

113TH CONGRESS
2D SESSION

H. R. 4803

IN THE SENATE OF THE UNITED STATES

JULY 23, 2014

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “TSA Office of Inspec-
3 tion Accountability Act of 2014”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

21 (3) Instead, TSA criminal investigators in the
22 Office of Inspection primarily monitor the results of
23 criminal investigations conducted by other agencies,
24 investigate administrative cases of TSA employee
25 misconduct, and carry out inspections, covert tests,
26 and internal reviews, which the DHS IG asserts

1 could be performed by employees other than criminal
2 investigators at a lower cost.

3 (4) The premium pay and other benefits af-
4 farded to TSA criminal investigators in the Office of
5 Inspection who are incorrectly classified as such will
6 cost the taxpayer as much as \$17,000,000 over 5
7 years if TSA fails to make any changes to the num-
8 ber of criminal investigators in the Office of Inspec-
9 tion, according to the DHS IG.

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

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

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

1 (3) INSPECTOR GENERAL.—The term “Inspec-
2 tor General” means the Inspector General of the De-
3 partment of Homeland Security.

4 **SEC. 4. INSPECTOR GENERAL REVIEW.**

5 (a) REVIEW.—Not later than 60 days after the date
6 of the enactment of this Act, the Inspector General shall
7 analyze the data and methods that the Assistant Secretary
8 uses to identify employees of the Administration who meet
9 the requirements of sections 8331(20), 8401(17), and
10 5545a of title 5, United States Code, and provide the rel-
11 evant findings to the Assistant Secretary, including a find-
12 ing on whether the data and methods are adequate and
13 valid.

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

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

24 (2) the Inspector General submits to such Com-
25 mittees a finding, not later than 30 days after the

1 Assistant Secretary makes such certification, that
2 the Assistant Secretary utilized adequate and valid
3 data and methods to make such certification.

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

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

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

25 (c) PROJECTED COST SAVINGS.—

1 (1) IN GENERAL.—The Assistant Secretary
2 shall estimate the total long-term cost savings to the
3 Federal Government resulting from the implementa-
4 tion of subsection (b), and provide such estimate to
5 the Committee on Homeland Security of the House
6 of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate by not
8 later than 180 days after the date of enactment of
9 this Act.

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

15 (A) law enforcement training;

16 (B) early retirement benefits;

17 (C) law enforcement availability pay; and

18 (D) weapons, vehicles, and communications
19 devices.

20 **SEC. 6. INVESTIGATION OF FEDERAL AIR MARSHAL SERV-**
21 **ICE USE OF FEDERAL FIREARMS LICENSE.**

22 Not later than 90 days after the date of the enact-
23 ment of this Act, or as soon as practicable, the Assistant
24 Secretary shall submit to the Committee on Homeland Se-
25 curity of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the Sen-
2 ate—

3 (1) any materials in the possession or control of
4 the Department of Homeland Security associated
5 with the Office of Inspection’s review of the use of
6 a Federal firearms license by Federal Air Marshal
7 Service officials to obtain discounted or free firearms
8 for personal use; and

9 (2) information on specific actions that will be
10 taken to prevent Federal Air Marshal Service offi-
11 cials from using a Federal firearms license, or ex-
12 ploiting, in any way, the Service’s relationships with
13 private vendors to obtain discounted or free firearms
14 for personal use.

Passed the House of Representatives July 22, 2014.

Attest:

KAREN L. HAAS,

Clerk.