

## Union Calendar No. 385

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4803

**[Report No. 113-513]**

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

JUNE 5, 2014

Mr. SANFORD (for himself and Mr. HUDSON) (all by request): introduced the following bill; which was referred to the Committee on Homeland Security

JULY 3, 2014

Additional sponsor: Mr. MCCAUL

JULY 3, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 5, 2014]

# **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 Inspection*  
5 *Accountability Act of 2014”.*

6 **SEC. 2. FINDINGS.**

7 *Congress makes the following findings:*

8 *(1) Consistent with Federal law and regulations,*  
9 *for law enforcement officers to qualify for premium*  
10 *pay as criminal investigators, the officers must, in*  
11 *general, spend on average at least 50 percent of their*  
12 *time investigating, apprehending, or detaining indi-*  
13 *viduals suspected or convicted of offenses against the*  
14 *criminal laws of the United States.*

15 *(2) According to the Inspector General of the De-*  
16 *partment of Homeland Security (DHS IG), the*  
17 *Transportation Security Administration (TSA) does*  
18 *not ensure that its cadre of criminal investigators in*  
19 *the Office of Inspection are meeting this requirement,*  
20 *even though they are considered law enforcement offi-*  
21 *cers under TSA policy and receive premium pay.*

22 *(3) Instead, TSA criminal investigators in the*  
23 *Office of Inspection primarily monitor the results of*  
24 *criminal investigations conducted by other agencies,*  
25 *investigate administrative cases of TSA employee*

1 *misconduct, and carry out inspections, covert tests,*  
2 *and internal reviews, which the DHS IG asserts could*  
3 *be performed by employees other than criminal inves-*  
4 *tigators at a lower cost.*

5 *(4) The premium pay and other benefits afforded*  
6 *to TSA criminal investigators in the Office of Inspec-*  
7 *tion who are incorrectly classified as such will cost*  
8 *the taxpayer as much as \$17,000,000 over 5 years if*  
9 *TSA fails to make any changes to the number of*  
10 *criminal investigators in the Office of Inspection, ac-*  
11 *cording to the DHS IG.*

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

17 **SEC. 3. DEFINITIONS.**

18 *In this Act:*

19 *(1) ADMINISTRATION.—The term “Administra-*  
20 *tion” means the Transportation Security Administra-*  
21 *tion.*

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

1           (3) *INSPECTOR GENERAL.*—*The term “Inspector*  
2           *General” means the Inspector General of the Depart-*  
3           *ment 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 5545a*  
10           *of title 5, United States Code, and provide the relevant find-*  
11           *ings to the Assistant Secretary, including a finding on*  
12           *whether the data and methods are adequate and valid.*

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

18                   (1) *the Assistant Secretary makes a certification*  
19                   *described in section 5 to the Committee on Homeland*  
20                   *Security of the House of Representatives and the*  
21                   *Committee on Commerce, Science, and Transpor-*  
22                   *tation of the Senate; and*

23                   (2) *the Inspector General submits to such Com-*  
24                   *mittees a finding, not later than 30 days after the As-*  
25                   *stant Secretary makes such certification, that the*

1       *Assistant Secretary utilized adequate and valid data*  
2       *and methods to make such certification.*

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

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

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

24               *(c) PROJECTED COST SAVINGS.—*

1           (1) *IN GENERAL.*—*The Assistant Secretary shall*  
2           *estimate the total long-term cost savings to the Fed-*  
3           *eral Government resulting from the implementation of*  
4           *subsection (b), and provide such estimate to the Com-*  
5           *mittee on Homeland Security of the House of Rep-*  
6           *resentatives 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 this*  
9           *Act.*

10           (2) *CONTENTS.*—*Such estimate shall identify*  
11           *savings associated with the positions reclassified*  
12           *under subsection (b) and include, among other factors*  
13           *the Assistant Secretary considers appropriate, savings*  
14           *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 enactment*  
23           *of this Act, or as soon as practicable, the Assistant Sec-*  
24           *retary shall submit to the Committee on Homeland Security*

1 *of the House of Representatives and the Committee on Com-*  
2 *merce, Science, and Transportation of the Senate—*

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 a*  
6 *Federal firearms license by Federal Air Marshal Serv-*  
7 *ice officials to obtain discounted or free firearms for*  
8 *personal use; and*

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





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