..... (Original Signature of Member)

119TH CONGRESS 1ST SESSION



To enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on _____

A BILL

- To enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

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1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Rights for the Trans3 portation Security Administration Workforce Act" or the
4 "Rights for the TSA Workforce Act".

5 SEC. 2. DEFINITIONS.

6 In this Act—

7 (1) the term "2022 Determination" means the
8 publication, entitled "Determination on Transpor9 tation Security Officers and Collective Bargaining",
10 issued on December 30, 2022, by Administrator
11 David P. Pekoske, as modified, or any superseding
12 subsequent determination;

13 (2) the term "adjusted basic pay" means—

14 (A) the rate of pay fixed by law or admin15 istrative action for a position occupied by a cov16 ered employee before any deductions; and

17 (B) any regular, fixed supplemental pay18 ment for non-overtime hours of work creditable
19 as basic pay for retirement purposes, including
20 any applicable locality payment and any special
21 rate supplement;

(3) the term "Administration" means the
Transportation Security Administration;

24 (4) the term "Administrator" means the Ad-25 ministrator of the Administration;

1	(5) the term "appropriate congressional com-
2	mittees" means—
3	(A) the Committee on Commerce, Science,
4	and Transportation of the Senate;
5	(B) the Committee on Homeland Security
6	and Governmental Affairs of the Senate;
7	(C) the Committee on Homeland Security
8	of the House of Representatives; and
9	(D) the Committee on Oversight and Gov-
10	ernment Reform of the House of Representa-
11	tives;
12	(6) the term "conversion date" means the date
13	on of which subparagraphs (A) through (F) of sec-
14	tion $3(c)(1)$ take effect;
15	(7) the term "covered employee" means an em-
16	ployee who occupies a covered position;
17	(8) the term "covered position" means a posi-
18	tion within the Administration;
19	(9) the term "employee" has the meaning given
20	the term in section 2105 of title 5, United States
21	Code;
22	(10) the term "screening agent" means a full-
23	or part-time non-supervisory covered employee car-
24	rying out screening functions under section 44901 of
25	title 49, United States Code;

1	(11) the term "Secretary" means the Secretary
2	of Homeland Security; and
3	(12) the term "TSA personnel management
4	system" means any personnel management system
5	established or modified under—
6	(A) section 111(d) of the Aviation and
7	Transportation Security Act (49 U.S.C. 44935
8	note); or
9	(B) section 114(n) of title 49, United
10	States Code.
11	SEC. 3. CONVERSION OF TSA PERSONNEL.
12	(a) Restrictions on Certain Personnel Au-
13	THORITIES.—
14	(1) IN GENERAL.—Notwithstanding any other
15	provision of law, effective as of the date of enact-
16	ment of this Act—
17	(A) any TSA personnel management sys-
18	tem in use for covered employees and covered
19	positions on the day before that date of enact-
20	ment, and any personnel management policy,
21	letter, guideline, or directive of the Administra-
22	tion in effect on that day, may not be modified;
23	(B) no personnel management policy, let-
24	ter, guideline, or directive of the Administration
25	that was not established before that date issued

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pursuant to section 111(d) of the Aviation and 1 2 Transportation Security Act (49 U.S.C. 44935 3 note) or section 114(n) of title 49, United 4 States Code, may be established; and 5 (C) any authority to establish or adjust a 6 human resources management system under 7 chapter 97 of title 5, United States Code, shall 8 terminate with respect to covered employees 9 and covered positions. 10 (2) EXCEPTIONS.— 11 (\mathbf{A}) PAY.—Notwithstanding paragraph 12 (1)(A), the limitation in that paragraph shall 13 not apply to any personnel management policy, 14 letter, guideline, or directive of the Administra-15 tion relating to annual adjustments to pay 16 schedules and locality-based comparability pay-17 ments in order to maintain parity with those 18 adjustments authorized under sections 5303, 19

20 Code; and

21 (B) Additional POLICY.-Notwith-22 standing paragraph (1)(B), new personnel man-23 agement policy of the Administration may be 24 issued if—

