

quash the subpoena, or for other protective relief.

Sincerely,

SEAN McLAUGHLIN,
Staff Director, Majority Side.

**COMMUNICATION FROM CHAIR OF
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM**

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Oversight and Government Reform:

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, September 22, 2015.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued by the Superior Court for the District of Columbia, purporting to require that, in connection with a particular criminal case, I produce certain official documents and appear to testify at trial on official matters.

After consultation with the Office of General Counsel, I have determined, pursuant to Rule VIII, that the subpoena (i) is not a "proper exercise of jurisdiction by the court," (ii) seeks information that is not "material and relevant," and/or (iii) is not "consistent with the privileges and rights" of the House, its Members, its officers, or its employees. Accordingly, I intend to move to quash the subpoena, or for other protective relief.

Sincerely,

JASON CHAFFETZ,
Chairman.

**COMMUNICATION FROM RANKING
MEMBER OF COMMITTEE ON
OVERSIGHT AND GOVERNMENT
REFORM**

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Sincerely,

ELIJAH E. CUMMINGS,
Ranking Member.

**PRINTING OF PROCEEDINGS HAD
DURING RECESS**

Mr. KATKO. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

**ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

**TSA OFFICE OF INSPECTION
ACCOUNTABILITY ACT OF 2015**

Mr. KATKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 434) providing for the concurrence by the House in the Senate amendment to H.R. 719, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 434

Resolved, That upon the adoption of this resolution the bill, H.R. 719, entitled "TSA Office of Inspection Accountability Act of 2015", with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "TSA Office of Inspection Accountability Act of 2015".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Consistent with Federal law and regulations, for law enforcement officers to qualify for premium pay as criminal investigators, the officers must, in general, spend on average at least 50 percent of their time investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.

(2) According to the Inspector General of the Department of Homeland Security (DHS IG), the Transportation Security Administration (TSA) does not ensure that its cadre of criminal investigators in the Office of Inspection are meeting this requirement, even though they are considered law enforcement officers under TSA policy and receive premium pay.

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

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

(4) The premium pay and other benefits afforded to TSA criminal investigators in the Office of Inspection who are incorrectly classified as such will cost the taxpayer as much as \$17 million over 5 years if TSA fails to make any changes to the number of criminal investigators in the Office of Inspection, according to the DHS IG.

(5) This may be a conservative estimate, as it accounts for the cost of Law Enforcement Availability Pay, but not the costs of law enforcement training, statutory early retirement benefits, police vehicles, and weapons.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Transportation Security Administration.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

(3) INSPECTOR GENERAL.—The term "Inspector General" means the Inspector General of the Department of Homeland Security.

SEC. 4. INSPECTOR GENERAL AUDIT.

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

(b) PROHIBITION ON HIRING.—If the Inspector General finds that such data and methods are inadequate or invalid, the Administration shall not hire any new employee to work in the Office of Inspection of the Administration until—

(1) the Assistant Secretary makes a certification described in section 5 to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Inspector General submits to such Committees a finding, not later than 30 days after the Assistant Secretary makes such certification, that the Assistant Secretary utilized adequate and valid data and methods to make such certification.

SEC. 5. TSA OFFICE OF INSPECTION WORKFORCE CERTIFICATION.

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

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

(c) PROJECTED COST SAVINGS.—

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

(2) CONTENTS.—Such estimate shall identify savings associated with the positions reclassified under subsection (b) and include, among other factors the Assistant Secretary considers appropriate, savings from—

- (A) law enforcement training;
- (B) early retirement benefits;
- (C) law enforcement availability and other premium pay; and
- (D) weapons, vehicles, and communications devices.

SEC. 6. INVESTIGATION OF FEDERAL AIR MARSHAL SERVICE MISCONDUCT.

Not later than 90 days after the date of the enactment of this Act, or as soon as practicable, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate—

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

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

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

SEC. 7. STUDY.

Not later than 180 days after the date that the Assistant Secretary submits the certification to Congress under section 5(a), the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate a study—

(1) reviewing the employee requirements, responsibilities, and benefits of criminal investigators in the TSA Office of Inspection with criminal investigators employed at agencies adhering to the Office of Personnel Management employee classification system; and

(2) identifying any inconsistencies and costs implications for differences between the varying employee requirements, responsibilities, and benefits.

