

Union Calendar No. 230

117TH CONGRESS
2^D SESSION

H. R. 903

[Report No. 117-310, Part I]

To enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration who provide screening of all passengers and property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2021

Mr. THOMPSON of Mississippi (for himself, Ms. DELAURO, Mrs. CAROLYN B. MALONEY of New York, Mr. DEFazio, Mrs. WATSON COLEMAN, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 6, 2022

Additional sponsors: Mr. LYNCH, Mr. PAYNE, Mrs. DEMINGS, Mr. CLEAVER, Mr. TORRES of New York, Ms. DEGETTE, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. CROW, Mr. SMITH of Washington, Mr. VARGAS, Ms. ESCOBAR, Mr. MOULTON, Mr. LOWENTHAL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. FOSTER, Mr. SUOZZI, Ms. HOULAHAN, Mr. ESPAILLAT, Mr. COSTA, Mr. KIM of New Jersey, Mr. WELCH, Mr. HUFFMAN, Mr. GARAMENDI, Mr. PASCRELL, Ms. MENG, Mr. LAMB, Mr. RUSH, Mrs. HAYES, Mrs. BEATTY, Ms. DELBENE, Ms. KAPTUR, Mr. LEVIN of Michigan, Mrs. LURIA, Mr. FITZPATRICK, Mr. ZELDIN, Mr. SIRES, Mr. PHILLIPS, Mr. VAN DREW, Mr. PETERS, Ms. SCHAKOWSKY, Ms. SCANLON, Ms. BONAMICI, Ms. PINGREE, Mr. PERLMUTTER, Mr. BLUMENAUER, Mr. CONNOLLY, Mrs. NAPOLITANO, Mr. MCKINLEY, Mr. MALINOWSKI, Mr. PALLONE, Mr. GALLEG0, Miss RICE of New York, Mr. O'HALLERAN, Mr. HIGGINS of New York, Mr. SWALWELL, Mr. SHERMAN, Mr. SEAN PATRICK MALONEY of New York, Mr. LEVIN of California, Mrs. DINGELL, Mr. DAVID SCOTT of Georgia, Mr. MORELLE, Ms.