5304, 5304a, and 5318 of title 5, United States

1	(i) that policy is needed to resolve a
2	matter not specifically addressed in policy
3	in effect on that date of enactment; and
4	(ii) the Secretary provides that policy,
5	with an explanation of the necessity of that
6	policy, to the appropriate congressional
7	committees not later than 7 days after the
8	date on which the policy is issued.
9	(C) Emerging threats to transpor-
10	TATION SECURITY DURING TRANSITION PE-
11	RIOD.—
12	(i) IN GENERAL.—Notwithstanding
13	paragraph (1), any personnel management
14	policy, letter, guideline, or directive of the
15	Administration relating to an emerging
16	threat to transportation security, including
17	national emergencies or disasters and pub-
18	lic health threats to transportation secu-
19	rity, may be modified or established until
20	the conversion date.
21	(ii) Submission to congress.—Not
22	later than 7 days after the date on which
23	any personnel management policy, letter,
24	guideline, or directive of the Administra-
25	tion is modified or established under clause

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1	(i), the Secretary shall provide to the ap-
2	propriate congressional committees that es-
3	tablished or modified policy, letter, guide-
4	line, or directive, as applicable, which shall
5	contain an explanation of the necessity of
6	that establishment or modification.
7	(b) Personnel Authorities During Transition
8	PERIOD.—Any TSA personnel management system in use
9	for covered employees and covered positions on the day
10	before the date of enactment of this Act, and any per-
11	sonnel management policy, letter, guideline, or directive
12	of the Administration in effect on the day before the date
13	of enactment of this Act, shall remain in effect until the
14	conversion date.
15	(c) Transition to Title 5.—
16	(1) IN GENERAL.—Except as provided in para-
17	graph (2), effective beginning on a date determined
18	by the Secretary, but in no event later than Decem-
19	ber 31, 2025—
20	(A) all TSA personnel management sys-
21	tems shall cease to be in effect;
22	(B) section 114(n) of title 49, United
23	States Code, is repealed;

1	(C) section 111(d) of the Aviation and
2	Transportation Security Act (Public Law 107–
3	71; 49 U.S.C. 44935 note) is repealed;
4	(D) any personnel management policy, let-
5	ter, guideline, or directive of the Administra-
6	tion, including the 2022 Determination, shall
7	cease to be effective;
8	(E) any human resources management sys-
9	tem established or adjusted under chapter 97 of
10	title 5, United States Code, with respect to cov-
11	ered employees or covered positions shall cease
12	to be effective; and
13	(F) covered employees and covered posi-
14	tions shall be subject to the provisions of title
15	5, United States Code.
16	(2) Chapters 71 and 77 of title 5.—Not
17	later than 90 days after the date of enactment of
18	this Act—
19	(A) chapters 71 and 77 of title 5, United
20	States Code, shall apply to covered employees
21	carrying out screening functions pursuant to
22	section 44901 of title 49, United States Code;
23	and
24	(B) any policy, letter, guideline, or direc-
25	tive issued under section 111(d) of the Aviation

1 and Transportation Security Act (49 U.S.C. 2 44935 note) relating to matters otherwise covered by chapter 71 or 77 of title 5, United 3 4 States Code, shall cease to be in effect. 5 (3) Assistance of other agencies.—Not 6 later than 180 days after the date of enactment of 7 this Act, or December 31, 2025, whichever is ear-8 lier— 9 (A) the Director of the Office of Personnel Management shall establish a position series 10 11 and classification standard for the positions of 12 Transportation Security Officer, Federal air 13 Transportation Security Inspector, marshal, 14 and other positions requested by the Adminis-15 trator; and 16 (B) the National Finance Center of the 17 Department of Agriculture shall make nec-18 essary changes to Financial Management Serv-19 ices and Human Resources Management Serv-20 ices to ensure payroll, leave, and other per-21 sonnel processing systems for covered employees 22 are consistent with chapter 53 of title 5, United 23 States Code, and provide functions as needed to 24 implement this Act. 25 (d) SAFEGUARDS ON GRIEVANCES AND APPEALS.—

1 (1) IN GENERAL.—Each covered employee with 2 a grievance or appeal pending within the Adminis-3 tration on the date of enactment of this Act or initi-4 ated during the transition period described in sub-5 section (c) may have that grievance or appeal re-6 moved to proceedings pursuant to title 5, United 7 States Code, or continued within TSA.

