

# Union Calendar No. 181

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1165

**[Report No. 112-270]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2011

Ms. JACKSON LEE of Texas (for herself, Ms. SPEIER, Mr. THOMPSON of Mississippi, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Homeland Security

NOVEMBER 4, 2011

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 italic]

[For text of introduced bill, see copy of bill as introduced on March 17, 2011]

# **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 Security*  
5 *Administration Ombudsman Act of 2011”.*

6 **SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION OM-**  
7 **BUDSMAN OFFICE.**

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

11 **“§ 44946. Ombudsman**

12 **“(a) IN GENERAL.—**

13 **“(1) ESTABLISHMENT.—There is established an**  
14 **Office of the Ombudsman in the Transportation Secu-**  
15 **rity Administration.**

16 **“(2) OMBUDSMAN.—**

17 **“(A) IN GENERAL.—The Office shall be**  
18 **under the direction of the Ombudsman of the**  
19 **Transportation Security Administration, who**  
20 **shall be appointed by the Chief Human Capital**  
21 **Officer of the Department of Homeland Security**  
22 **on behalf of the Secretary of Homeland Security.**

23 **“(B) QUALIFICATIONS.—An individual ap-**  
24 **pointed as the Ombudsman must have expertise**  
25 **in—**

1                   “(i) labor and employment relations  
2                   with Federal agencies; and

3                   “(ii) dispute resolution.

4                   “(C) NOTIFICATION OF APPOINTMENT AND  
5                   REMOVAL.—The Chief Human Capital Officer of  
6                   the Department of Homeland Security shall no-  
7                   tify the appropriate congressional committees  
8                   within 30 days after the effective date of any of  
9                   the following actions:

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

12                   “(ii) The reappointment as Ombuds-  
13                   man of an individual who is serving as  
14                   Ombudsman.

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

17                   “(3) ENSURING INDEPENDENCE OF OMBUDS-  
18                   MAN.—

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

21                   “(i) to the Administrator of the Trans-  
22                   portation Security Administration; and

23                   “(ii) to the Chief Human Capital Offi-  
24                   cer of the Department of Homeland Secu-  
25                   rity with respect to any dispute between the

1            *Ombudsman and the Administrator of*  
2            *Transportation Security Administration*  
3            *over matters involving the execution of the*  
4            *Ombudsman’s duties as set forth in sub-*  
5            *section (b).*

6            “(B) *INSPECTOR GENERAL’S AUTHORITY TO*  
7            *CONDUCT INVESTIGATIONS NOT AFFECTED.—*  
8            *Nothing in this section shall prohibit the Inspec-*  
9            *tor General of the Department of Homeland Se-*  
10           *curity from initiating, carrying out, or com-*  
11           *pleting any investigation.*

12           “(b) *DUTIES.—The Ombudsman shall—*

13                      “(1) *conduct outreach to Transportation Secu-*  
14           *riety Administration employees, including publicizing*  
15           *a toll-free telephone number to report complaints;*

16                      “(2) *evaluate each complainant’s claim objec-*  
17           *tively;*

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

22                      “(4) *inform each complainant—*

23                                 “(A) *when the Ombudsman decides against*  
24           *conducting a fact-finding inquiry into the com-*  
25           *plaint;*

1           “(B) on the status of the Ombudsman’s fact-  
2           finding inquiry to the complainant, on a regular  
3           basis if requested by the complainant; and

4           “(C) of the Ombudsman’s recommendations  
5           and information, as appropriate, for the com-  
6           plainant to formally complain to the appro-  
7           priate authority;

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

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

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

17          “(c) ANNUAL REPORT.—

18                 “(1) IN GENERAL.—The Ombudsman shall report  
19                 no later than September 30 each year to the appro-  
20                 priate congressional committees on the actions taken  
21                 by the Office of the Ombudsman over the preceding  
22                 year and the objectives of those actions.

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

1           “(A) statistical information, by region, on  
2           the volume of complaints received, general nature  
3           of complaints, general information on complain-  
4           ants, and the percentage of complaints that re-  
5           sulted in a fact-finding inquiry;

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

10           “(C) policy recommendations that the Office  
11           of the Ombudsman made to the Administrator of  
12           the Transportation Security Administration;

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

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

19           “(F) such other information as the Ombuds-  
20           man considers relevant.

21           “(3) *REPORT TO BE SUBMITTED DIRECTLY.*—  
22           Each report under this subsection shall be provided  
23           directly to the committees described in paragraph (1)  
24           without any prior comment or amendment by the Ad-  
25           ministrator of the Transportation Security Adminis-

1 *tration. However, the Ombudsman shall seek comment*  
2 *from the Administrator to be submitted by the Om-*  
3 *budsman together with the annual report.*

4 “(4) *OTHER REPORTS.*—*Nothing in this sub-*  
5 *section shall be construed to preclude the Ombudsman*  
6 *from issuing other reports on the activities of the Of-*  
7 *fice of the Ombudsman.*

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

13 “(e) *APPROPRIATE CONGRESSIONAL COMMITTEE DE-*  
14 *FINED.*—*In this section the term ‘appropriate congressional*  
15 *committee’ means the Committee on Homeland Security of*  
16 *the House of Representatives and any committee of the*  
17 *House of Representatives or the Senate having legislative*  
18 *jurisdiction under the rules of the House of Representatives*  
19 *or Senate, respectively, over the matter concerned.”.*

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 2012,*



1 2013, and 2014 \$575,000 for implementing section 44946  
2 of title 49, United States Code, as amended by this section.

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