

50 percent of their time investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.

(2) According to the Inspector General of the Department of Homeland Security (DHS IG), the Transportation Security Administration (TSA) does not ensure that its cadre of criminal investigators in the Office of Inspection are meeting this requirement, even though they are considered law enforcement officers under TSA policy and receive premium pay.

(3) Instead, TSA criminal investigators in the Office of Inspection primarily monitor the results of criminal investigations conducted by other agencies, investigate administrative cases of TSA employee misconduct, and carry out inspections, covert tests, and internal reviews, which the DHS IG asserts could be performed by employees other than criminal investigators at a lower cost.

(4) The premium pay and other benefits afforded to TSA criminal investigators in the Office of Inspection who are incorrectly classified as such will cost the taxpayer as much as \$17 million over 5 years if TSA fails to make any changes to the number of criminal investigators in the Office of Inspection, according to the DHS IG.

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

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the Transportation Security Administration.

(2) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

(3) INSPECTOR GENERAL.—The term “Inspector General” means the Inspector General of the Department of Homeland Security.

#### SEC. 4. INSPECTOR GENERAL AUDIT.

(a) AUDIT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General shall analyze the data and methods that the Assistant Secretary uses to identify Office of Inspection employees of the Administration who meet the requirements of sections 8331(20), 8401(17), and 5545a of title 5, United States Code, and provide the relevant findings to the Assistant Secretary, including a finding on whether the data and methods are adequate and valid.

(b) PROHIBITION ON HIRING.—If the Inspector General finds that such data and methods are inadequate or invalid, the Administration shall not hire any new employee to work in the Office of Inspection of the Administration until—

(1) the Assistant Secretary makes a certification described in section 5 to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Inspector General submits to such Committees a finding, not later than 30 days after the Assistant Secretary makes such certification, that the Assistant Secretary utilized adequate and valid data and methods to make such certification.

#### SEC. 5. TSA OFFICE OF INSPECTION WORKFORCE CERTIFICATION.

(a) CERTIFICATION TO CONGRESS.—The Assistant Secretary shall, by not later than 90 days after the date the Inspector General provides its findings to the Assistant Secretary under section 4(a), document and certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that only those Office of Inspection employees of the Administration who meet the requirements of sections 8331(20), 8401(17), and 5545a of

title 5, United States Code, are classified as criminal investigators and are receiving premium pay and other benefits associated with such classification.

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

(c) PROJECTED COST SAVINGS.—

(1) IN GENERAL.—The Assistant Secretary shall estimate the total long-term cost savings to the Federal Government resulting from the implementation of subsection (b), and provide such estimate to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by not later than 180 days after the date of enactment of this Act.

(2) CONTENTS.—Such estimate shall identify savings associated with the positions reclassified under subsection (b) and include, among other factors the Assistant Secretary considers appropriate, savings from—

- (A) law enforcement training;
- (B) early retirement benefits;
- (C) law enforcement availability and other premium pay; and
- (D) weapons, vehicles, and communications devices.

#### SEC. 6. INVESTIGATION OF FEDERAL AIR MARSHAL SERVICE MISCONDUCT.

Not later than 90 days after the date of the enactment of this Act, or as soon as practicable, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) materials in the possession or control of the Department of Homeland Security associated with the Office of Inspection’s review of instances in which Federal Air Marshal Service officials obtained discounted or free firearms for personal use; and

(2) information on specific actions that will be taken to prevent Federal Air Marshal Service officials from using their official positions, or exploiting, in any way, the Service’s relationships with private vendors to obtain discounted or free firearms for personal use.

#### SEC. 7. STUDY.

Not later than 180 days after the date that the Assistant Secretary submits the certification to Congress under section 5(a), the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study—

(1) reviewing the employee requirements, responsibilities, and benefits of criminal investigators in the TSA Office of Inspection with 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.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Thune amendment to the committee-reported substitute amendment be agreed to, that the substitute amendment, as amended, be agreed to, that the bill, as amended, be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2666) was agreed to, as follows:

(Purpose: To require the Assistant Secretary to submit certain materials and information to the Committee on the Judiciary of the Senate and the Inspector General of the Department of Homeland Security to submit a study to the Committee on Homeland Security and Governmental Affairs of the Senate)

On page 12, line 11, insert “and the Committee on the Judiciary” after “Transportation”.

On page 13, line 4, insert “and the Committee on Homeland Security and Governmental Affairs” after “Transportation”.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 719), as amended, was passed.

#### ORDERS FOR MONDAY, SEPTEMBER 21, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, September 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 36.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 21, 2015, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Monday, September 21, 2015, at 2 p.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 2015:

##### DEPARTMENT OF JUSTICE

MICHAEL C. MCGOWAN, OF DELAWARE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF DELAWARE, FOR THE TERM OF FOUR YEARS.

##### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2015.

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2018.

WILLIAM JOSEPH HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2015.

WILLIAM JOSEPH HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2018.