

118TH CONGRESS  
2D SESSION

# S. 4334

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 14, 2024

Mr. SCHATZ (for himself, Mr. PETERS, Mr. CASEY, Mr. WARNOCK, Mr. HICKENLOOPER, Mr. CARPER, Mr. HEINRICH, Ms. HIRONO, Ms. KLOBUCHAR, Mr. SANDERS, Mr. FETTERMAN, Ms. STABENOW, Ms. CORTEZ MASTO, Mr. KAINE, Ms. SMITH, Ms. ROSEN, Ms. DUCKWORTH, Mr. PADILLA, Mr. WYDEN, Mrs. SHAHEEN, Mr. BENNET, Ms. BUTLER, Mr. MERKLEY, Mr. DURBIN, Mr. TESTER, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Ms. WARREN, Ms. HASSAN, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rights for the Trans-  
3 portation Security Administration Workforce Act of  
4 2024” or the “Rights for the TSA Workforce Act of  
5 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “2022 Determination” means the  
9 publication, entitled “Determination on Transpor-  
10 tation Security Officers and Collective Bargaining”,  
11 issued on December 30, 2022, by Administrator  
12 David P. Pekoske, as modified, or any superseding  
13 subsequent determination;

14 (2) the term “adjusted basic pay” means—

15 (A) the rate of pay fixed by law or admin-  
16 istrative action for a position occupied by a cov-  
17 ered employee before any deductions; and

18 (B) any regular, fixed supplemental pay-  
19 ment for non-overtime hours of work creditable  
20 as basic pay for retirement purposes, including  
21 any applicable locality payment and any special  
22 rate supplement;

23 (3) the term “Administration” means the  
24 Transportation Security Administration;

25 (4) the term “Administrator” means the Ad-  
26 ministrator of the Administration;

1           (5) the term “appropriate congressional com-  
2       mittees” means—

3           (A) the Committee on Commerce, Science,  
4       and Transportation of the Senate;

5           (B) the Committee on Homeland Security  
6       and Governmental Affairs of the Senate;

7           (C) the Committee on Homeland Security  
8       of the House of Representatives; and

9           (D) the Committee on Oversight and Ac-  
10      countability of the House of Representatives;

11          (6) the term “conversion date” means the date  
12      on which subparagraphs (A) through (F) of section  
13      3(c)(1) take effect;

14          (7) the term “covered employee” means an em-  
15      ployee who occupies a covered position;

16          (8) the term “covered position” means a posi-  
17      tion within the Administration;

18          (9) the term “employee” has the meaning given  
19      the term in section 2105 of title 5, United States  
20      Code;

21          (10) the term “screening agent” means a full-  
22      or part-time non-supervisory covered employee car-  
23      rying out screening functions under section 44901 of  
24      title 49, United States Code;

1 (11) the term “Secretary” means the Secretary  
2 of Homeland Security; and

3 (12) the term “TSA personnel management  
4 system” means any personnel management system  
5 established or modified under—

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

9 (B) section 114(n) of title 49, United  
10 States Code.

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

12 (a) RESTRICTIONS ON CERTAIN PERSONNEL AU-  
13 THORITIES.—

14 (1) IN GENERAL.—Notwithstanding any other  
15 provision of law, effective as of the date of enact-  
16 ment of this Act—

17 (A) any TSA personnel management sys-  
18 tem in use for covered employees and covered  
19 positions on the day before that date of enact-  
20 ment, and any personnel management policy,  
21 letter, guideline, or directive of the Administra-  
22 tion in effect on that day, may not be modified;

23 (B) no personnel management policy, let-  
24 ter, guideline, or directive of the Administration  
25 that was not established before that date issued

1 pursuant to section 111(d) of the Aviation and  
2 Transportation Security Act (49 U.S.C. 44935  
3 note) or section 114(n) of title 49, United  
4 States Code, may be established; and

5 (C) any authority to establish or adjust a  
6 human resources management system under  
7 chapter 97 of title 5, United States Code, shall  
8 terminate with respect to covered employees  
9 and covered positions.

10 (2) EXCEPTIONS.—

11 (A) PAY.—Notwithstanding paragraph  
12 (1)(A), the limitation in that paragraph shall  
13 not apply to any personnel management policy,  
14 letter, guideline, or directive of the Administra-  
15 tion relating to annual adjustments to pay  
16 schedules and locality-based comparability pay-  
17 ments in order to maintain parity with those  
18 adjustments authorized under sections 5303,  
19 5304, 5304a, and 5318 of title 5, United States  
20 Code.