DAVIDS of Kansas, Ms. WILD, Mr. CARBAJAL, Mrs. TORRES of California, Mr. RUPPERSBERGER, Mr. CRIST, Mr. SMITH of New Jersey, Mr. POCAN, Mr. TONKO, Mr. JEFFRIES, Mr. RODNEY DAVIS of Illinois, Mr. RASKIN, Mr. SCHRADER, Mr. LANGEVIN, Ms. CASTOR of Florida, Mr. PAPPAS, Ms. BLUNT ROCHESTER, Mr. STAUBER, Mr. CASE, Ms. NEWMAN, Ms. ESHOO, Ms. BROWNLEY, Mr. ALLRED, Mr. MFUME, Mr. TRONE, Mr. KILMER, Ms. LEE of California, Mr. NEGUSE, Mr. KHANNA, Mr. EVANS, Mrs. BUSTOS, Ms. DEAN, Mr. PRICE of North Carolina, Mr. JONES, Ms. LOIS FRANKEL of Florida, Mr. CARTWRIGHT, Mr. RYAN, Ms. WILSON of Florida, Ms. PRESSLEY, Mr. SARBANES, Mr. HIMES, Mr. KIND, Mrs. FLETCHER, Mr. LARSEN of Washington, Mrs. KIRKPATRICK, Ms. JOHNSON of Texas, Ms. STRICKLAND, Ms. SCHRIER, Mr. GOTTHEIMER, Ms. BARRAGÁN, Mr. GARBARINO, Ms. MANNING, Mrs. MURPHY of Florida, Mr. LIEU, Ms. TLAIB, Mr. BACON, Ms. UNDERWOOD, Ms. WASSERMAN SCHULTZ, Ms. TITUS, Mr. NORCROSS, Mrs. AXNE, Mr. TAKANO, Mr. SOTO, Ms. JAYAPAL, Mr. BROWN of Maryland, Mr. JOHNSON of Georgia, Ms. ROSS, Mr. BOWMAN, Ms. MCCOLLUM, Ms. OMAR, Mr. LARSON of Connecticut, Ms. SEWELL, Ms. KELLY of Illinois, Mr. GARCÍA of Illinois, Mr. KILDEE, Mrs. LAWRENCE, Ms. SPANBERGER, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. DELGADO, Mr. KRISHNAMOORTHY, Mr. CORREA, Ms. CHU, Mrs. TRAHAN, Ms. WEXTON, Ms. SHERRILL, Mr. MEEKS, Ms. SÁNCHEZ, Ms. BASS, Ms. CLARKE of New York, Ms. PORTER, Ms. LOFGREN, Ms. VELÁZQUEZ, Mr. HARDER of California, Mr. MCGOVERN, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. DESAULNIER, Ms. SLOTKIN, Mr. YOUNG, Ms. STEVENS, Mr. PANNETTA, Ms. BOURDEAUX, Ms. JACKSON LEE, Mr. CICILLINE, Mr. DANNY K. DAVIS of Illinois, Ms. CRAIG, Ms. WILLIAMS of Georgia, Ms. GARCIA of Texas, Ms. WATERS, Mr. GOMEZ, Mr. VELA, Mr. VICENTE GONZALEZ of Texas, Ms. ADAMS, Mr. KAHELE, Mr. QUIGLEY, Mr. SCHNEIDER, Ms. PLASKETT, Mr. JOYCE of Ohio, Mr. THOMPSON of California, Ms. SPEIER, Mr. CUELLAR, Mr. DOGGETT, Mr. RUIZ, Mr. CARSON, Mr. GREEN of Texas, Mr. CASTRO of Texas, Mr. CÁRDENAS, Mr. COURTNEY, Mr. YARMUTH, Mr. KEATING, Mr. MCEACHIN, Mr. SCHIFF, Mr. STANTON, Mr. MCNERNEY, Ms. CLARK of Massachusetts, Mr. HORSFORD, Mr. BEYER, Mr. SABLAN, Ms. KUSTER, Mr. AUCHINCLOSS, Mrs. RADEWAGEN, Mr. GOLDEN, Ms. JACOBS of California, Mr. SAN NICOLAS, Mr. BUTTERFIELD, Mr. VEASEY, Mr. LAWSON of Florida, Mr. DEUTCH, Mrs. MCBATH, Mr. NEAL, Mr. AGUILAR, Mr. COOPER, Mr. NADLER, Mr. CARTER of Louisiana, Mr. COHEN, Ms. MATSUI, Mr. BERA, Ms. STANSBURY, Mr. MRVAN, Ms. MALLIOTAKIS, Ms. OCASIO-CORTEZ, Ms. BROWN of Ohio, Mr. BOST, and Mrs. CHERFILUS-MCCORMICK

MAY 6, 2022

Reported from the Committee on Homeland Security with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 6, 2022

Committee on Oversight and Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 5, 2021]

A BILL

To enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration who provide screening of all passengers and property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Rights for the Transpor-*
5 *tation Security Administration Workforce Act of 2021” or*
6 *the “Rights for the TSA Workforce Act of 2021”.*

7 **SEC. 2. DEFINITIONS.**

8 *For purposes of this Act—*

9 *(1) the term “adjusted basic pay” means—*

10 *(A) the rate of pay fixed by law or adminis-*
11 *trative action for the position held by a covered*
12 *employee before any deductions; and*

13 *(B) any regular, fixed supplemental pay-*
14 *ment for non-overtime hours of work creditable*
15 *as basic pay for retirement purposes, including*
16 *any applicable locality payment and any special*
17 *rate supplement;*

18 *(2) the term “Administrator” means the Admin-*
19 *istrator of the Transportation Security Administra-*
20 *tion;*

21 *(3) the term “appropriate congressional commit-*
22 *tees” means the Committees on Homeland Security*
23 *and Oversight and Reform of the House of Represent-*
24 *atives and the Committees on Commerce, Science, and*

1 *Transportation and Homeland Security and Govern-*
2 *mental Affairs of the Senate;*