8 (2) AUTHORITY.—With respect to any griev-9 ance or appeal continued within the Administration 10 under paragraph (1), the Administrator may con-11 sider and finally adjudicate that grievance or appeal 12 notwithstanding any other provision of this Act.

13 (3)PRESERVATION OF RIGHTS.—Notwith-14 standing any other provision of law, any appeal or 15 grievance continued under this section that is not fi-16 nally adjudicated under paragraph (2) shall be pre-17 served and all timelines tolled until the rights af-18 forded by application of chapters 71 and 77 of title 19 5, United States Code, are made available under 20 subsection (c)(2).

21 SEC. 4. TRANSITION RULES.

(a) NONREDUCTION IN PAY AND COMPENSATION.—
Under such pay conversion rules as the Secretary may prescribe to carry out this Act, a covered employee converted
from a TSA personnel management system to the provi-

1 sions of title 5, United States Code, under section
2 3(c)(1)(F)—

3 (1) may not be subject to any reduction in ei4 ther the rate of adjusted basic pay payable or law
5 enforcement availability pay payable to that covered
6 employee; and

7 (2) shall be credited for years of service in a
8 specific pay band under a TSA personnel manage9 ment system as if the covered employee had served
10 in an equivalent General Schedule position at the
11 same grade, for purposes of determining the appro12 priate step within a grade at which to establish the
13 converted rate of pay of the covered employee.

14 (b) RETIREMENT PAY.—

15 (1) IN GENERAL.—Not later than 90 days after 16 the date of enactment of this Act, the Secretary 17 shall submit to the appropriate congressional com-18 mittees a proposal, including proposed legislative 19 changes if needed, for determining the average pay 20 of any covered employee who retires not later than 21 3 years after the conversion date for purposes of cal-22 culating the retirement annuity of the covered em-23 ployee.

1	(2) REQUIREMENTS.—The proposal required
2	under paragraph (1) shall be structured in a manner
3	that—
4	(A) is consistent with title 5, United States
5	Code; and
6	(B) appropriately accounts for the service
7	of a covered employee to which the proposal ap-
8	plies, and the annual rate of basic pay of such
9	a covered employee, following the conversion
10	date.
11	(c) LIMITATION ON PREMIUM PAY.—
12	(1) IN GENERAL.—Notwithstanding section
13	5547 of title 5, United States Code, or any other
14	provision of law, a Federal air marshal or criminal
15	investigator who is appointed to that position before
16	the date of enactment of this Act may be eligible for
17	premium pay up to the maximum level allowed by
18	the Administrator before the date of enactment of
19	this Act.
20	(2) OPM RECOGNITION.—The Director of the
21	Office of Personnel Management shall recognize pre-
22	mium pay paid pursuant to paragraph (1) as fully
23	creditable for the purposes of calculating pay and re-
24	tirement benefits.

1	(d) Preservation of Law Enforcement Avail-
2	ABILITY PAY AND OVERTIME PAY RATES FOR FEDERAL
3	Air Marshals.—
4	(1) LEAP.—Section 5545a of title 5, United
5	States Code, is amended—
6	(A) in subsection $(a)(2)$, in the matter pre-
7	ceding subparagraph (A), by striking "sub-
8	section (k)" and inserting "subsection (l)";
9	(B) by redesignating subsection (k) as sub-
10	section (l); and
11	(C) by inserting after subsection (j) the
12	following:
13	"(k) The provisions of subsections (a) through (h)
14	providing for availability pay shall apply to any Federal
15	air marshal who is an employee of the Transportation Se-
16	curity Administration.".
17	(2) OVERTIME.—Section 5542 of title 5, United
18	States Code, is amended by adding at the end the
19	following:
20	"(i) Notwithstanding any other provision of law, a
21	Federal air marshal who is an employee of the Transpor-
22	tation Security Administration shall receive overtime pay
23	under this section, at such a rate and in such a manner
24	so that such Federal air marshal does not receive less
25	overtime pay than such Federal air marshal would receive

were that Federal air marshal subject to the overtime pay
 provisions of section 7 of the Fair Labor Standards Act
 of 1938 (29 U.S.C. 207).".

