

AMENDMENT TO RULES COMMITTEE PRINT

116-54

OFFERED BY MR. THOMPSON OF MISSISSIPPI

Add at the end the following:

1 **DIVISION N—RIGHTS FOR**
2 **TRANSPORTATION SECURITY**
3 **OFFICERS**

4 **SEC. 91001. SHORT TITLE.**

5 This division may be cited as the “Rights for Trans-
6 portation Security Officers Act of 2020”.

7 **SEC. 91002. DEFINITIONS.**

8 For purposes of this division—

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

10 (A) the rate of pay fixed by law or admin-
11 istrative action for the position held by a cov-
12 ered 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;

1 (2) the term “Administrator” means the Ad-
2 ministrator of the Transportation Security Adminis-
3 tration;

4 (3) the term “covered employee” means an em-
5 ployee who holds a covered position;

6 (4) the term “covered position” means a posi-
7 tion within the Transportation Security Administra-
8 tion;

9 (5) the term “conversion date” means the date
10 as of which paragraphs (1) through (4) of section
11 91003(c) take effect;

12 (6) the term “2019 Determination” means the
13 publication, entitled “Determination on Transpor-
14 tation Security Officers and Collective Bargaining”,
15 issued on July 13, 2019, by Administrator David P.
16 Pekoske;

17 (7) the term “employee” has the meaning given
18 such term by section 2105 of title 5, United States
19 Code;

20 (8) the term “Secretary” means the Secretary
21 of Homeland Security; and

22 (9) the term “TSA personnel management sys-
23 tem” means any personnel management system es-
24 tablished or modified under—

1 (A) section 111(d) of the Aviation and
2 Transportation Security Act (49 U.S.C. 44935
3 note); or

4 (B) section 114(n) of title 49, United
5 States Code.

6 **SEC. 91003. CONVERSION OF TSA PERSONNEL.**

7 (a) RESTRICTIONS ON CERTAIN PERSONNEL AU-
8 THORITIES.—Notwithstanding any other provision of law,
9 effective as of the date of the enactment of this division—

10 (1) any TSA personnel management system in
11 use for covered employees and covered positions on
12 the day before such date of enactment, and any TSA
13 personnel management policy, letters, guideline, or
14 directive in effect on such day may not be modified;

15 (2) no TSA personnel management policy, let-
16 ter, guideline, or directive that was not established
17 before such date issued pursuant to section 111(d)
18 of the Aviation and Transportation Security Act (49
19 U.S.C. 44935 note) or section 114(n) of title 49,
20 United States Code, may be established; and

21 (3) any authority to establish or adjust a
22 human resources management system under chapter
23 97 of title 5, United States Code, shall terminate
24 with respect to covered employees and covered posi-
25 tions.

1 (b) PERSONNEL AUTHORITIES DURING TRANSITION
2 PERIOD.—Any TSA personnel management system in use
3 for covered employees and covered positions on the day
4 before the date of enactment of this division and any TSA
5 personnel management policy, letter, guideline, or direc-
6 tive in effect on the day before the date of enactment of
7 this division shall remain in effect until the effective date
8 under subsection (c).

9 (c) TRANSITION TO GENERAL PERSONNEL MANAGE-
10 MENT SYSTEM APPLICABLE TO CIVIL SERVICE EMPLOY-
11 EES.—Effective as of the date determined by the Sec-
12 retary, but in no event later than 180 days after the date
13 of the enactment of this division—

14 (1) each provision of law cited in section
15 91002(9) is repealed;

16 (2) any TSA personnel management policy, let-
17 ter, guideline, and directive, including the 2019 De-
18 termination, shall cease to be effective;

19 (3) any human resources management system
20 established or adjusted under chapter 97 of title 5,
21 United States Code, with respect to covered employ-
22 ees or covered positions shall cease to be effective;
23 and

1 (4) covered employees and covered positions
2 shall be subject to the provisions of title 5, United
3 States Code.

4 (d) SAFEGUARDS ON GRIEVANCES.—In carrying out
5 this division, the Secretary shall take such actions as are
6 necessary to provide an opportunity to each covered em-
7 ployee with a grievance or disciplinary action (including
8 an adverse action) pending within TSA on the date of en-
9 actment of this division or at any time during the transi-
10 tion period described in subsection (c) to have such griev-
11 ance removed to proceedings pursuant to title 5, United
12 States Code, or continued within TSA.

13 **SEC. 91004. TRANSITION RULES.**

14 (a) NONREDUCTION IN PAY AND COMPENSATION.—
15 Under pay conversion rules as the Secretary may prescribe
16 to carry out this division, a covered employee converted
17 from a TSA personnel management system to the provi-
18 sions of title 5, United States Code, pursuant to section
19 91002(c)(4) shall not be subject to any reduction in the
20 rate of adjusted basic pay payable, or total compensation
21 provided, to such covered employee.

22 (b) PRESERVATION OF OTHER RIGHTS.—In the case
23 of each covered employee as of the conversion date, the
24 Secretary shall take any actions necessary to ensure
25 that—

1 (1) any annual leave, sick leave, or other paid
2 leave accrued, accumulated, or otherwise available to
3 a covered employee immediately before the conver-
4 sion date shall remain available to the employee
5 until used; and

6 (2) the Government share of any premiums or
7 other periodic charges under chapter 89 of title 5,
8 United States Code, governing group health insur-
9 ance shall remain at least the same as was the case
10 immediately before the conversion date.