3 (4) *the term “at-risk employee” means a Trans-*
4 *portation Security Officer, Federal Air Marshal, ca-*
5 *nine handler, or any other employee of the Transpor-*
6 *tation Security Administration carrying out duties*
7 *that require substantial contact with the public dur-*
8 *ing the COVID–19 national emergency;*

9 (5) *the term “conversion date” means the date as*
10 *of which subparagraphs (A) through (F) of section*
11 *3(c)(1) take effect;*

12 (6) *the term “covered employee” means an em-*
13 *ployee who holds a covered position;*

14 (7) *the term “covered position” means a position*
15 *within the Transportation Security Administration;*

16 (8) *the term “COVID–19 national emergency”*
17 *means the national emergency declared by the Presi-*
18 *dent under the National Emergencies Act (50 U.S.C.*
19 *1601 et seq.) on March 13, 2020, with respect to the*
20 *coronavirus;*

21 (9) *the term “employee” has the meaning given*
22 *such term by section 2105 of title 5, United States*
23 *Code;*

24 (10) *the term “Secretary” means the Secretary of*
25 *Homeland Security;*

1 (11) the term “TSA personnel management sys-
2 tem” means any personnel management system estab-
3 lished or modified under—

4 (A) section 111(d) of the Aviation and
5 Transportation Security Act (49 U.S.C. 44935
6 note); or

7 (B) section 114(n) of title 49, United States
8 Code;

9 (12) the term “TSA” means the Transportation
10 Security Administration; and

11 (13) the term “2019 Determination” means the
12 publication, entitled “Determination on Transpor-
13 tation Security Officers and Collective Bargaining”,
14 issued on July 13, 2019, by Administrator David P.
15 Pekoske, as modified, or any superseding subsequent
16 determination.

17 **SEC. 3. CONVERSION OF TSA PERSONNEL.**

18 (a) **RESTRICTIONS ON CERTAIN PERSONNEL AUTHORI-**
19 **TIES.—**

20 (1) **IN GENERAL.—**Notwithstanding any other
21 provision of law, and except as provided in para-
22 graph (2), effective as of the date of the enactment of
23 this Act—

24 (A) any TSA personnel management system
25 in use for covered employees and covered posi-

1 *tions on the day before such date of enactment,*
2 *and any TSA personnel management policy, let-*
3 *ter, guideline, or directive in effect on such day*
4 *may not be modified;*

5 *(B) no TSA personnel management policy,*
6 *letter, guideline, or directive that was not estab-*
7 *lished before such date issued pursuant to section*
8 *111(d) of the Aviation and Transportation Secu-*
9 *rity Act (49 U.S.C. 44935 note) or section*
10 *114(n) of title 49, United States Code, may be*
11 *established; and*

12 *(C) any authority to establish or adjust a*
13 *human resources management system under*
14 *chapter 97 of title 5, United States Code, shall*
15 *terminate with respect to covered employees and*
16 *covered positions.*

17 *(2) EXCEPTIONS.—*

18 *(A) PAY.—Notwithstanding paragraph*
19 *(1)(A), the limitation in that paragraph shall*
20 *not apply to any TSA personnel management*
21 *policy, letters, guideline, or directive related to*
22 *annual adjustments to pay schedules and local-*
23 *ity-based comparability payments in order to*
24 *maintain parity with such adjustments author-*

1 *ized under section 5303, 5304, 5304a, and 5318*
2 *of title 5, United States Code; and*

3 *(B) ADDITIONAL POLICY.—Notwithstanding*
4 *paragraph (1)(B), new TSA personnel manage-*
5 *ment policy may be issued if—*

6 *(i) such policy is needed to resolve a*
7 *matter not specifically addressed in policy*
8 *in effect on the date of enactment of this*
9 *Act; and*

10 *(ii) the Secretary provides such policy,*
11 *with an explanation of its necessity, to the*
12 *appropriate congressional committees not*
13 *later than 7 days of issuance.*

