



COMMITTEE ON HOMELAND SECURITY

The “Rights for the Transportation Security Administration Workforce Act of 2021”

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

Original Cosponsors in the 117th Congress: Rep. Rosa DeLauro (D-CT), Rep. Carolyn Maloney (D-NY), Rep. Peter DeFazio (D-OR), Rep. Bonnie Watson Coleman (D-NJ), Rep. Lucille Roybal-Allard (D-CA)

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 denied 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 are full collective bargaining rights, whistleblower protections, and rights to appeal adverse actions to the independent Merit Systems Protection Board.

TSA employees are facing significant risks to their health as they work to secure aviation during a global pandemic. As of February 2021, more than 6,400 TSA employees have tested positive for COVID-19, and 14 employees have tragically lost their lives due to the virus. Previously, in 2018 and 2019, TSOs were hit hard by the longest U.S. government shutdown in history, during which they were required to work without pay. Some officers were already living paycheck to paycheck and, to meet basic needs during the shutdown, were forced to take on second jobs, rely on charities and foodbanks, and, in more extreme cases, quit their jobs to find other streams of income. The compounding recent challenges caused by the pandemic and the shutdown have magnified longstanding pressures on the TSA workforce, which has been vulnerable to high turnover and low morale since TSA’s creation. TSA simply cannot function as a high-performing security agency while its workers struggle to make ends meet.

Since 2011, TSOs, who make up more than 70% of TSA’s workforce, have had labor union representation but, because of limitations imposed by TSA, have been denied full collective bargaining rights and opportunities to effectively raise issues in dispute to an independent third party, like the Merit Systems

Protection Board, for an impartial resolution. Moreover, the roughly 60,000 Federal workers at TSA are subject to a pay and performance system that does not track the General Services (GS) wage system, which for over fifty years has been the primary wage system for Federal workers. Unlike GS scale workers, TSA employees do not receive regular salary increases, and many TSOs remain among the lowest-paid Federal workers even after nearly two decades of service.

The **Rights for the Transportation Security Administration Workforce Act of 2021** would enhance TSA's security operations by applying the personnel system of Title 5 of the U.S. Code to TSA employees. 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 180 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, 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 2021** sets a transition period for grievance procedures and would provide TSA employees the opportunity to have their grievance 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 2021** 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.

Finally, the **Rights for the Transportation Security Administration Workforce Act of 2021** clarifies that nothing in the Act should be considered to alter the prohibition on the TSO workforce striking. It also permits the Secretary of Homeland Security to issue regulations and delegate any authority or function under this Act to the TSA Administrator, as may be necessary to carry out this Act.