

[Concurring in the Senate amendment to H.R. 719, the TSA Office of Inspection Accountability Act, with an amendment](#)

FLOOR SITUATION

On Thursday, September 24, 2015, the House will consider a motion to suspend the rules and concur in the Senate amendment to [H.R. 719](#), *the TSA Office of Inspection Accountability Act*, with an amendment. H.R. 719 was introduced by Rep. John Katko (R-NY) and passed the House by a vote of [414 to 0](#) on February 10, 2015. The Senate passed the bill, with an amendment, by unanimous consent on September 17, 2015.

SUMMARY

H.R. 719 requires TSA to implement changes to comply with existing federal law concerning criminal investigator positions. Specifically, the bill requires that the Department of Homeland Security (DHS) Inspector General (IG), within 60 days of the bill's enactment, to analyze and issue findings on the methods and data used by TSA to classify employees as criminal investigators.

If the IG finds that such methods and data are invalid, TSA is prohibited from hiring new employees to work in the TSA Office of Inspection until: 1) TSA certifies that only TSA employees who meet the criteria of criminal investigators are designated as such; and 2) within 30 days of TSA's certification, the IG verifies that DHS used adequate and valid data in its certification.

In addition, TSA must reclassify those employees who do not meet the criteria of criminal investigators and provide an estimate to Congress of the long-term savings that will result from the reclassification of such employees.

H.R. 719 also requires DHS to submit to Congress, not later than 90 days after enactment, any information associated with a review of cases in which Federal Air Marshal Service (FAMS) officials have improperly obtained discounted or free firearms for personal use. The bill also requires DHS to identify specific actions that will be taken to prevent Federal Air Marshals from using their official positions to engage in such activity and misuse government resources.

The Senate amendment to the House-passed bill added Section 7, which requires the DHS IG to submit to Congress a study: (1) reviewing and comparing the employee requirements, responsibilities, and benefits of criminal investigators in the TSA Office of Inspection with those of 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.

The House amendment adds Section 8 to the Senate-passed bill requiring the DHS IG to submit to Congress a study that: (1) reviews the FAMS's existing personnel policies and procedures for identifying misuse of government resources; and (2) reviews the administration of the FAMS's existing code of conduct of integrity policies with respect to instances of misconduct. The House amendment also requires TSA to provide Congress information on specific actions that will be taken to prevent the Federal Air Marshal Service from misusing government resources.

BACKGROUND

TSA's Office of Inspection is responsible for investigating allegations of criminal and administrative misconduct among TSA employees, and conducting inspections and covert testing of TSA operations. To qualify for premium pay as criminal investigators, federal employees must generally spend at least fifty percent of their time investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.¹ According to the DHS IG, the TSA has failed to ensure its officers who are designated as criminal investigators in the TSA Office of Inspection meet this criteria.² The pay and benefits associated with the incorrectly classified TSA officers could cost as much as \$17 million in federal funds over five years, according to the DHS IG.³

COST

The Congressional Budget Office (CBO) [estimates](#) that complying with the bill's reporting requirements would cost less than \$500,000 and would be subject to the availability of appropriated funds. H.R. 719 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

STAFF CONTACT

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee by email or at 5-0190.

¹ H.R. 719, Sec. 2(1).

² Id. at Sec. 2(2).

³ Id. at Sec. 2(4).