14 *(C) EMERGING THREATS TO TRANSPOR-*
15 *TATION SECURITY DURING TRANSITION PE-*
16 *RIOD.—Notwithstanding paragraph (1), any*
17 *TSA personnel management policy, letter, guide-*
18 *line, or directive related to an emerging threat to*
19 *transportation security, including national*
20 *emergencies or disasters and public health*
21 *threats to transportation security, may be modi-*
22 *fied or established until the effective date in sub-*
23 *section (c)(1). The Secretary shall provide to the*
24 *appropriate congressional committees any modi-*
25 *fication or establishment of such a TSA per-*

1 *sonnel management policy, letter, guideline, or*
2 *directive, with an explanation of its necessity,*
3 *not later than 7 days of such modification or es-*
4 *tablishment.*

5 **(b) PERSONNEL AUTHORITIES DURING TRANSITION**
6 **PERIOD.**—*Any TSA personnel management system in use*
7 *for covered employees and covered positions on the day be-*
8 *fore the date of enactment of this Act and any TSA per-*
9 *sonnel management policy, letter, guideline, or directive in*
10 *effect on the day before the date of enactment of this Act*
11 *shall remain in effect until the conversion date.*

12 **(c) TRANSITION TO TITLE 5.**—

13 **(1) IN GENERAL.**—*Except as provided in para-*
14 *graph (2), effective as of the date determined by the*
15 *Secretary, but in no event later than December 31,*
16 *2022—*

17 **(A)** *the TSA personnel management system*
18 *shall cease to be in effect;*

19 **(B)** *section 114(n) of title 49, United States*
20 *Code, is repealed;*

21 **(C)** *section 111(d) of the Aviation and*
22 *Transportation Security Act (49 U.S.C. 44935*
23 *note) is repealed;*

1 (D) any TSA personnel management policy,
2 letter, guideline, and directive, including the
3 2019 Determination, shall cease to be effective;

4 (E) any human resources management sys-
5 tem established or adjusted under chapter 97 of
6 title 5, United States Code, with respect to cov-
7 ered employees or covered positions shall cease to
8 be effective; and

9 (F) covered employees and covered positions
10 shall be subject to the provisions of title 5,
11 United States Code.

12 (2) CHAPTERS 71 AND 77 OF TITLE 5.—Not later
13 than 90 days after the date of enactment of this Act—

14 (A) chapter 71 and chapter 77 of title 5,
15 United States Code, shall apply to covered em-
16 ployees carrying out screening functions pursu-
17 ant to section 44901 of title 49, United States
18 Code; and

19 (B) any policy, letter, guideline, or directive
20 issued under section 111(d) of the Aviation and
21 Transportation Security Act (49 U.S.C. 44935
22 note) related to matters otherwise covered by
23 such chapter 71 or 77 shall cease to be in effect.

1 (3) *ASSISTANCE OF OTHER AGENCIES.*—Not later
2 than 180 days after the date of enactment of this Act
3 or December 31, 2022, whichever is earlier—

4 (A) *the Office of Personnel Management*
5 *shall establish a position series and classification*
6 *standard for the positions of Transportation Se-*
7 *curity Officer, Federal Air Marshal, Transpor-*
8 *tation Security Inspector, and other positions re-*
9 *quested by the Administrator; and*

10 (B) *the Department of Agriculture’s Na-*
11 *tional Finance Center shall make necessary*
12 *changes to its Financial Management Services*
13 *and Human Resources Management Services to*
14 *ensure payroll, leave, and other personnel proc-*
15 *essing systems for TSA personnel are commensu-*
16 *rate with chapter 53 of title 5, United States*
17 *Code, and provide functions as needed to imple-*
18 *ment this Act.*

19 (d) *SAFEGUARDS ON GRIEVANCES AND APPEALS.*—

20 (1) *IN GENERAL.*—*Each covered employee with a*
21 *grievance or appeal pending within TSA on the date*
22 *of the enactment of this Act or initiated during the*
23 *transition period described in subsection (c) shall*
24 *have the right to have such grievance or appeal re-*

1 *moved to proceedings pursuant to title 5, United*
2 *States Code, or continued within the TSA.*

