



COMMITTEE ON HOMELAND SECURITY

H.R. 2086, the *Rights for the TSA Workforce Act*

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

Original Cosponsors in the 119th Congress: Rep. Gerry Connolly (D-VA), Rep. Rosa DeLauro (D-CT), Rep. LaMonica McIver (D-NJ), Rep. Lauren Underwood (D-IL), Rep. Tim Kennedy (D-NY), Rep. Don Bacon (R-NE), Rep. Brian Fitzpatrick (R-PA), Rep. Jefferson Van Drew (R-NJ), Rep. Nicole Malliotakis (R-NY), Rep. Nick LaLota (R-NY), and Rep. Mike Lawler (R-NY).

Endorsed by the American Federation of Government Employees (AFGE) and the Association of Flight Attendants-CWA (AFA-CWA)

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, under the Obama Administration, TSA affirmed the ability of 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 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. In May 2024, TSA and the American Federation of Government Employees (AFGE) announced a new seven-year collective bargaining agreement which had been negotiated under an expanded bargaining framework mirroring Title 5 bargaining rules. These improvements for the TSA workforce had a dramatic effect on TSA’s ability to recruit and retain employees, as attrition very quickly dropped nearly in half.

Unfortunately, in March 2025, the Trump Administration moved to end collective bargaining at TSA and undo many of the recent advancements. On March 7, 2025, Secretary of Homeland Security Kristi Noem issued a determination purporting to remove AFGE's status as the elected exclusive representative of the TSO workforce and rescind the May 2024 collective bargaining agreement. While these actions will likely be challenged in court, they underscore the need to provide the TSA workforce with permanent collective bargaining rights in statute.

The **Rights for the TSA Workforce Act** would apply the personnel system of Title 5 of the U.S. Code to TSA employees. 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 TSA Workforce Act** 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 TSA Workforce Act** 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 TSA Workforce Act** clarifies that nothing in the Act should be considered to alter the existing prohibition on the TSO workforce striking.