



COMMITTEE ON HOMELAND SECURITY

H.R. 1140, the “Rights for Transportation Security Officers Act of 2019”

As Introduced by Representatives Bennie G. Thompson (D-MS) and Nita Lowey (D-NY)

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 that are afforded to 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.

TSOs were among the approximately 800,000 government employees that were financially impacted by the recent government shutdown, the longest U.S. government shutdown in history. TSOs are considered “essential” personnel, requiring them to work without pay during a lapse in appropriations. During the shutdown, many TSOs experienced financial hardship due to missed paychecks that prevented them from providing for their families and paying their bills. Reported challenges included some officers taking on second jobs, relying on charities and foodbanks to meet basic needs, and, in more extreme cases, quitting their jobs to find other streams of income. The strain on unpaid TSOs during the government shutdown magnified pressures already facing the TSO workforce, which already is vulnerable to high turnover and low morale.

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 Services wage system, which for over fifty years has been the primary wage system for Federal workers.

The **Rights for Transportation Security Officers Act of 2019** 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 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 60 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, particularly with respect to leave, pay, group life, health insurance, and severance pay. Additionally, the bill includes protections to ensure that pay for TSOs is not reduced due to the transition to the Title 5 personnel system.

The **Rights for Transportation Security Officers Act of 2019** 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 14 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 2019** 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.