homeland Security, as determined
17 by the Administrator.

18 “(6) DEFINITIONS.—In this subsection:

19 “(A) ACTIONS.—The term ‘actions’ means
20 consequences for employee misconduct, up to
21 and including removal from Federal Service, es-
22 tablished by TSA policy.

23 “(B) UNANNOUNCED INSPECTIONS.—The
24 term ‘unannounced inspections’ means a review

1 of information without providing advanced no-
2 tice to the party under review.”.

3 (b) NO ADDITIONAL FUNDS AUTHORIZED.—No ad-
4 ditional funds are authorized to carry out the require-
5 ments of this Act and the amendments made by this Act.
6 Such requirements shall be carried out using amounts oth-
7 erwise authorized.

