

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1165
OFFERED BY MS. JACKSON LEE OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Transportation Secu-
3 rity Administration Ombudsman Act of 2011”.

**4 SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION OM-
5 BUDSMAN OFFICE.**

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

9 “§ 44946. Ombudsman

10 “(a) IN GENERAL.—

11 “(1) ESTABLISHMENT.—There is established an
12 Office of the Ombudsman in the Transportation Se-
13 curity Administration.

14 “(2) OMBUDSMAN.—

15 “(A) IN GENERAL.—The Office shall be
16 under the direction of the Ombudsman of the
17 Transportation Security Administration, who
18 shall be appointed by the Chief Human Capital

1 Officer of the Department of Homeland Secu-
2 rity on behalf of the Secretary of Homeland Se-
3 curity.

4 “(B) QUALIFICATIONS.—An individual ap-
5 pointed as the Ombudsman must have expertise
6 in—

7 “(i) labor and employment relations
8 with Federal agencies; and

9 “(ii) dispute resolution.

10 “(C) NOTIFICATION OF APPOINTMENT AND
11 REMOVAL.—The Chief Human Capital Officer
12 of the Department of Homeland Security shall
13 notify the appropriate congressional committees
14 within 30 days after the effective date of any of
15 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 “(b) DUTIES.—The Ombudsman shall—

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

24 “(2) evaluate each complainant’s claim objec-
25 tively;

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

5 “(4) inform each complainant—

6 “(A) when the Ombudsman decides against
7 conducting a fact-finding inquiry into the com-
8 plaint;

9 “(B) on the status of the Ombudsman’s
10 fact-finding inquiry to the complainant, on a
11 regular basis if requested by the complainant;
12 and

13 “(C) of the Ombudsman’s recommenda-
14 tions and information, as appropriate, for the
15 complainant to formally complain to the appro-
16 priate authority;

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

20 “(6) maintain confidential any matter related to
21 complaints and inquiries, including the identities of
22 the complainants and witnesses; and

23 “(7) submit an annual report to the appropriate
24 congressional committees in accordance with sub-
25 section (c).

1 “(c) ANNUAL REPORT.—

2 “(1) IN GENERAL.—The Ombudsman shall re-
3 port no later than September 30 each year to the
4 appropriate congressional committees on the actions
5 taken by the Office of the Ombudsman over the pre-
6 ceding year and the objectives of those actions.

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

9 “(A) statistical information, by region, on
10 the volume of complaints received, general na-
11 ture of complaints, general information on com-
12 plainants, and the percentage of complaints
13 that resulted in a fact-finding inquiry;

14 “(B) a summary of problems encountered
15 by complainants, including information on the
16 most pervasive or serious types of problems en-
17 countered by complainants;

18 “(C) policy recommendations that the Of-
19 fice of the Ombudsman made to the Adminis-
20 trator of the Transportation Security Adminis-
21 tration;

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

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

4 “(F) such other information as the Om-
5 budsman considers relevant.

6 “(3) REPORT TO BE SUBMITTED DIRECTLY.—

7 Each report under this subsection shall be provided
8 directly to the committees described in paragraph
9 (1) without any prior comment or amendment by the
10 Administrator of the Transportation Security Ad-
11 ministration. However, the Ombudsman shall seek
12 comment from the Administrator to be submitted by
13 the Ombudsman together with the annual report.

14 “(4) OTHER REPORTS.—Nothing in this sub-
15 section shall be construed to preclude the Ombuds-
16 man from issuing other reports on the activities of
17 the Office of the Ombudsman.

18 “(d) APPROPRIATE CONGRESSIONAL COMMITTEE
19 DEFINED.—In this section the term ‘appropriate congres-
20 sional committee’ means the Committee on Homeland Se-
21 curity of the House of Representatives and any committee
22 of the House of Representatives or the Senate having leg-
23 islative jurisdiction under the rules of the House of Rep-
24 resentatives or Senate, respectively, over the matter con-
25 cerned.”.

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

“44946. Ombudsman.”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated for each of fiscal years
6 2012, 2013, and 2014 \$575,000 for implementing section
7 44946 of title 49, United States Code, as amended by this
8 section.

