

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.

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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

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## 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           “(1) 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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