3 (2) *AUTHORITY.*—*With respect to any grievance*
4 *or appeal continued within the TSA pursuant to*
5 *paragraph (1), the Administrator may consider and*
6 *finally adjudicate such grievance or appeal notwith-*
7 *standing any other provision of this Act.*

8 (3) *PRESERVATION OF RIGHTS.*—*Notwith-*
9 *standing any other provision of law, any appeal or*
10 *grievance continued pursuant to this section that is*
11 *not finally adjudicated pursuant to paragraph (2)*
12 *shall be preserved and all timelines tolled until the*
13 *rights afforded by application of chapters 71 and 77*
14 *of title 5, United States Code, are made available*
15 *pursuant to section 3(c)(2) of this Act.*

16 **SEC. 4. TRANSITION RULES.**

17 (a) *NONREDUCTION IN PAY AND COMPENSATION.*—
18 *Under pay conversion rules as the Secretary may prescribe*
19 *to carry out this Act, a covered employee converted from*
20 *a TSA personnel management system to the provisions of*
21 *title 5, United States Code, pursuant to section*
22 *3(c)(1)(F)—*

23 (1) *shall not be subject to any reduction in either*
24 *the rate of adjusted basic pay payable or law enforce-*

1 *ment availability pay payable to such covered em-*
2 *ployee; and*

3 *(2) shall be credited for years of service in a spe-*
4 *cific pay band under a TSA personnel management*
5 *system as if the employee had served in an equivalent*
6 *General Schedule position at the same grade, for pur-*
7 *poses of determining the appropriate step within a*
8 *grade at which to establish the employee's converted*
9 *rate of pay.*

10 *(b) RETIREMENT PAY.—For purposes of determining*
11 *a covered employee's average pay to calculate the employee's*
12 *retirement annuity, consistent with title 5, United States*
13 *Code, for any covered employee who retires within three*
14 *years of the conversion date, the higher of the following shall*
15 *be used:*

16 *(1) The covered employee's annual rate of basic*
17 *pay on the first date of the pay period following the*
18 *conversion under section 3(c)(1).*

19 *(2) The amount determined consistent with sec-*
20 *tions 8331(4) or 8401(3) of such title 5, whichever is*
21 *applicable.*

22 *(c) LIMITATION ON PREMIUM PAY.—Notwithstanding*
23 *section 5547 of title 5, United States Code, or any other*
24 *provision of law, a Federal Air Marshal or criminal inves-*
25 *tigator hired prior to the date of enactment of this Act may*

1 *be eligible for premium pay up to the maximum level al-*
2 *lowed by the Administrator prior to the date of enactment*
3 *of this Act. The Office of Personnel Management shall recog-*
4 *nize such premium pay as fully creditable for the purposes*
5 *of calculating pay and retirement benefits.*

6 (d) *COLLECTIVE BARGAINING UNIT.—Notwith-*
7 *standing section 7112 of title 5, United States Code, fol-*
8 *lowing the application of chapter 71 pursuant to section*
9 *3(c)(2) of this Act, full- and part-time non-supervisory*
10 *Transportation Security Administration personnel car-*
11 *rying out screening functions under section 44901 of title*
12 *49, United States Code, shall remain eligible to form a col-*
13 *lective bargaining unit.*

14 (e) *PRESERVATION OF OTHER RIGHTS.—In the case*
15 *of each covered employee as of the conversion date, the Sec-*
16 *retary shall take any actions necessary to ensure that—*

17 (1) *any annual leave, sick leave, or other paid*
18 *leave accrued, accumulated, or otherwise available to*
19 *a covered employee immediately before the conversion*
20 *date shall remain available to the employee until*
21 *used, notwithstanding any limitation on accumulated*
22 *leave under chapter 63 of title 5, United States Code;*
23 *and*

24 (2) *part-time personnel carrying out screening*
25 *functions under section 44901 of title 49, United*

1 *States Code, continue to pay Federal Employees*
2 *Health Benefits premiums on the same basis as full-*
3 *time TSA employees.*

