

113TH CONGRESS
1ST SESSION

H. R. 84

To amend title 49, United States Code, to establish an Ombudsman Office within the Transportation Security Administration for the purpose of enhancing transportation security by providing confidential, informal, and neutral assistance to address work-place related problems of Transportation Security Administration employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend title 49, United States Code, to establish an Ombudsman Office within the Transportation Security Administration for the purpose of enhancing transportation security by providing confidential, informal, and neutral assistance to address work-place related problems of Transportation Security Administration employees, 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 “Transportation Secu-
5 rity Administration Ombudsman Act of 2013”.

1 **SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION OM-**
 2 **BUDSMAN OFFICE.**

3 (a) IN GENERAL.—Subchapter II of chapter 449 of
 4 title 49, United States Code is amended by adding at the
 5 end the following new section:

6 **“§ 44946. Ombudsman**

7 “(a) IN GENERAL.—

8 “(1) ESTABLISHMENT.—There is established an
 9 Office of the Ombudsman in the Transportation Se-
 10 curity Administration.

11 “(2) OMBUDSMAN.—

12 “(A) IN GENERAL.—The Office shall be
 13 under the direction of the Ombudsman of the
 14 Transportation Security Administration, who
 15 shall be appointed by the Chief Human Capital
 16 Officer of the Department of Homeland Secu-
 17 rity on behalf of the Secretary of Homeland Se-
 18 curity.

19 “(B) QUALIFICATIONS.—An individual ap-
 20 pointed as the Ombudsman must have expertise
 21 in—

22 “(i) labor and employment relations
 23 with Federal agencies; and

24 “(ii) dispute resolution.

25 “(C) NOTIFICATION OF APPOINTMENT AND
 26 REMOVAL.—The Chief Human Capital Officer

of the Department of Homeland Security shall notify the appropriate congressional committees within 30 days after the effective date of any of the following actions:

“(i) The appointment of an individual as Ombudsman.

“(ii) The reappointment as Ombudsman of an individual who is serving as Ombudsman.

“(iii) The removal of an individual from the position of Ombudsman.

“(3) ENSURING INDEPENDENCE OF OMBUDSMAN.—

“(A) IN GENERAL.—The Ombudsman shall report—

“(i) to the Administrator of the Transportation Security Administration; and

“(ii) to the Chief Human Capital Officer of the Department of Homeland Security with respect to any dispute between the Ombudsman and the Administrator of Transportation Security Administration over matters involving the execution of the

1 Ombudsman’s duties as set forth in sub-
2 section (b).

3 “(B) INSPECTOR GENERAL’S AUTHORITY
4 TO CONDUCT INVESTIGATIONS NOT AF-
5 FECTED.—Nothing in this section shall prohibit
6 the Inspector General of the Department of
7 Homeland Security from initiating, carrying
8 out, or completing any investigation.

9 “(b) DUTIES.—The Ombudsman shall—

10 “(1) conduct outreach to Transportation Secu-
11 rity Administration employees, including publicizing
12 a toll-free telephone number to report complaints;

13 “(2) evaluate each complainant’s claim objec-
14 tively;

15 “(3) provide information, advice, and assistance
16 to complainants and, as appropriate, initiate infor-
17 mal, impartial fact-finding and inquiries, on com-
18 plaints or on the Ombudsman’s own initiative;

19 “(4) inform each complainant—

20 “(A) when the Ombudsman decides against
21 conducting a fact-finding inquiry into the com-
22 plaint;

23 “(B) on the status of the Ombudsman’s
24 fact-finding inquiry to the complainant, on a

1 regular basis if requested by the complainant;
2 and

3 “(C) of the Ombudsman’s recommenda-
4 tions and information, as appropriate, for the
5 complainant to formally complain to the appro-
6 priate authority;

7 “(5) work with the Administrator of the Trans-
8 portation Security Administration to address issues
9 identified through fact-finding and inquiries;

10 “(6) maintain confidential any matter related to
11 complaints and inquiries, including the identities of
12 the complainants and witnesses; and

13 “(7) submit an annual report to the appropriate
14 congressional committees in accordance with sub-
15 section (c).

16 “(c) ANNUAL REPORT.—

17 “(1) IN GENERAL.—The Ombudsman shall re-
18 port no later than September 30 each year to the
19 appropriate congressional committees on the actions
20 taken by the Office of the Ombudsman over the pre-
21 ceding year and the objectives of those actions.

22 “(2) CONTENTS.—Each such report shall, for
23 the period covered by the report, include—

24 “(A) statistical information, by region, on
25 the volume of complaints received, general na-

1 ture of complaints, general information on com-
2 plainants, and the percentage of complaints
3 that resulted in a fact-finding inquiry;

4 “(B) a summary of problems encountered
5 by complainants, including information on the
6 most pervasive or serious types of problems en-
7 countered by complainants;

8 “(C) policy recommendations that the Of-
9 fice of the Ombudsman made to the Adminis-
10 trator of the Transportation Security Adminis-
11 tration;

12 “(D) an inventory of the items described in
13 subparagraphs (B) and (C) for which action
14 has been taken, and the result of such action;

15 “(E) an inventory of the items described in
16 subparagraphs (B) and (C) for which action re-
17 mains to be completed; and

18 “(F) such other information as the Om-
19 budsman considers relevant.

20 “(3) REPORT TO BE SUBMITTED DIRECTLY.—

21 Each report under this subsection shall be provided
22 directly to the committees described in paragraph
23 (1) without any prior comment or amendment by the
24 Administrator of the Transportation Security Ad-
25 ministration. However, the Ombudsman shall seek

1 comment from the Administrator to be submitted by
2 the Ombudsman together with the annual report.

3 “(4) OTHER REPORTS.—Nothing in this sub-
4 section shall be construed to preclude the Ombuds-
5 man from issuing other reports on the activities of
6 the Office of the Ombudsman.

7 “(d) CONTACT INFORMATION.—The Administrator of
8 the Transportation Security Administration shall make
9 publically available on the Internet site of the Administra-
10 tion information about the Office of the Ombudsman, in-
11 cluding regarding how to contact the Office.

12 “(e) APPROPRIATE CONGRESSIONAL COMMITTEE
13 DEFINED.—In this section the term ‘appropriate congres-
14 sional committee’ means the Committee on Homeland Se-
15 curity of the House of Representatives and any committee
16 of the House of Representatives or the Senate having leg-
17 islative jurisdiction under the rules of the House of Rep-
18 resentatives or Senate, respectively, over the matter con-
19 cerned.”.

20 (b) CLERICAL AMENDMENT.—The analysis at the be-
21 ginning of such chapter is amended by adding at the end
22 the items relating to subchapter II the following new item:

“44946. Ombudsman.”.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated for each of fiscal years
25 2014, 2015, and 2016 \$575,000 for implementing section

1 44946 of title 49, United States Code, as amended by this
2 section.