4 (3) EFFECTIVE DATE.—The amendments made
5 by paragraphs (1) and (2) shall apply beginning on
6 the conversion date.

7 (e) COLLECTIVE BARGAINING UNIT.—Notwith8 standing section 7112 of title 5, United States Code, fol9 lowing the application of chapter 71 of that title pursuant
10 to section 3(c)(2) of this Act, screening agents shall re11 main eligible to form a collective bargaining unit.

12 (f) PRESERVATION OF OTHER RIGHTS.—The Sec-13 retary shall take any actions necessary to ensure that the 14 following rights are preserved and available for each cov-15 ered employee beginning on the conversion date, and for 16 any covered employee appointed after the conversion date, 17 and continue to remain available to covered employees 18 after the conversion date:

(1) Any annual leave, sick leave, or other paid
leave accrued, accumulated, or otherwise available to
a covered employee immediately before the conversion date shall remain available to the covered employee until used, subject to any limitation on accuployee until used, subject to any limitation on accumulated leave under chapter 63 of title 5, United
States Code.

(2) Part-time screening agents pay premiums
under chapter 89 of title 5, United States Code, on
the same basis as full-time covered employees.
(3) Notwithstanding section 6329a of title 5,
United States Code, covered employees are provided
appropriate leave during national emergencies to as-
sist the covered employees and ensure the Adminis-
tration meets mission requirements.
(4) Eligible screening agents receive a split-shift
differential for regularly scheduled split-shift work
as well as regularly scheduled overtime and irregular
and occasional split-shift work.
(5) Notwithstanding sections subsections (c),
(e), and (f) of section 5754 of title 5, United States
Code, eligible covered employees receive group reten-
tion incentives, as appropriate.
SEC. 5. CONSULTATION REQUIREMENT.
(a) Exclusive Representative.—
(1) IN GENERAL.—
(A) APPLICATION.—Beginning on the date
that chapter 71 of title 5, United States Code
(referred to in this subsection as "chapter 71"),
begins to apply to covered employees under sec-
tion $3(c)(2)$, the labor organization certified by
the Federal Labor Relations Authority on June

(967356|2)

1	29, 2011, or any successor labor organization,
2	shall be treated as the exclusive representative
3	of screening agents and shall be the exclusive
4	representative for screening agents under chap-
5	ter 71, with full rights under chapter 71.
6	(B) RULE OF CONSTRUCTION.—Nothing in
7	this subsection may be construed to prevent
8	covered employees from selecting an exclusive
9	representative other than the labor organization
10	described in paragraph (1) for purposes of col-
11	lective bargaining under chapter 71.
12	(2) NATIONAL LEVEL.—
13	(A) IN GENERAL.—Notwithstanding any
14	provision of chapter 71, collective bargaining
15	for any unit of covered employees shall occur at
16	the national level, but may be supplemented by
17	local level bargaining and local level agreements
18	in furtherance of elements of a national agree-
19	ment or on issues of any local unit of covered
20	employees not otherwise covered by a national
21	agreement.
22	(B) MUTUAL CONSENT REQUIRED.—Local-
23	level bargaining and local-level agreements de-
24	scribed in subparagraph (A) shall occur only by
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mutual consent of the exclusive representative

of screening agents and the Federal Security
 Director (or a designee of such an official) of
 those screening agents.

4 (3) CURRENT AGREEMENT.—Any collective bar-5 gaining agreement covering such personnel in effect 6 on the date of enactment of this Act shall remain in 7 effect until a collective bargaining agreement is en-8 tered into under chapter 71, unless the Adminis-9 trator and exclusive representative mutually agree to 10 revisions to such an agreement.

11 (b) CONSULTATION PROCESS.—

12 (1) IN GENERAL.—Not later than 7 days after 13 the date of enactment of this Act, the Secretary 14 shall consult with the exclusive representative for the 15 screening agents described in subsection (a)(1)16 under chapter 71 of title 5, United States Code, on 17 the formulation of plans and deadlines to carry out 18 the conversion, under this Act, of those screening 19 agents.