4 (f) *PROVISION OF ADDITIONAL BENEFITS.*—*Subject to*
5 *negotiations with the exclusive representative of full- and*
6 *part-time non-supervisory Transportation Security Admin-*
7 *istration personnel carrying out screening functions under*
8 *section 44901 of title 49, United States Code, pursuant to*
9 *chapter 71 of title 5, United States Code, following the ap-*
10 *plication of such chapter 71 pursuant to section 3(c)(2) of*
11 *this Act, the Administrator may—*

12 (1) *notwithstanding chapter 63 of title 5, United*
13 *States Code, provide leave benefits for covered employ-*
14 *ees that exceed those otherwise provided under such*
15 *chapter;*

16 (2) *notwithstanding chapter 55 of title 5, United*
17 *States Code, provide pay for covered employees that*
18 *exceeds that otherwise provided under such chapter;*
19 *and*

20 (3) *notwithstanding sections 5753 and 5754 of*
21 *title 5, United States Code, set payable rates and con-*
22 *ditions for the payment of incentives and bonuses that*
23 *exceed those otherwise provided under such sections.*

24 **SEC. 5. CONSULTATION REQUIREMENT.**

25 (a) *EXCLUSIVE REPRESENTATIVE.*—

1 (1) *IN GENERAL.*—

2 (A) *Beginning on the date chapter 71 of*
3 *title 5, United States Code, begins to apply to*
4 *covered employees pursuant to section 3(c)(2),*
5 *the labor organization certified by the Federal*
6 *Labor Relations Authority on June 29, 2011, or*
7 *any successor labor organization, shall be treated*
8 *as the exclusive representative of full- and part-*
9 *time non-supervisory TSA personnel carrying*
10 *out screening functions under section 44901 of*
11 *title 49, United States Code, and shall be the ex-*
12 *clusive representative for such personnel under*
13 *chapter 71 of title 5, United States Code, with*
14 *full rights under such chapter.*

15 (B) *Nothing in this subsection shall be con-*
16 *strued to prevent covered employees from select-*
17 *ing an exclusive representative other than the*
18 *labor organization described under paragraph*
19 *(1) for purposes of collective bargaining under*
20 *such chapter 71.*

21 (2) *NATIONAL LEVEL.*—*Notwithstanding any*
22 *provision of such chapter 71, collective bargaining for*
23 *any unit of covered employees shall occur at the na-*
24 *tional level, but may be supplemented by mutual con-*

1 *sent of the parties by local level bargaining and local*
2 *level agreements.*

3 (3) *CURRENT AGREEMENT.*—*Any collective bar-*
4 *gaining agreement covering such personnel in effect*
5 *on the date of enactment of this Act shall remain in*
6 *effect until a collective bargaining agreement is en-*
7 *tered into under such chapter 71, unless the Adminis-*
8 *trator and exclusive representative mutually agree to*
9 *revisions to such agreement.*

10 (b) *CONSULTATION PROCESS.*—*Not later than seven*
11 *days after the date of the enactment of this Act, the Sec-*
12 *retary shall consult with the exclusive representative for the*
13 *personnel described in subsection (a) under chapter 71 of*
14 *title 5, United States Code, on the formulation of plans and*
15 *deadlines to carry out the conversion of full- and part-time*
16 *non-supervisory TSA personnel carrying out screening*
17 *functions under section 44901 of title 49, United States*
18 *Code, under this Act. Prior to the date such chapter 71 be-*
19 *gins to apply pursuant to section 3(c)(2), the Secretary*
20 *shall provide (in writing) to such exclusive representative*
21 *the plans for how the Secretary intends to carry out the*
22 *conversion of such personnel under this Act, including with*
23 *respect to such matters as—*

24 (1) *the anticipated conversion date; and*

1 (2) measures to ensure compliance with sections
2 3 and 4.

3 (c) *REQUIRED AGENCY RESPONSE.*—If any views or
4 recommendations are presented under subsection (b) by the
5 exclusive representative, the Secretary shall consider the
6 views or recommendations before taking final action on any
7 matter with respect to which the views or recommendations
8 are presented and provide the exclusive representative a
9 written statement of the reasons for the final actions to be
10 taken.

