

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**40**

**OFFERED BY MR. THOMPSON OF MISSISSIPPI**

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

1           (d) PRESERVATION OF LAW ENFORCEMENT AVAIL-  
2 ABILITY PAY AND OVERTIME PAY RATES FOR FEDERAL  
3 AIR MARSHALS.—

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

7           “(1) The provisions of subsections (a)–(h) providing  
8 for availability pay shall apply to any Federal Air Marshal  
9 who is an employee of the Transportation Security Admin-  
10 istration.”.

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

13           “(i) Notwithstanding any other provision of law, a  
14 Federal Air Marshal who is an employee of the Transpor-  
15 tation Security Administration shall receive overtime pay  
16 under this section, at such a rate and in such a manner,  
17 so that such Federal Air Marshal does not receive less  
18 overtime pay than such Federal Air Marshal would receive

1 were that Federal Air Marshal subject to the overtime pay  
2 provisions of section 7 of the Fair Labor Standards Act  
3 of 1938.”.

4 (3) EFFECTIVE DATE.—The amendments made  
5 by paragraphs (1) and (2) shall begin to apply on  
6 the conversion date (as that term is defined in sec-  
7 tion 2 of the Rights for the TSA Workforce Act of  
8 2022).

Page 11, beginning on line 19, strike “In the case”  
and all that follows through line 22 and insert the fol-  
lowing: “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 con-  
version 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, after line 9, insert the following:

1           (3) Covered employees are provided appropriate  
2           leave during national emergencies to assist the cov-  
3           ered employees and ensure TSA meets mission re-  
4           quirements, notwithstanding section 6329a of title 5,  
5           United States Code.

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

12          (5) Eligible covered employees receive group re-  
13          tention incentives, as appropriate, notwithstanding  
14          sections 5754(e), (e), and (f) of title 5, United  
15          States Code.

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

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

Page 14, line 9, insert after “agreements” the fol-  
lowing: “in furtherance of elements of a national agree-  
ment or on local unit employee issues not otherwise cov-  
ered 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,”.

