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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. TSA MISCONDUCT INSPECTION PLAN.

(a) In General.—Section 44935 of title 49, United States Code, is amended—
(1) by redesignating the second subsection (i) (relating to accessibility of computer-based training facilities) as subsection (k); and

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

“(l) TSA MISCONDUCT INSPECTIONS.—

“(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—

“(A) designate a senior official to implement a plan to oversee unannounced inspections of the types of actions taken in response to employee misconduct allegations, including actions taken by managers at airports to address any such allegations through corrective actions, including dismissal if warranted, in accordance with Department of Homeland Security and TSA policies;

“(B) on a quarterly basis thereafter until September 30, 2022, the official specified in subparagraph (A) shall certify to the Administrator that the unannounced inspections referred to in such paragraph were completed
across a sufficient number of airports such that all airports are inspected before such date;

“(C) designate a senior official to review the results of such unannounced inspections to identify root causes of any variances in the way actions taken in response to employee misconduct allegations and develop corrective actions (including dismissal if warranted), as appropriate; and

“(D) ensure that the official specified in subparagraph (A) implements the recommendations made by the official specified in subparagraph (C).

“(2) DEPARTMENT OF HOMELAND SECURITY REVIEW.—

“(A) In general.—On a quarterly basis, the official specified in paragraph (1)(A) shall provide to the Chief Human Capital Officer of the Department of Homeland Security the results of unannounced inspections conducted pursuant to such paragraph.

“(B) Identification.—The Chief Human Capital Officer of the Department of Homeland Security shall review the results of the unannounced inspections conducted pursuant to
paragraph (1)(A) to identify trends and, as appropriate, make recommendations, including timeframes for implementation, to the Administrator of the TSA to address employee misconduct.

“(C) IMPLEMENTATION.—The Administrator of the TSA shall implement recommendations made by the Chief Human Capital Officer of the Department of Homeland Security within the timeframes established by the Chief Human Capital Officer.

“(3) INFORMATION TO CONGRESS.—The Administrator of the TSA shall make misconduct information identified under this subsection readily available to—

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

“(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and
“(C) as appropriate, personnel of the Department of Homeland Security, as determined by the Administrator.

“(4) DEFINITIONS.—In this subsection:

“(A) ACTIONS.—The term ‘actions’ means consequences for employee misconduct established by the Transportation Security Administration’s misconduct policy and related documents under this subsection.

“(B) MISCONDUCT.—The term ‘misconduct’ means the failure of a Transportation Security Administration employee to comply with a performance plan, rule, regulation, or law within the scope of such employee’s duties, responsibilities, or functions.

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

(b) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.