21 (B) ADDITIONAL POLICY.—Notwith-  
22 standing paragraph (1)(B), new personnel man-  
23 agement policy of the Administration may be  
24 established if—

1 (i) that policy is needed to resolve a  
2 matter not specifically addressed in policy  
3 in effect on the date of enactment of this  
4 Act; and

5 (ii) the Secretary provides that policy,  
6 with an explanation of the necessity of that  
7 policy, to the appropriate congressional  
8 committees not later than 7 days after the  
9 date on which the policy is issued.

10 (C) EMERGING THREATS TO TRANSPOR-  
11 TATION SECURITY DURING TRANSITION PE-  
12 RIOD.—

13 (i) IN GENERAL.—Notwithstanding  
14 paragraph (1), any personnel management  
15 policy, letter, guideline, or directive of the  
16 Administration relating to an emerging  
17 threat to transportation security, including  
18 national emergencies or disasters and pub-  
19 lic health threats to transportation secu-  
20 rity, may be modified or established until  
21 the conversion date.

22 (ii) SUBMISSION TO CONGRESS.—Not  
23 later than 7 days after the date on which  
24 any personnel management policy, letter,  
25 guideline, or directive of the Administra-

1                   tion is modified or established under clause  
2                   (i), the Secretary shall provide to the ap-  
3                   propriate congressional committees that es-  
4                   tablished or modified policy, letter, guide-  
5                   line, or directive, as applicable, which shall  
6                   contain an explanation of the necessity of  
7                   that establishment or modification.

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

16           (c) TRANSITION TO TITLE 5.—

17                   (1) IN GENERAL.—Except as provided in para-  
18                   graph (2), effective beginning on a date determined  
19                   by the Secretary, but in no event later than Decem-  
20                   ber 31, 2024—

21                           (A) all TSA personnel management sys-  
22                           tems shall cease to be in effect;

23                           (B) section 114(n) of title 49, United  
24                           States Code, is repealed;

1 (C) section 111(d) of the Aviation and  
2 Transportation Security Act (Public Law 107–  
3 71; 49 U.S.C. 44935 note) is repealed;

4 (D) any personnel management policy, let-  
5 ter, guideline, or directive of the Administra-  
6 tion, including the 2022 Determination, shall  
7 cease to be effective;

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

13 (F) covered employees and covered posi-  
14 tions shall be subject to the provisions of title  
15 5, United States Code.

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

19 (A) chapters 71 and 77 of title 5, United  
20 States Code, shall apply to covered employees  
21 carrying out screening functions pursuant to  
22 section 44901 of title 49, United States Code;  
23 and

24 (B) any policy, letter, guideline, or direc-  
25 tive issued under section 111(d) of the Aviation



1 and Transportation Security Act (49 U.S.C.  
2 44935 note) relating to matters otherwise cov-  
3 ered by chapter 71 or 77 of title 5, United  
4 States Code, shall cease to be effective.

5 (3) ASSISTANCE OF OTHER AGENCIES.—Not  
6 later than 180 days after the date of enactment of  
7 this Act, or December 31, 2024, whichever is ear-  
8 lier—

9 (A) the Director of the Office of Personnel  
10 Management shall establish a position series  
11 and classification standard for the positions of  
12 Transportation Security Officer, Federal air  
13 marshal, Transportation Security Inspector,  
14 and other positions requested by the Adminis-  
15 trator; and

16 (B) the National Finance Center of the  
17 Department of Agriculture shall make nec-  
18 essary changes to Financial Management Serv-  
19 ices and Human Resources Management Serv-  
20 ices to ensure payroll, leave, and other per-  
21 sonnel processing systems for covered employees  
22 are consistent with chapter 53 of title 5, United  
23 States Code, and provide functions as needed to  
24 implement this Act.

25 (d) SAFEGUARDS ON GRIEVANCES AND APPEALS.—

1           (1) IN GENERAL.—Each covered employee with  
2 a grievance or appeal pending within the Adminis-  
3 tration on the date of enactment of this Act or initi-  
4 ated during the period described in subsection (c)(2)  
5 may have that grievance or appeal removed to pro-  
6 ceedings pursuant to title 5, United States Code, or  
7 continued within the Administration.

8           (2) AUTHORITY.—With respect to any griev-  
9 ance or appeal continued within the Administration  
10 under paragraph (1), the Administrator may con-  
11 sider and finally adjudicate that grievance or appeal  
12 notwithstanding any other provision of this Act.

13           (3) PRESERVATION OF RIGHTS.—Notwith-  
14 standing any other provision of law, any appeal or  
15 grievance continued under this subsection that is not  
16 finally adjudicated under paragraph (2) shall be pre-  
17 served and all timelines tolled until the rights af-  
18 farded by application of chapters 71 and 77 of title  
19 5, United States Code, are made available under  
20 subsection (c)(2).