(2) WRITTEN PLANS.—Before the date that
chapter 71 of title 5, United States Code, begins to
apply under section 3(c)(2), the Secretary shall provide (in writing) to the exclusive representative described in paragraph (1) the plans for how the Secretary intends to carry out the conversion of covered

including with respect to
ed conversion date; and
ensure compliance with
SPONSE.—If any views or
under subsection (b) by
cribed in that subsection,
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(2) to otherwise authorize any activity that is
 not permitted under a provision of law described in
 subparagraph (A) or (B) of paragraph (1).

4 SEC. 7. PROPOSAL ON HIRING AND CONTRACTING BACK5 GROUND CHECK REQUIREMENTS.

6 Not later than 1 year after the date of enactment 7 of this Act, the Secretary shall submit to the appropriate 8 congressional committees a plan to harmonize and update, 9 for the purposes of making appointments and for author-10 izing or entering into any contract for service, the restrictions under section 70105(c) of title 46, United States 11 12 Code, (relating to the issuance of transportation security cards) and section 44936 of title 49, United States Code, 13 14 (relating to employment investigations and restrictions).

15 SEC. 8. COMPTROLLER GENERAL REVIEWS.

16 (a) REVIEW OF RECRUITMENT.—

17 (1) IN GENERAL.—Not later than 1 year after 18 the date of enactment of this Act, the Comptroller 19 General of the United States shall submit to Con-20 gress a report on the efforts of the Administration 21 regarding recruitment, including recruitment efforts 22 relating to veterans, the dependents of veterans, 23 members of the Armed Forces, and the dependents of such members. 24

1	(2) Recruitment.—The report required under
2	paragraph (1) shall include recommendations re-
3	garding how the Administration may improve the re-
4	cruitment efforts described in that paragraph.
5	(b) REVIEW OF IMPLEMENTATION.—The Comptroller
6	General of the United States shall—
7	(1) not later than 60 days after the conversion
8	date, commence a review of the implementation of
9	this Act; and
10	(2) not later than 1 year after the conversion
11	date, submit to Congress a report on the review con-
12	ducted under paragraph (1).
13	(c) Review of Promotion Policies and Leader-
14	SHIP DIVERSITY.—Not later than 1 year after the date
15	of enactment of this Act, the Comptroller General of the
16	United States shall submit to Congress a report—
17	(1) on the efforts of the Administration to en-
18	sure that recruitment, appointment, promotion, and
19	advancement opportunities within the Administra-
20	tion are equitable and provide for demographics
21	among senior leadership that are reflective of the
22	workforce demographics of the United States; and
23	(2) that, to the extent possible, includes—
24	(A) an overview and analysis of the current
25	(as of the date on which the report is sub-

1mitted) demographics of the leadership of the2Administration; and

(B) as appropriate, recommendations to
improve appointment and promotion procedures
and diversity in leadership roles, which may include recommendations for how the Administration can better promote from within the Administration and retain and advance covered employees.

10 (d) REVIEW OF HARASSMENT AND ASSAULT POLI-11 CIES AND PROTECTIONS.—

12 (1) IN GENERAL.—Not later than 1 year after 13 the date of enactment of this Act, the Comptroller 14 General of the United States shall submit to Con-15 gress a report on the efforts of the Administration 16 to ensure the safety of the staff of the Administra-17 tion with respect to harassment and assault in the 18 workplace, such as incidents—

(A) of sexual harassment and violence and
harassment and violence motivated by the perceived race, ethnicity, religion, gender identity,
or sexuality of an individual; and

23 (B) in which the alleged perpetrator is a24 member of the general public.

1	(2) INCLUSIONS.—The report required under
2	paragraph (1) shall include—
3	(A) an overview and analysis of the current
4	(as of the date on which the report is sub-
5	mitted) policies and response procedures of the
6	Administration;
7	(B) a detailed description of if, when, and
8	how the policies described in subparagraph (A)
9	fail to adequately protect covered employees;
10	and
11	(C) as appropriate, recommendations for
12	steps the Administration can take to better pro-
13	tect covered employees from harassment and vi-
14	olence in the workplace.
15	(3) Opportunity for comment.—In con-
16	ducting the review required under this subsection,
17	the Comptroller General of the United States shall
18	provide opportunities for covered employees of all
19	levels and positions, and labor organizations and as-
20	sociations representing those covered employees, to
21	submit comments, including in an anonymous form,
22	and take those comments into account in the final
23	recommendations of the Comptroller General.
24	SEC. 9. SENSE OF CONGRESS.

