



COMMITTEE ON HOMELAND SECURITY

H.R. 1140, the “Rights for Transportation Security Officers Act of 2020”

Introduced by Representative Bennie G. Thompson (D-MS) with an Amendment in the Nature of a Substitute

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 screening workforce or Transportation Security Officers (TSOs). Today, TSOs, who are Federal employees, serve on the frontlines of aviation security but are denied the worker rights and protections afforded to most other Federal workers under Title 5 of the U.S. Code. Among the Title 5 rights that are not conferred to TSOs are collective bargaining rights, whistleblower protections, and rights to appeal adverse actions to the independent Merit Systems Protection Board.

TSA struggles with low morale and high turnover among its workforce. TSA regularly finishes near the bottom of the Partnership for Public Service’s annual Best Places to Work survey. In 2019, TSA ranked in last place out of 415 agencies and subcomponents regarding pay satisfaction. Last year’s government shutdown highlighted the financial hardships many TSOs face, as officers struggled to pay their bills and provide for their families. As a result of low morale, many employees leave the agency shortly after being hired, resulting in significant wasted costs. According to the Department of Homeland Security’s Office of the Inspector General, in 2017, TSA spent \$16 million to hire and train nearly 2,000 TSOs who left TSA within six months. In fact, over 2016 and 2017, one in three TSOs left TSA—an unsustainably high attrition rate for an agency charged with protecting national security.

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 44,000 Federal workers who serve as TSOs are subject to a pay and performance system that does not track the General Schedule (GS) wage system, which for over fifty years has been the primary wage system for Federal workers. Unlike the GS pay scale, TSA’s pay system does not provide employees with regular salary increases, and even longtime TSOs have seen their pay stagnate at or near the bottom of their pay band.

The **Rights for Transportation Security Officers Act of 2020** would enhance TSA’s security operations by applying the personnel system of Title 5 of the U.S. Code to Transportation Security Officers. Specifically, under the Amendment in the Nature of a Substitute offered by Rep. Thompson, 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 TSO workforce to the Title 5 personnel system in a manner that is mindful of tenure and status. Importantly, the bill includes protections to ensure that pay for TSOs is not reduced due to the transition to the Title 5 personnel system, as well as protections for employees facing disciplinary actions during the transition period to ensure fair treatment. The transition to Title 5 would increase salaries for most TSA employees and provide opportunities for regular pay raises for employees meeting performance standards.

The **Rights for Transportation Security Officers Act of 2020** 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 Transportation Security Officers Act of 2020** clarifies that nothing in the Act should be considered to alter the prohibition on the TSO workforce striking. Under the bill, the TSA Administrator would maintain appropriate authority to secure the Nation's transportation systems.