11 **SEC. 6. NO RIGHT TO STRIKE.**

12 Nothing in this Act may be considered—

13 (1) to repeal or otherwise affect—

14 (A) section 1918 of title 18, United States
15 Code (relating to disloyalty and asserting the
16 right to strike against the Government); or

17 (B) section 7311 of title 5, United States
18 Code (relating to loyalty and striking); or

19 (2) to otherwise authorize any activity which is
20 not permitted under either provision of law cited in
21 paragraph (1).

22 **SEC. 7. PROPOSAL ON HIRING AND CONTRACTING RE-**
23 **STRICTIONS.**

24 Not later than one year after the date of enactment
25 of this Act, the Secretary shall submit a plan to the appro-

1 *priate congressional committees on a proposal to uniformly*
2 *apply, for the purposes of hiring and for authorizing or*
3 *entering into any contract for service, the restrictions in*
4 *section 70105(c) of title 46, United States Code, and section*
5 *44936 of title 49, United States Code.*

6 **SEC. 8. COMPTROLLER GENERAL REVIEWS.**

7 *(a) REVIEW OF RECRUITMENT.—Not later than one*
8 *year after the date of the enactment of this Act, the Comp-*
9 *troller General shall submit to Congress a report on the ef-*
10 *forts of the TSA regarding recruitment, including recruit-*
11 *ment efforts relating to veterans and the dependents of vet-*
12 *erans and members of the Armed Forces and the dependents*
13 *of such members. Such report shall also include rec-*
14 *ommendations regarding how the TSA may improve such*
15 *recruitment efforts.*

16 *(b) REVIEW OF IMPLEMENTATION.—Not later than 60*
17 *days after the conversion date, the Comptroller General*
18 *shall commence a review of the implementation of this Act.*
19 *The Comptroller General shall submit to Congress a report*
20 *on its review no later than one year after such conversion*
21 *date.*

22 **SEC. 9. SENSE OF CONGRESS.**

23 *It is the sense of Congress that—*

24 *(1) the TSA's personnel system provides insuffi-*
25 *cient benefits and workplace protections to the work-*

1 *force that secures the nation's transportation systems*
2 *and that the TSA's workforce should be provided pro-*
3 *tections and benefits under title 5, United States*
4 *Code; and*

5 *(2) the provision of these title 5 protections and*
6 *benefits should not result in a reduction of pay or*
7 *benefits to current TSA employees.*

8 **SEC. 10. ASSISTANCE FOR FEDERAL AIR MARSHAL SERVICE.**

9 *The Administrator may communicate with organiza-*
10 *tions representing a significant number of Federal Air Mar-*
11 *shals, to the extent provided by law, to address concerns*
12 *regarding Federal Air Marshals related to the following:*

13 *(1) Mental health.*

14 *(2) Suicide rates.*

15 *(3) Morale and recruitment.*

16 *(4) Any other personnel issues the Administrator*
17 *determines appropriate.*

18 **SEC. 11. PREVENTION AND PROTECTION AGAINST CERTAIN**

19 **ILLNESS.**

20 *The Administrator, in coordination with the Director*
21 *of the Centers for Disease Control and Prevention and the*
22 *Director of the National Institute of Allergy and Infectious*
23 *Diseases, shall ensure that covered employees are provided*
24 *proper guidance regarding prevention and protections*

1 *against the COVID-19 National Emergency, including ap-*
2 *propriate resources.*

3 **SEC. 12. HAZARDOUS DUTY PAYMENTS.**

4 *Not later than 90 days following the date of enactment*
5 *of this Act, the Administrator shall provide a one-time*
6 *bonus payment of \$3,000 to each at-risk employee.*

7 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

8 *There is authorized to be appropriated such sums as*
9 *may be necessary, to remain available until expended, to*
10 *carry out this Act.*

Amend the title so as to read: “A bill to enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration, and for other purposes.”.

Union Calendar No. 230

117TH CONGRESS
2^D SESSION

H. R. 903

[Report No. 117-310, Part I]

A BILL

To enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration who provide screening of all passengers and property, and for other purposes.

MAY 6, 2022

Reported from the Committee on Homeland Security
with amendments

MAY 6, 2022

Committee on Oversight and Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed