



COMMITTEE ON HOMELAND SECURITY

H.R. 3394, The “Fund the TSA Act” As Introduced by Ranking Member Bennie G. Thompson

Endorsed by Airports Council International-North America (ACI-NA), the American Federation of Government Employees (AFGE), the Air Marshal Association (AMA), and the Association of Flight Attendants-CWA (AFA-CWA)

The “Fund the TSA Act” would right-size the budget of the Transportation Security Administration (TSA) and set the agency on a sustainable path for the future. The bill would address major budget shortfalls that have built up over more than two decades—mostly on the backs of TSA’s frontline workers, who are paid 30% less than peers across government.

Following the terrorist attacks on September 11, 2001, Congress enacted the Aviation and Transportation Security Act (ATSA) (Public Law 107-71) which established TSA. The law granted the TSA Administrator with broad authority to employ, appoint, discipline, terminate, and fix the compensation for its workforce which includes Transportation Security Officers, Federal Air Marshals, canine handlers, and other security employees. The personnel system TSA developed in its earliest days failed to provide workers with the fair pay, regular salary increases, collective bargaining rights, or access to disciplinary appeals processes available to most other Federal workers. Over more than two decades, the disparities between TSA’s workforce and other Federal workers have only grown, and one of the Federal government’s most diverse workforces remains one of its most undervalued. As a result, TSA struggles with low pay, low morale, and high attrition—all of which undermines TSA’s ability to carry out its important security mission.

ATSA also established a Passenger Security Fee to be included in each airline ticket purchase to help pay for the costs of aviation security. However, the security fees have not kept pace with inflation and, today, are insufficient to fund a majority of TSA’s activities. To make matters worse, the *Bipartisan Budget Act of 2013* diverted approximately one-third of Passenger Security Fee collections to the general treasury to offset unrelated government spending, and the *Bipartisan Budget Act of 2018* extended the diversion of funds through fiscal year (FY) 2027. Currently, \$6.48 billion is expected to be diverted from aviation security through FY 2027 unless current law is changed.

For more than 15 years, Ranking Member Bennie G. Thompson and other congressional Democrats have led the charge to address these issues, starting with language in the

Implementing Recommendations of the 9/11 Commission Act of 2007 that, because of then-President Bush's strong objections, was ultimately cut prior to enactment. In 2021, the Biden-Harris Administration announced major initiatives to provide the TSA workforce with fair pay and labor rights. Democrats in Congress funded these initiatives through the *Consolidated Appropriations Act of 2023* for one quarter of FY 2023, starting in July 2023. To continue these initiatives for a full year, the President's FY 2024 budget request proposes ending fee diversions but seeks cuts to critical security programs, such as airport law enforcement and canine reimbursements, and a scaling down of investments in important passenger checkpoint security technologies. Congress must act to avoid devastating cuts to workers' pay and labor rights and invest in fundamental aviation security programs and technologies.

The "Fund the TSA Act" would ensure TSA has the funding necessary to provide fair pay and labor rights for TSA workers for the full year. It would also provide sustaining funding for vital airport law enforcement and canine programs and accelerating procurement and deployment of critical screening technologies. To fund these priority areas, the bill ends the diversion of portions of Passenger Security Fee collections, makes a modest increase to the fee, and indexes the fee to inflation to provide a longterm solution to TSA's budget shortfalls.

The "Fund the TSA Act" would do the following:

- End the diversion of portions of Passenger Security Fee collections to the general treasury and return all fee collections to TSA for security operations;
- Increase the Passenger Security Fee by \$2 per one-way trip;
- Index the Passenger Security Fee to inflation going forward;
- Provide \$1.14 billion in fiscal year 2024 to annualize pay increases and the provision of full collective bargaining and disciplinary appeal rights for frontline workers;
- Fund \$250 million for checkpoint security technologies such as Computed Tomography machines for each of the next five years; and
- Set aside \$130 million in fiscal year 2024 for airport security programs providing law enforcement presence, explosive detection canine coverage, and exit lane security technologies.

The "Fund the TSA Act" would enable TSA to continue to secure airline travel as passenger volume continues to increase and surpass pre-pandemic levels. With passengers returning to the skies in full force and airlines recovering from the challenges of the COVID-19 pandemic, Congress must make appropriate investments in TSA to ensure the continued security of the U.S. aviation system.