AMENDMENT TO RULES COMMITTEE PRINT 117–40

OFFERED BY MR. THOMPSON OF MISSISSIPPI

Page 11, after line 10, insert the following (and redesignate subsequent subsections accordingly):

(d) PRESERVATION OF LAW ENFORCEMENT AVAILABILITY PAY AND OVERTIME PAY RATES FOR FEDERAL AIR MARSHALS.—

(1) LEAP.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

“(l) The provisions of subsections (a)–(h) providing for availability pay shall apply to any Federal Air Marshal who is an employee of the Transportation Security Administration.”.

(2) OVERTIME.—Section 5542 of such title is amended by adding at the end the following:

“(i) Notwithstanding any other provision of law, a Federal Air Marshal who is an employee of the Transportation Security Administration shall receive overtime pay under this section, at such a rate and in such a manner, so that such Federal Air Marshal does not receive less overtime pay than such Federal Air Marshal would receive
were that Federal Air Marshal subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938.”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall begin to apply on the conversion date (as that term is defined in section 2 of the Rights for the TSA Workforce Act of 2022).

Page 11, beginning on line 19, strike “In the case” and all that follows through line 22 and insert the following: “The Secretary shall take any actions necessary to ensure that the following rights are preserved and available for each covered employee as of the conversion date and any covered employee appointed after the conversion date, and continue to remain available to covered employees after the conversion date:”.

Page 11, line 23, strike “any” and insert “Any”.

Page 12, line 2, strike “notwithstanding” and insert “subject to”.

Page 12, line 4, strike “; and” and insert a period.

Page 12, line 5, strike “part-time” and insert “Part-time”.

Page 12, line 7, strike “continue to”.

Page 12, line 29, strike “; and” and insert a period.
Page 12, after line 9, insert the following:

(3) Covered employees are provided appropriate leave during national emergencies to assist the covered employees and ensure TSA meets mission requirements, notwithstanding section 6329a of title 5, United States Code.

(4) Eligible covered employees carrying out screening functions under section 44901 of title 49, United States Code, receive a split-shift differential for regularly scheduled split-shift work as well as regularly scheduled overtime and irregular and occasional split-shift work.

(5) Eligible covered employees receive group retention incentives, as appropriate, notwithstanding sections 5754(c), (e), and (f) of title 5, United States Code.

Page 12, beginning on line 10, strike subsection (f).

Page 14, beginning on line 7, strike “by mutual consent of the parties”.

Page 14, line 9, insert after “agreements” the following: “in furtherance of elements of a national agreement or on local unit employee issues not otherwise covered by a national agreement. Such local-level bargaining and local-level agreements shall occur only by mutual
consent of the exclusive representative of full and part-time non-supervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code, and a TSA Federal Security Director or their designee”.

Page 16, line 4, strike “RESTRICTIONS” and insert “BACKGROUND CHECK REQUIREMENTS”.

Page 16, beginning on line 8, strike “uniformly apply” and insert “harmonize and update”.

Page 16, line 11, insert “(relating to the issuance of transportation security cards)” after “Code,”.

Page 16, line 12, insert “, (relating to security screener employment investigations and restrictions)” after “Code”.

Page 18, line 13, strike “Not later than 90 days following the date of enactment of this Act,” and insert “Subject to the availability of appropriations, and not later than 90 days after receiving such appropriations,”.