



COMMITTEE ON HOMELAND SECURITY

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

January 29, 2020

Today we will be considering H.R. 1140, the “Rights for Transportation Security Officers Act of 2020.” For well over a decade, Chairwoman Nita Lowey and I have championed this measure to provide basic rights and benefits to the TSA frontline security workforce. This Congress, with the support of the American Federation of Government Employees, we have built unprecedented, bipartisan support for the bill. To date, it has 238 bipartisan cosponsors. It’s great timing for Congressman Van Drew to be joining us for his first markup on the Committee, as he’s a cosponsor of the bill, as are all Committee Democrats.

H.R. 1140 has gained broad support because, over the years, the need for it has become increasingly clear. Let me provide a brief history here, since only a handful of us were in Congress when TSA was stood up. When Congress established TSA very quickly after September 11th, TSA was given broad authority to develop an entirely new personnel system. At the time, the logic was that TSA needed this authority to create a more modern and flexible personnel system to respond to what was a very uncertain threat landscape. Unfortunately, the “21st-Century” personnel system never came to fruition.

Instead, TSA’s system more closely resembles those of the 19th Century—before organized labor secured workforce protections that most American workers take for granted. The TSA Administrator has full discretion to set employee pay and benefits and has used his flexibilities to mostly benefit senior management, not the frontline workforce. One senior manager, for example, was given \$90,000 in bonuses in a single year—a practice that would be prohibited under Title 5. In contrast, Transportation Security Officers, or TSOs, are among the lowest paid Federal employees, and as we saw during last year’s government shutdown, many of them work paycheck to paycheck.

TSA does not provide standard pay raises or retention pay. In fact, the majority of officers—including those who have been with the agency for 10 or 15 years—remain at or near the bottom of entry-level TSA pay bands. To make matters worse, a TSO who is subject to a disciplinary action cannot appeal to an independent third party such as the Merit Systems Protection Board. Instead, TSA senior management serves as the judge, jury, and executioner for disciplinary proceedings. TSOs cannot organize to fight these unfair policies because under TSA’s system, they have very limited collective bargaining rights.

Since the Obama Administration, the frontline workforce has been allowed to unionize but, over the years, the scope of issues that TSA has been willing to negotiate has been repeatedly scaled back. We all know that TSA struggles with unsustainably low morale and that TSA consistently ranks near the bottom of the annual “Best Places to Work” survey. This year, TSA ranked 415th out of 415 agency subcomponents—dead last—on pay satisfaction. Unsurprisingly, this dissatisfaction leads to significant attrition. According to the

DHS Inspector General, over a two-year span—in 2016 and 2017— one in three TSOs quit. That is no way to run a critical security agency.

The time has come for us to bring TSA into the 21st century. The “Rights for TSOs Act” will put TSA under Title 5 like most other Federal agencies. Under Title 5, TSOs will receive better pay and regular salary increases. Employees who feel they have been unfairly disciplined will have the opportunity to have their case considered by an independent party. TSA would still be able to remove officers from screening if their presence jeopardizes government interests. Some of my colleagues will likely point out that transitioning to Title 5 will be expensive. It is true that a transition will have large up-front costs, likely in the range of \$700 million over five years based on past Congressional Budget Office estimates.

However, the costs of maintaining the status quo are high too. The DHS IG found that, in 2017 alone, TSA spent approximately \$16 million to hire and train nearly 2,000 people who left within six months of being hired. By addressing the driving factors in TSA attrition and low morale, H.R. 1140 will pay for itself over time. Further, a stable and professional workforce with more overall experience and training will assist TSA in addressing security vulnerabilities and covert testing failures. We owe it to the officers who serve on the front lines of our transportation systems and defend our country against threats to provide them with appropriate pay and protections. We also owe it to the flying public to continue to develop TSA into the professional, capable national security agency that Congress originally envisioned. I thank my colleagues for their support of this bill.