

112TH CONGRESS
1ST SESSION

H. R. 1165

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

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Transportation Security Administration Ombudsman Act of 2011”.

4 **SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION OMBUDSMAN OFFICE.**

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

9 **“§ 44946. Ombudsman**

10 “(a) IN GENERAL.—

11 “(1) ESTABLISHMENT.—There is established an Office of the Ombudsman in the Transportation Security Administration.

14 “(2) OMBUDSMAN.—

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

22 “(B) QUALIFICATIONS.—An individual may not be appointed as the Ombudsman unless the individual has demonstrated expertise in—

1 “(i) labor and employment relations;

2 and

3 “(ii) dispute resolution.

4 “(C) VACANCIES.—If a vacancy occurs in
5 the position of Ombudsman, the Chief Human
6 Capital Officer of the Department of Homeland
7 Security shall appoint an individual as Ombuds-
8 man by not later than 120 days after the date
9 the vacancy first occurs.

10 “(D) NOTIFICATION OF APPOINTMENT
11 AND REMOVAL.—The Chief Human Capital Of-
12 ficer of the Department of Homeland Security
13 shall notify the appropriate congressional com-
14 mittees within 30 days after the effective date
15 of any of the following actions:

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

18 “(ii) The reappointment as Ombuds-
19 man of an individual who is serving as
20 Ombudsman.

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

23 “(3) ENSURING INDEPENDENCE OF OMBUDS-
24 MAN.—

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

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

6 “(ii) to the Chief Human Capital Offi-
7 cer of the Department of Homeland Secu-
8 rity with respect to any dispute between
9 the Ombudsman and the Administrator of
10 Transportation Security Administration
11 over matters involving the execution of the
12 Ombudsman’s duties as set forth in sub-
13 section (b).

14 “(B) INSPECTOR GENERAL’S AUTHORITY
15 TO CONDUCT INVESTIGATIONS NOT AF-
16 FECTED.—Nothing in this section shall prohibit
17 the Inspector General of the Department of
18 Homeland Security from initiating, carrying
19 out, or completing any investigation.

20 “(4) REGIONAL OMBUDSMEN.—

21 “(A) IN GENERAL.—The Ombudsman shall
22 ensure that each of the Transportation Security
23 Administration regions has a regional ombuds-
24 man and that no regional ombudsman is re-
25 sponsible for more than three regions.

1 “(B) APPOINTMENT.—The regional om-
2 budsman shall be appointed by and serve at the
3 discretion of the Ombudsman.

4 “(C) MEETINGS WITHIN REGIONS.—Each
5 regional ombudsman shall travel not less than
6 once each calendar quarter to each region for
7 which he or she is appointed, to meet with
8 Transportation Security Administration employ-
9 ees in that region.

10 “(b) DUTIES.—The Ombudsman shall—

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

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

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

20 “(4) inform each complainant—

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

24 “(B) on the status of the Ombudsman’s
25 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) APPROPRIATE CONGRESSIONAL COMMITTEE
8 DEFINED.—In this section the term ‘appropriate congres-
9 sional committee’ means the Committee on Homeland Se-
10 curity of the House of Representatives and any committee
11 of the House of Representatives or the Senate having leg-
12 islative jurisdiction under the rules of the House of Rep-
13 resentatives or Senate, respectively, over the matter con-
14 cerned.”.

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

“44946. Ombudsman.”.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated for fiscal years 2012,
20 2013, and 2014 such sums as are necessary for imple-
21 menting section 44946 of title 49, United States Code,
22 as amended by this section.

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