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

Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate a study that—

(1) reviews the Federal Air Marshal Service's existing personnel policies and procedures for identifying misuse of Government resources; and

(2) reviews the administration of the Federal Air Marshal Service's existing code of

conduct or integrity policies with respect to instances of misconduct.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentleman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KATKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 719, the TSA Office of Inspection Accountability Act of 2015.

This bipartisan legislation will increase operational efficiency within TSA's Office of Inspection and will translate into cost savings for the American taxpayer, as articulated in a report by the Department of Homeland Security inspector general.

I am here today because I have amended this legislation to build on the good work conducted by our colleagues in the Senate and provide increased oversight of the Federal Air Marshal Service in light of ongoing issues of sexual misconduct within the agency.

The amended bill requires the DHS inspector general to report to Congress on a review of TSA's existing policies for identifying misuse of government resources within the Federal Air Marshal Service as well as TSA's strategy for addressing instances of misconduct within the Federal Air Marshal Service.

This provision has, unfortunately, become necessary, as we have learned of recent egregious examples of both alleged sexual misconduct and misuse of government resources by air marshals.

In early September of this year, I was made aware of alleged sexual misconduct by three Federal air marshals in Chicago, Illinois, which came to light through an examination of a government-issued cellular telephone due to a workman's compensation claim investigation.

The Federal Air Marshal Service self-reported that the involved employees not only utilized government-issued cellular telephones for unauthorized purposes, but hotel rooms paid for with government funds were used to engage in sexual misconduct.

I understand that managing a workforce that operates worldwide is a monumental task. But, as leaders, it is imperative that we maintain discipline in order to accomplish the overall mission of keeping our skies safe.

These and other allegations of misconduct have plagued the agency and

are devastating to the public trust, employee morale, and the high degree of integrity that must be maintained by Federal law enforcement officers charged with securing aviation and protecting acts of terrorism.

Earlier this year my subcommittee held a hearing to examine the Federal Air Marshal Service, and we plan to continue to provide rigorous oversight as TSA works to address these disturbing examples of flagrant abuse of government resources and deplorable behavior.

I wish to thank the original sponsor of this legislation, the gentleman from South Carolina (Mr. SANFORD), for his leadership on this issue as well as Chairman MCCAUL, Ranking Member THOMPSON, and Ranking Member RICE for their support.

Also, I would like to thank my colleagues in the Senate, particularly Chairman THUNE and Ranking Member NELSON, for their work in contributing to the bill and passing it through that Chamber. I look forward to working with them and working towards final passage of this bill, as amended.

I urge all Members to join me in supporting this bill.

I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 719, the TSA Office of Inspection Accountability Act of 2015.

In September 2013, the Department of Homeland Security inspector general released a report detailing the Transportation Security Administration's misclassification of certain employees in its Office of Inspection as criminal investigators.

Specifically, the inspector general found that the workload of these criminal investigators did not fit the Federal workload requirement to justify their title.

Because of this misclassification, these employees received enhanced benefits, such as premium pay, early retirement, and other benefits commensurate with the position, despite the fact that they perform little to no investigative duties.

Whereas the workload for a properly classified criminal investigator predominantly involves investigating criminal cases, the inspector general found that the workload for these employees consisted largely of investigating noncriminal cases, carrying out inspections, covert testing, and internal reviews, all tasks that could be performed by employees who do not receive the enhanced benefits.

As the ranking member of the Homeland Security Subcommittee on Oversight and Management Efficiency, I believe that it is important that agencies utilize their resources in a manner that is both effective and efficient.

According to the inspector general, the Office of Inspection did not use its resources in a manner that would efficiently conduct internal reviews, inspections, and covert testing.

If no changes are made to these positions, the inspector general estimated that it would result in the wasting of as much as \$17.5 million over 5 years.

H.R. 719 directs TSA to certify that all persons designated as criminal investigators are working on criminal investigations at least 50 percent of their time.

This threshold is consistent with the Federal standard for the position and ensures that the TSA is providing enhanced pay and benefits to those who actually perform the duties of a criminal investigator.

This measure will not affect those with the proper classification of criminal investigator and will not impede efforts to thwart terror plots and other criminal enterprises that threaten our national security.

This legislation also incorporates changes meant to address instances in which Federal Air Marshal Service officials have used their official capacities to obtain benefits from private vendors and to also address recent allegations of misconduct involving the misuse of government resources and solicitation by reviewing existing personnel and code of conduct policies.

