

**Statement for the Record**

**American Federation of Government Employees, AFL-CIO**

**Provided to the**

**House Homeland Security Committee**

**Subcommittee on Transportation and Maritime Security**

**Hearing on America on the Global Stage: Examining Efforts to Secure and Improve the**

**U.S. Travel System for Significant International Events**

**April 8, 2025**

Chairman Gimenez, Ranking Member McIver, Chairman Green, Ranking Member Thompson and Members of the Homeland Security Committee: My name is Everett B. Kelley and I am the National President of the American Federation of Government Employees (AFGE), AFL-CIO. On behalf of the over 820,000 federal and District of Columbia workers represented by our union, including over 47,000 Transportation Security Officers (TSOs) as of February 26, I appreciate the opportunity to offer testimony at today's hearing before the Subcommittee on Transportation and Maritime Security, "America on the Global Stage: Examining Efforts to Secure and Improve the U.S. Travel System for Significant International Events." The recent unilateral rescission of the collective bargaining agreement between AFGE and the Transportation Security Administration (TSA) has created an unprecedented crisis for the TSO workforce at a time when our nation's transportation security system faces increasing challenges. This decision not only violates the Administrative Procedure Act and is a clear form of retaliation in violation of the First Amendment, but also threatens to undermine our aviation security and the recovery of America's travel economy, as we prepare for significant international events, including America's 250<sup>th</sup> birthday, the 2026 FIFA World Cup and the 2028 Summer Olympic and Paralympic Games.

**Background**

For over twenty years, AFGE has represented TSOs at airports nationwide, with union membership remaining completely voluntary throughout this period. Following the establishment of the Transportation Security Administration after September 11, 2001, a framework for collective bargaining gradually evolved to balance the needs of management and the workforce. In February 2011, after careful consideration of TSA's mission requirements and consultation with stakeholders, then-Administrator John Pistole established a framework for "genuine, binding collective bargaining" for TSOs, recognizing that labor rights could be compatible with the agency's mission. This decision came after thoughtful evaluation of workforce data and listening to the perspectives of TSOs, federal security directors, management, and union representatives to ensure that collective bargaining would support rather than hinder TSA's

mission. This milestone represented a significant recognition that respecting workers' rights and ensuring transportation security are complementary, not contradictory goals.

In June 2011, TSOs elected AFGE as their exclusive representative, establishing a labor-management relationship that would endure across multiple administrations, both Democratic and Republican. Our first collective bargaining agreement, signed in November 2012, established new award programs for employees, improved processes for bidding on shifts and leave, and created new policies governing uniforms that balanced professional requirements with officer comfort and practicality. Subsequent agreements in 2016 and 2020 built upon these foundations, gradually expanding the scope of bargaining while maintaining TSA's operational flexibility. In December 2022, Administrator David P. Pekoske further extended bargaining rights to more closely align with standard federal sector labor relations “to the same extent as permitted under Chapter 71 of Title 5,” reflecting the agency's growing recognition of the value of meaningful collective bargaining. This evolution demonstrated that collective bargaining at TSA could mature and strengthen across different administrations, proving that labor rights and government excellence are not mutually exclusive.

### **The 2024 Collective Bargaining Agreement and Its Abrupt Termination**

The 2024 Collective Bargaining Agreement, which became effective on May 24, 2024, represented the culmination of years of evolving labor relations at TSA and was structured with a seven-year term to provide long-term stability for both the workforce and the agency. This agreement represented significant advancements in addressing workplace concerns while ensuring TSA maintained the flexibility needed to fulfill its security mission. The contract included provisions for fair shift assignments, transparent leave policies, objective performance evaluation standards, and equitable disciplinary procedures – all fundamental elements of a productive and stable workplace. The agreement's seven-year duration reflected confidence in the maturity of the labor-management relationship and a commitment to stability and predictability in working conditions for the TSO workforce. Additionally, the agreement permitted limited midterm bargaining to address emerging issues, creating a flexible framework that could adapt to changing mission needs while preserving essential worker protections.

On February 27, 2025, without warning or consultation, Secretary of Homeland Security Kristi Noem signed a memorandum that specifically targeted AFGE by name and unilaterally rescinded the 2024 collective bargaining agreement. The memorandum made unsupported allegations that AFGE was harming TSOs and declared the nine month-old agreement non-binding and rescinded without any factual justification. Secretary Noem's directive went beyond merely terminating the contract – it revoked AFGE's status as the exclusive representative of TSOs, eliminated all collective bargaining rights and obligations, and stripped AFGE of all rights as the union representing TSO's. Approximately one week later, TSA informed AFGE of this decision and simultaneously announced it publicly, making demonstrably false claims about AFGE's use of official time and baselessly asserting that our union “did not represent or protect” its members' interests. This extraordinary action came with no identified breach of contract or change in circumstances that could justify such a drastic measure, raising serious concerns about its true motivations.

