



COMMITTEE ON HOMELAND SECURITY

Ranking Member Bennie G. Thompson

H.R. 8370, the *Rights for the Transportation Security Administration Workforce Act of 2024*

As Introduced by Representative Bennie G. Thompson (D-MS)

Original Cosponsors in the 118th Congress: Rep. Jamie Raskin (D-MD), Rep. Rosa DeLauro (D-CT), Rep. Shri Thanedar (D-MI), Rep. Lauren Underwood (D-IL), Rep. Sheila Jackson Lee (D-TX), Rep. Eric Swalwell (D-CA), Rep. Lou Correa (D-CA), Rep. Brian Fitzpatrick (R-PA), Rep. Jeff Van Drew (R-NJ), Rep. Lori Chavez-DeRemer (R-OR), Rep. Nicole Malliotakis (R-NY), Rep. Andrew Garbarino (R-NY), Rep. Mike Bost (R-IL), Rep. Marcus Molinaro (R-NY), Rep. Don Bacon (R-NE)

Following the terrorist attacks on September 11, 2001, Congress enacted the Aviation and Transportation Security Act (ATSA) (Public Law 107-71) on November 19, 2001, which created the Transportation Security Administration (TSA) and required that security screening at all airports of passengers and their property be federalized. At the time, Congress provided the TSA Administrator with broad authority to employ, appoint, discipline, terminate, and fix the compensation for its workforce, including Transportation Security Officers (TSOs). Today, TSOs and other TSA workers are Federal employees serving on the frontlines of aviation security, but they are not provided in statute the basic civil service rights and protections afforded to other Federal workers under Title 5 of the U.S. Code. Among the Title 5 rights not conferred to the TSA workforce in statute are full collective bargaining rights and rights to appeal adverse actions to the independent Merit Systems Protection Board. TSA employees are also denied access to the General Schedule pay system regulated by Title 5.

In recent years, TSA employees have secured improvements through administrative actions and congressional appropriations. In 2011, TSA allowed TSOs—who make up more than 75% of TSA’s workforce—to elect a union and collectively bargain over a limited set of issues. In 2021, the Biden-Harris Administration announced a plan to provide pay, collective bargaining rights, and third-party disciplinary appeal rights mirroring those provided under Title 5 to TSA employees through administrative action. Congress fully funded pay raises, expanded collective bargaining, and third-party appeal rights starting in the fourth quarter of Fiscal Year 2023. These improvements for the TSA workforce have already had a dramatic effect on TSA’s ability to recruit and retain employees, as attrition has dropped nearly in half.

The **Rights for the Transportation Security Administration Workforce Act of 2024** would further enhance TSA’s security operations by applying the personnel system of Title 5 of the U.S. Code to TSA employees, providing statutory permanence to recent improvements. Specifically, under the bill, authority granted to TSA to establish or modify a TSA personnel management system would be terminated, and the Secretary of Homeland Security would be directed, within 90 days of enactment, to suspend TSA personnel policies, directives, letters and guidelines and move toward conversion of

the TSA workforce to the Title 5 personnel system in a manner that is mindful of tenure and status, particularly with respect to leave, pay, group life insurance, health insurance, and severance pay. Additionally, the bill includes protections to ensure that pay for employees is not reduced due to the transition to the Title 5 personnel system.

The **Rights for the Transportation Security Administration Workforce Act of 2024** sets a transition period for grievance procedures and would provide TSA employees the opportunity to have existing grievances addressed under the guidelines pursuant to Title 5 of the U.S. Code or continued within TSA.

The **Rights for the Transportation Security Administration Workforce Act of 2024** specifically directs the Secretary of Homeland Security to consult with the labor organization certified by the Federal Labor Relations Authority as the exclusive representative for the TSO workforce, within 7 days of enactment, on the formulation of plans and deadlines to carry out the conversion the workforce. The bill instructs the Secretary of Homeland Security to consider the views or recommendations of the labor organization before taking final action on any aspect of the conversion plan. The bill specifies that covered employees may still choose to select a different labor organization as their exclusive representative.

Finally, the **Rights for the Transportation Security Administration Workforce Act of 2024** clarifies that nothing in the Act should be considered to alter the prohibition on the TSO workforce striking.