

**Suspend the Rules and Pass the Bill, H. R. 719, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 719

To require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2015

Mr. KATKO (for himself, Miss RICE of New York, Mr. McCAUL, Mr. THOMPSON of Mississippi, and Mr. SANFORD) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, 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 “TSA Office of Inspec-  
5 tion Accountability Act of 2015”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Consistent with Federal law and regula-  
4 tions, for law enforcement officers to qualify for pre-  
5 mium pay as criminal investigators, the officers  
6 must, in general, spend on average at least 50 per-  
7 cent of their time investigating, apprehending, or de-  
8 taining individuals suspected or convicted of offenses  
9 against the criminal laws of the United States.

10 (2) According to the Inspector General of the  
11 Department of Homeland Security (DHS IG), the  
12 Transportation Security Administration (TSA) does  
13 not ensure that its cadre of criminal investigators in  
14 the Office of Inspection are meeting this require-  
15 ment, even though they are considered law enforce-  
16 ment officers under TSA policy and receive premium  
17 pay.

18 (3) Instead, TSA criminal investigators in the  
19 Office of Inspection primarily monitor the results of  
20 criminal investigations conducted by other agencies,  
21 investigate administrative cases of TSA employee  
22 misconduct, and carry out inspections, covert tests,  
23 and internal reviews, which the DHS IG asserts  
24 could be performed by employees other than criminal  
25 investigators at a lower cost.

1           (4) The premium pay and other benefits af-  
2           forded to TSA criminal investigators in the Office of  
3           Inspection who are incorrectly classified as such will  
4           cost the taxpayer as much as \$17 million over 5  
5           years if TSA fails to make any changes to the num-  
6           ber of criminal investigators in the Office of Inspec-  
7           tion, according to the DHS IG.

8           (5) This may be a conservative estimate, as it  
9           accounts for the cost of Law Enforcement Avail-  
10          ability Pay, but not the costs of law enforcement  
11          training, statutory early retirement benefits, police  
12          vehicles, and weapons.

13 **SEC. 3. DEFINITIONS.**

14          In this Act:

15           (1) **ADMINISTRATION.**—The term “Administra-  
16           tion” means the Transportation Security Adminis-  
17           tration.

18           (2) **ASSISTANT SECRETARY.**—The term “Assist-  
19           ant Secretary” means the Assistant Secretary of  
20           Homeland Security (Transportation Security) of the  
21           Department of Homeland Security.

22           (3) **INSPECTOR GENERAL.**—The term “Inspec-  
23           tor General” means the Inspector General of the De-  
24           partment of Homeland Security.

1 **SEC. 4. INSPECTOR GENERAL AUDIT.**

2 (a) **AUDIT.**—Not later than 60 days after the date  
3 of the enactment of this Act, the Inspector General shall  
4 analyze the data and methods that the Assistant Secretary  
5 uses to identify Office of Inspection employees of the Ad-  
6 ministration who meet the requirements of sections  
7 8331(20), 8401(17), and 5545a of title 5, United States  
8 Code, and provide the relevant findings to the Assistant  
9 Secretary, including a finding on whether the data and  
10 methods are adequate and valid.

11 (b) **PROHIBITION ON HIRING.**—If the Inspector Gen-  
12 eral finds that such data and methods are inadequate or  
13 invalid, the Administration shall not hire any new em-  
14 ployee to work in the Office of Inspection of the Adminis-  
15 tration until—

16 (1) the Assistant Secretary makes a certifi-  
17 cation described in section 5 to the Committee on  
18 Homeland Security of the House of Representatives  
19 and the Committee on Commerce, Science, and  
20 Transportation of the Senate; and

21 (2) the Inspector General submits to such Com-  
22 mittees a finding, not later than 30 days after the  
23 Assistant Secretary makes such certification, that  
24 the Assistant Secretary utilized adequate and valid  
25 data and methods to make such certification.

1 **SEC. 5. TSA OFFICE OF INSPECTION WORKFORCE CERTIFI-**  
2 **CATION.**

3 (a) CERTIFICATION TO CONGRESS.—The Assistant  
4 Secretary shall, by not later than 90 days after the date  
5 the Inspector General provides its findings to the Assist-  
6 ant Secretary under section 4(a), document and certify in  
7 writing to the Committee on Homeland Security of the  
8 House of Representatives and the Committee on Com-  
9 merce, Science, and Transportation of the Senate that  
10 only those Office of Inspection employees of the Adminis-  
11 tration who meet the requirements of sections 8331(20),  
12 8401(17), and 5545a of title 5, United States Code, are  
13 classified as criminal investigators and are receiving pre-  
14 mium pay and other benefits associated with such classi-  
15 fication.