## **Impact on Transportation Security and Workforce Stability**

The rescission of the 2024 CBA has created immediate uncertainty for over 47,000 TSOs who relied on its protections for basic workplace fairness and predictability. Without established procedures for shift bidding, leave approval, and performance evaluation, TSOs now face arbitrary and unpredictable working conditions that undermine morale and job satisfaction at a time when their focus should be entirely on security operations. The elimination of negotiated grievance procedures has removed an essential mechanism for resolving workplace disputes fairly and efficiently, leaving TSOs vulnerable to potentially arbitrary management decisions without recourse. These conditions will create unnecessary stress and anxiety among the workforce, leading to decreased job satisfaction and ultimately higher turnover rates among the TSO workforce. There is currently a very high level of anxiety within the TSO workforce and many TSOs are fearful they will be targeted for being an AFGE member or an officer for their local. The potential loss of experienced TSOs represents a direct threat to our aviation security capabilities, as these officers possess invaluable institutional knowledge and screening expertise that cannot be quickly replaced by new TSOs or machines.

## **Consequences for Aviation Security and Global Events**

The timing of this disruption could not be more concerning as the United States prepares to host in several major international events in the coming years, including the 2025 Ryder Cup, America's 250<sup>th</sup> birthday, the 2026 FIFA World Cup, and the 2028 Summer Olympic and Paralympic Games, that will significantly increase demands on our aviation security system.

The anticipated surge in international travelers will require a fully staffed, experienced, and motivated TSO workforce operating at maximum effectiveness to ensure security while managing increased passenger volumes. Workforce instability resulting from the CBA rescission threatens to compromise screening consistency and thoroughness during this critical period when heightened security vigilance is essential for both safety and America's global reputation as a premier destination for international travelers. The elimination of established work rules introduces unnecessary operational variability at a time when standardization and predictability are most needed to handle increased passenger volumes efficiently while maintaining rigorous security standards. This disruption to labor relations and wanton display of disrespect to the workforce at TSA represents a self-inflicted wound to our nation's transportation security readiness at a time when we can least afford it.

## **Recommendations for Congressional Action**

Congress must consider legislative action to clarify and strengthen the collective bargaining rights of Transportation Security Officers to prevent similar unilateral actions in the future. AFGE greatly appreciates Ranking Member Thompson and Ranking Member McIver for reintroducing the Rights for the TSA Workforce Act (H.R. 2086) on March 11. This legislation, when enacted into law, will provide permanence and predictability of the statutory rights and protections of title 5 of the U.S. Code, the fairness of negotiated grievance and arbitration provisions, and U.S. Merit Systems Protection Board appeal rights that are currently lacking in the work lives of the TSO workforce. The Rights for the TSA Workforce Act is bipartisan

legislation, supported by both Republicans and Democrats. AFGE urges the Homeland Security Committee to consider this legislation as soon as possible.

In addition, Congress needs to pass legislation that would reinstate TSOs' collective bargaining agreement immediately. Ranking Member Thompson and Ranking Member McIver offered legislation as an amendment to the Full-Year Continuing Appropriations and Extensions Act (H.R. 1968) last month that would prevent funds being made available unless the Department of Homeland Security rescinds the February 27 publication "Supporting the TSA Workforce by Removing a Union That Harms Transportation Security Officers" and replace it with the 2024 collective bargaining agreement that TSA made with AFGE. AFGE thanks Ranking Member Thompson and Ranking Member McIver for their leadership and urges Congress to take up this legislation immediately to reinstate TSOs' collective bargaining agreement and make clear that Congress stands with America's public service officers and ensuring there are no negative impacts to aviation security.

Furthermore, AFGE urges Congress to immediately exercise its oversight authority to examine the legal basis and factual justifications for Secretary Noem's decision to rescind the 2024 CBA. This investigation should include public hearings where TSA and DHS officials explain the timing, rationale, and legal authority for this unprecedented action against a binding contract. The oversight process should also examine the specific allegations made against AFGE in Secretary Noem's memorandum and the public announcement, requiring DHS to provide evidence to support claims that our union was harming TSOs or failing to represent their interests. These oversight activities are essential to ensure transparency and accountability for a decision impacting both aviation security and the rights of over 47,000 federal employees.

## **Conclusion**

The rescission of the 2024 Collective Bargaining Agreement represents an unprecedented attack on the rights of Transportation Security Officers and threatens to undermine aviation security at a critical time for our nation. The men and women who serve as TSOs perform vital functions in protecting our nation's transportation systems from threats and deserve to be treated with dignity and respect, including by honoring binding workplace agreements negotiated on their behalf. AFGE remains committed to fighting for the rights of TSOs through all available legal and legislative means and stands ready to work with Congress to find solutions that respect workers' rights while ensuring effective transportation security. As Congress examines efforts to secure and improve the U.S. travel system and prepare for significant international events, addressing this urgent issue needs to be a priority. The stability and effectiveness of our nation's transportation security system depend on a motivated, experienced workforce operating under fair and predictable conditions of employment—conditions that were provided by the very agreement that has been unlawfully rescinded.

Thank you for holding today's hearing and for the opportunity to speak on behalf of the TSO workforce represented by AFGE. I am prepared to answer any questions the subcommittee may have.