11 (c) GAO STUDY ON TSA PAY RATES.—Not later
12 than the date that is 9 months after the date of enactment
13 of this division, the Comptroller General shall submit a
14 report to Congress on the differences in rates of pay, clas-
15 sified by pay system, between Transportation Security Ad-
16 ministration employees—

17 (1) with duty stations in the contiguous 48
18 States; and

19 (2) with duty stations outside of such States,
20 including those employees located in any territory or
21 possession of the United States.

22 (d) RULE OF CONSTRUCTION.—During the transition
23 period and after the conversion date, the Secretary shall
24 ensure that the Transportation Security Administration
25 continues to prevent the hiring of individuals who have

1 been convicted of a sex crime, an offense involving a
2 minor, a crime of violence, or terrorism.

3 **SEC. 91005. CONSULTATION REQUIREMENT.**

4 (a) **EXCLUSIVE REPRESENTATIVE.**—The labor orga-
5 nization certified by the Federal Labor Relations Author-
6 ity on June 29, 2011, or successor labor organization shall
7 be treated as the exclusive representative of full- and part-
8 time non-supervisory TSA personnel carrying out screen-
9 ing functions under section 44901 of title 49, United
10 States Code, and shall be the exclusive representative for
11 such personnel under chapter 71 of title 5, United States
12 Code, with full rights under such chapter. Any collective
13 bargaining agreement covering such personnel on the date
14 of enactment of this division shall remain in effect, con-
15 sistent with subsection (d).

16 (b) **CONSULTATION RIGHTS.**—Not later than 7 days
17 after the date of the enactment of this division, the Sec-
18 retary shall consult with the exclusive representative for
19 the personnel described in subsection (a) under chapter
20 71 of title 5, United States Code, on the formulation of
21 plans and deadlines to carry out the conversion of covered
22 employees and covered positions under this division. Prior
23 to the conversion date, the Secretary shall provide (in writ-
24 ing) to such exclusive representative the plans for how the
25 Secretary intends to carry out the conversion of covered

1 employees and covered positions under this division, in-
2 cluding with respect to such matters as—

3 (1) the anticipated conversion date; and

4 (2) measures to ensure compliance with sections
5 91003 and 91004.

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

14 (d) **SUNSET PROVISION.**—The provisions of this sec-
15 tion shall cease to be effective as of the conversion date.

16 **SEC. 91006. NO RIGHT TO STRIKE.**

17 Nothing in this division shall be considered—

18 (1) to repeal or otherwise affect—

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

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

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

4 **SEC. 91007. RULE OF CONSTRUCTION WITH RESPECT TO**
5 **CERTAIN CRIMES RELATING TO TERRORISM.**

6 Nothing in this division may be construed to con-
7 tradict chapter 113B of title 18, United States Code, in-
8 cluding with respect to—

9 (1) section 2332b (relating to acts of terrorism
10 transcending national boundaries);

11 (2) section 2339 (relating to harboring or con-
12 cealing terrorists); and

13 (3) section 2339A (relating to providing mate-
14 rial support to terrorists).

15 **SEC. 91008. REPORT BY GAO REGARDING TSA RECRUIT-**
16 **MENT.**

17 Not later than 1 year after the date of the enactment
18 of this division, the Comptroller General of the United
19 States shall submit to Congress a report on the efforts
20 of the Transportation Security Administration regarding
21 recruitment, including recruitment efforts relating to vet-
22 erans and the dependents of veterans and members of the
23 Armed Forces and the dependents of such members. Such
24 report shall also include recommendations regarding how
25 the Administration may improve such recruitment efforts.

1 **SEC. 91009. SENSE OF CONGRESS.**

2 It is the sense of Congress that the Transportation
3 Security Administration's personnel system provides in-
4 sufficient benefits and workplace protections to the work-
5 force that secures the nation's transportation systems and
6 that the Transportation Security Administration's work-
7 force should be provided protections and benefits under
8 title 5, United States Code.

9 **SEC. 91010. ASSISTANCE FOR FEDERAL AIR MARSHAL**
10 **SERVICE.**

11 The Administrator of the Transportation Security
12 Administration shall engage and consult with public and
13 private entities associated with the Federal Air Marshal
14 Service to address concerns regarding Federal Air Mar-
15 shals related to the following:

- 16 (1) Mental health.
17 (2) Suicide rates.
18 (3) Morale and recruitment.
19 (4) Any other personnel issues the Adminis-
20 trator determines appropriate.

21 **SEC. 91011. PROHIBITION ON CERTAIN SOCIAL MEDIA AP-**
22 **PLICATION.**

23 Beginning on the date of the enactment of this divi-
24 sion, covered employees may not use or have installed on
25 United States Government-issued mobile devices the social

1 media video application known as “TikTok” or any suc-
2 cessor application.

3 **SEC. 91012. VETERANS HIRING.**

4 The Secretary shall prioritize the hiring of veterans,
5 including disabled veterans, and other preference eligible
6 individuals, including widows and widowers of veterans, as
7 defined in section 2108 of title 5, United States Code, for
8 covered positions.

9 **SEC. 91013. PREVENTION AND PROTECTION AGAINST CER-**
10 **TAIN ILLNESS.**

11 The Administrator of the Transportation Security
12 Administration, in coordination with the Director of Cen-
13 ters for Disease Control and Prevention and the Director
14 of the National Institute of Allergy and Infectious Dis-
15 eases, shall ensure that covered employees are provided
16 proper guidance regarding prevention and protections
17 against coronavirus, including appropriate resources.