16 (b) EMPLOYEE RECLASSIFICATION.—The Assistant  
17 Secretary shall reclassify criminal investigator positions in  
18 the Office of Inspection as noncriminal investigator posi-  
19 tions or non-law enforcement positions if the individuals  
20 in those positions do not, or are not expected to, spend  
21 an average of at least 50 percent of their time performing  
22 criminal investigative duties.

23 (c) PROJECTED COST SAVINGS.—

24 (1) IN GENERAL.—The Assistant Secretary  
25 shall estimate the total long-term cost savings to the  
26 Federal Government resulting from the implementa-

1       tion of subsection (b), and provide such estimate to  
2       the Committee on Homeland Security of the House  
3       of Representatives and the Committee on Commerce,  
4       Science, and Transportation of the Senate by not  
5       later than 180 days after the date of enactment of  
6       this Act.

7               (2) CONTENTS.—Such estimate shall identify  
8       savings associated with the positions reclassified  
9       under subsection (b) and include, among other fac-  
10      tors the Assistant Secretary considers appropriate,  
11      savings from—

12                   (A) law enforcement training;

13                   (B) early retirement benefits;

14                   (C) law enforcement availability and other  
15      premium pay; and

16                   (D) weapons, vehicles, and communications  
17      devices.

18      **SEC. 6. INVESTIGATION OF FEDERAL AIR MARSHAL SERV-**  
19                   **ICE MISCONDUCT.**

20       Not later than 90 days after the date of the enact-  
21      ment of this Act, or as soon as practicable, the Assistant  
22      Secretary shall submit to the Committee on Homeland Se-  
23      curity of the House of Representatives and the Committee  
24      on Commerce, Science, and Transportation and the Com-  
25      mittee on the Judiciary of the Senate—

1           (1) materials in the possession or control of the  
2           Department of Homeland Security associated with  
3           the Office of Inspection's review of instances in  
4           which Federal Air Marshal Service officials obtained  
5           discounted or free firearms for personal use;

6           (2) information on specific actions that will be  
7           taken to prevent Federal Air Marshal Service offi-  
8           cials from using their official positions, or exploiting,  
9           in any way, the Service's relationships with private  
10          vendors to obtain discounted or free firearms for  
11          personal use; and

12          (3) information on specific actions that will be  
13          taken to prevent the Federal Air Marshal Service  
14          from misusing Government resources.

15 **SEC. 7. STUDY.**

16          Not later than 180 days after the date that the As-  
17          sistant Secretary submits the certification to Congress  
18          under section 5(a), the Inspector General of the Depart-  
19          ment of Homeland Security shall submit to the Committee  
20          on Homeland Security of the House of Representatives  
21          and the Committee on Commerce, Science, and Transpor-  
22          tation and the Committee on Homeland Security and Gov-  
23          ernmental Affairs of the Senate a study—

24                (1) reviewing the employee requirements, re-  
25                sponsibilities, and benefits of criminal investigators

1 in the TSA Office of Inspection with criminal inves-  
2 tigators employed at agencies adhering to the Office  
3 of Personnel Management employee classification  
4 system; and

5 (2) identifying any inconsistencies and costs im-  
6 plications for differences between the varying em-  
7 ployee requirements, responsibilities, and benefits.

8 **SEC. 8. INDEPENDENT AUDIT OF FEDERAL AIR MARSHAL**  
9 **SERVICE PERSONNEL ISSUES.**

10 Not later than 180 days after the date of the enact-  
11 ment of this Act, the Inspector General shall submit to  
12 the Committee on Homeland Security of the House of  
13 Representatives and the Committee on Commerce,  
14 Science, and Transportation and the Committee on Home-  
15 land Security and Governmental Affairs of the Senate a  
16 study that—

17 (1) reviews the Federal Air Marshal Service's  
18 existing personnel policies and procedures for identi-  
19 fying misuse of Government resources; and

20 (2) reviews the administration of the Federal  
21 Air Marshal Service's existing code of conduct or in-  
22 tegrity policies with respect to instances of mis-  
23 conduct.