25 It is the sense of Congress that—

1	(1) TSA personnel management systems pro-
2	vide insufficient benefits and workplace protections
3	to the workforce that secures the transportation sys-
4	tems of the United States;
5	(2) covered employees should be provided pro-
6	tections and benefits under title 5, United States
7	Code; and
8	(3) the provision of the protections and benefits
9	described in paragraph (2) should not result in a re-
10	duction of pay or benefits to current covered employ-
11	ees.
12	SEC. 10. ASSISTANCE FOR FEDERAL AIR MARSHAL SERV-
13	ICE.
13 14	ICE. The Administrator shall communicate with organiza-
14	The Administrator shall communicate with organiza-
14 15 16	The Administrator shall communicate with organiza- tions representing a significant number of Federal air
14 15 16	The Administrator shall communicate with organiza- tions representing a significant number of Federal air marshals, to the extent provided by law, to address con-
14 15 16 17	The Administrator shall communicate with organiza- tions representing a significant number of Federal air marshals, to the extent provided by law, to address con- cerns regarding Federal Air Marshals related to the fol-
14 15 16 17 18	The Administrator shall communicate with organiza- tions representing a significant number of Federal air marshals, to the extent provided by law, to address con- cerns regarding Federal Air Marshals related to the fol- lowing:
14 15 16 17 18 19	The Administrator shall communicate with organiza- tions representing a significant number of Federal air marshals, to the extent provided by law, to address con- cerns regarding Federal Air Marshals related to the fol- lowing: (1) Mental health.
 14 15 16 17 18 19 20 	The Administrator shall communicate with organiza- tions representing a significant number of Federal air marshals, to the extent provided by law, to address con- cerns regarding Federal Air Marshals related to the fol- lowing: (1) Mental health. (2) Suicide rates.
 14 15 16 17 18 19 20 21 	The Administrator shall communicate with organiza- tions representing a significant number of Federal air marshals, to the extent provided by law, to address con- cerns regarding Federal Air Marshals related to the fol- lowing: (1) Mental health. (2) Suicide rates. (3) Morale and recruitment.

1	(6) Any other personnel issues the Adminis-
2	trator determines appropriate.
3	SEC. 11. BRIEFING ON ASSAULTS AND THREATS ON TSA EM-
4	PLOYEES.
5	Not later than 90 days after the date of enactment
6	of this Act, the Administrator shall brief the appropriate
7	congressional committees regarding the following:
8	(1) Reports to the Administrator of instances of
9	physical or verbal assaults or threats made by mem-
10	bers of the general public against screening agents
11	since January 1, 2019.
12	(2) Procedures for reporting the assaults and
13	threats described in paragraph (1), including infor-
14	mation on how the Administrator communicates the
15	availability of those procedures.
16	(3) Any steps taken by the Administration to
17	prevent and respond to the assaults and threats de-
18	scribed in paragraph (1).
19	(4) Any related civil actions and criminal refer-
20	rals made annually since January 1, 2019.
21	(5) Any additional authorities needed by the
22	Administrator to better prevent or respond to the as-
23	saults and threats described in paragraph (1) .

1 SEC. 12. ANNUAL REPORTS ON TSA WORKFORCE.

Not later than 1 year after the date of enactment
of this Act and annually thereafter, the Administrator
shall submit to the appropriate congressional committees
a report that contains the following:

- 6 (1) An analysis of the Federal Employee View7 point Survey of the Office of Personnel Management
 8 to determine job satisfaction rates of covered em9 ployees.
- 10 (2) Information relating to retention rates of
 11 covered employees at each airport, including trans12 fers, in addition to aggregate retention rates of cov13 ered employees across the workforce of the Adminis14 tration.
- 15 (3) Information relating to actions taken by the
 16 Administration intended to improve workforce mo17 rale and retention.

18 SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

19 There is authorized to be appropriated such sums as20 may be necessary, to remain available until expended, to21 carry out this Act and the amendments made by this Act.