This legislation is common sense and reflects a commitment to good government.

Mr. Speaker, if enacted, H.R. 719 will bring greater accountability to TSA's Office of Inspection. This measure will also ensure that taxpayer dollars are being used efficiently and that past abuses are not repeated.

I urge Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. KATKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again urge my colleagues to support H.R. 719.

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It is critical that we in Congress assert our oversight priorities to ensure that taxpayer dollars and government resources are being used in a responsible manner. We must make certain that our Federal employees, especially those in positions of law enforcement and significant public trust, are not misusing government resources to engage in sexual misconduct and are exhibiting the highest degree of moral fortitude.

Mr. Speaker, I urge my colleagues to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and agree to the resolution, H.R. 434.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

JACOB TRIEBER FEDERAL BUILDING, UNITED STATES POST OFFICE, AND UNITED STATES COURT HOUSE

Mr. CRAWFORD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1707) to designate the Federal building located at 617 Walnut Street in Helena, Arkansas, as the "Jacob Trieber Federal Building, United States Post Office, and United States Court House".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1707

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

SECTION 1. JACOB TRIEBER FEDERAL BUILDING, UNITED STATES POST OFFICE, AND UNITED STATES COURT HOUSE.

(a) DESIGNATION.—The Federal building located at 617 Walnut Street in Helena, Arkansas, shall be known and designated as the "Jacob Trieber Federal Building, United States Post Office, and United States Court House".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Jacob Trieber Federal Building, United States Post Office, and United States Court House".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. CRAWFORD. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1707.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1707 would designate the Federal building located at 617 Walnut Street in Helena, Arkansas, as the Jacob Trieber Federal Building, United States Post Office, and United States Court House.

Judge Trieber, a Prussian immigrant, eventually became the first Jewish Federal judge in our Nation's history. Settling in Helena, Arkansas, Judge Trieber issued rulings to protect against racial discrimination more than six decades before the Supreme Court would. For his unmatched dedication to justice, a lifetime of service, and his many landmark rulings, we seek support in renaming the Federal building in his honor.

Appointed to the United States District Court for the Eastern District of Arkansas by President McKinley in 1900, he served for 27 years and became one of the country's most distinguished jurists and renowned constitutional scholars. Working simultaneously on

more than 1,000 cases each year, Judge Trieber issued nationally important rulings on controversies that included antitrust cases, railroad litigation, prohibition cases, and mail fraud. Several of his rulings, especially the ones regarding civil rights and wildlife conservation, still have implications today.

Judge Trieber took an early interest in civil rights, especially after seeing how discrimination against Jews consumed his home country of Prussia. After the move to his new home in the United States, Arkansas became very dear to him, but the blatant racism he saw firsthand affected his outlook on life and his work even more than what he had encountered in Prussia. Judge Trieber "sought to communicate—through his own life and deeds and his commitment to equal justice—that racism was detrimental to the people of Arkansas" and that only until the State's race relations problem was solved could the "State's great potential be achieved."

Since Arkansas' judicial system alone could not prevent the commonplace violence and racism, Judge Trieber took it upon himself to fight against injustice through several landmark rulings, two of which dealt with employment discrimination. He also fought against unfair election laws, which he correctly believed were unfair to women and Blacks.

Going against conventional thought and even at risk to himself, Judge Trieber ruled against local hate groups, writing that "the rights to lease lands and to accept employment for hire are fundamental rights, inherent in every free citizen."

Although he was overruled in 1906 by the Supreme Court, the Civil Rights Act of 1964 had finally granted the comprehensive protection against racial discrimination that Judge Trieber had long sought. In 1968, the Supreme Court overturned their original ruling against Judge Trieber's interpretation, saying that his interpretation of the law was at last vindicated.

In 1927, Judge Trieber departed this life and was buried in Little Rock at Oakland Cemetery. He would never live to see the changes he fought so hard for, but by renaming the Federal building in the town he loved, we preserve his memory and acknowledge his very early role in the most important civil rights movement our Nation has ever seen.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with my colleague's endorsement of Judge Trieber's legacy as a trailblazer and champion of civil rights for all Americans.

Judge Jacob Trieber was a highly respected Federal judge in the Eastern District of Arkansas who served with distinction for 27 years. Judge Trieber