21 **SEC. 4. TRANSITION RULES.**

22           (a) NONREDUCTION IN PAY AND COMPENSATION.—  
23 Under such pay conversion rules as the Secretary may pre-  
24 scribe to carry out this Act, a covered employee converted  
25 from a TSA personnel management system to the provi-

1 sions of title 5, United States Code, under section  
2 3(c)(1)(F)—

3 (1) may not be subject to any reduction in ei-  
4 ther the rate of adjusted basic pay payable or law  
5 enforcement availability pay payable to that covered  
6 employee; and

7 (2) shall be credited for years of service in a  
8 specific pay band under a TSA personnel manage-  
9 ment system as if the covered employee had served  
10 in an equivalent General Schedule position at the  
11 same grade, for purposes of determining the appro-  
12 priate step within a grade at which to establish the  
13 converted rate of pay of the covered employee.

14 (b) RETIREMENT PAY.—

15 (1) IN GENERAL.—Not later than 90 days after  
16 the date of enactment of this Act, the Secretary  
17 shall submit to the appropriate congressional com-  
18 mittees a proposal, including proposed legislative  
19 changes if needed, for determining the average rate  
20 of basic pay of any covered employee who retires not  
21 later than 3 years after the conversion date for pur-  
22 poses of calculating the retirement annuity of the  
23 covered employee.

1           (2) REQUIREMENTS.—The proposal required  
2 under paragraph (1) shall be structured in a manner  
3 that—

4                   (A) is consistent with title 5, United States  
5 Code; and

6                   (B) appropriately accounts for the service  
7 of a covered employee to which the proposal ap-  
8 plies, and the annual rate of basic pay of such  
9 a covered employee, following the conversion  
10 date.

11 (c) LIMITATION ON PREMIUM PAY.—

12           (1) IN GENERAL.—Notwithstanding section  
13 5547 of title 5, United States Code, or any other  
14 provision of law, a Federal air marshal or criminal  
15 investigator who is appointed to that position before  
16 the date of enactment of this Act may be eligible for  
17 premium pay up to the maximum level allowed by  
18 the Administrator before the date of enactment of  
19 this Act.

20           (2) OPM RECOGNITION.—The Director of the  
21 Office of Personnel Management shall recognize pre-  
22 mium pay paid pursuant to paragraph (1) as fully  
23 creditable for the purposes of calculating pay and re-  
24 tirement benefits.

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—

6 (A) in subsection (a)(2), in the matter pre-  
7 ceding subparagraph (A), by striking “sub-  
8 section (k)” and inserting “subsection (l)”;

9 (B) by redesignating subsection (k) as sub-  
10 section (l); and

11 (C) by inserting after subsection (j) the  
12 following:

13 “(k) The provisions of subsections (a) through (h)  
14 providing for availability pay shall apply to any Federal  
15 air marshal who is an employee of the Transportation Se-  
16 curity Administration.”.

17 (2) OVERTIME.—Section 5542 of title 5, United  
18 States Code, is amended by adding at the end the  
19 following:

20 “(i) Notwithstanding any other provision of law, a  
21 Federal air marshal who is an employee of the Transpor-  
22 tation Security Administration shall receive overtime pay  
23 under this section, at such a rate and in such a manner  
24 so that such Federal air marshal does not receive less  
25 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 (29 U.S.C. 207).”.

4 (3) EFFECTIVE DATE.—The amendments made  
5 by paragraphs (1) and (2) shall apply beginning on  
6 the conversion date.

7 (e) COLLECTIVE BARGAINING UNIT.—Notwith-  
8 standing section 7112 of title 5, United States Code, fol-  
9 lowing the application of chapter 71 of that title pursuant  
10 to section 3(c)(2) of this Act, screening agents shall re-  
11 main eligible to form a collective bargaining unit.

12 (f) PRESERVATION OF OTHER RIGHTS.—The Sec-  
13 retary shall take any actions necessary to ensure that the  
14 following rights are preserved and available for each cov-  
15 ered employee beginning on the conversion date, and for  
16 any covered employee appointed after the conversion date,  
17 and continue to remain available to covered employees  
18 after the conversion date:

19 (1) Any annual leave, sick leave, or other paid  
20 leave accrued, accumulated, or otherwise available to  
21 a covered employee immediately before the conver-  
22 sion date shall remain available to the covered em-  
23 ployee until used, subject to any limitation on accu-  
24 mulated leave under chapter 63 of title 5, United  
25 States Code.

1           (2) Part-time screening agents pay premiums  
2 under chapter 89 of title 5, United States Code, on  
3 the same basis as full-time covered employees.

4           (3) Notwithstanding section 6329a of title 5,  
5 United States Code, covered employees are provided  
6 appropriate leave during national emergencies to as-  
7 sist the covered employees and ensure the Adminis-  
8 tration meets mission requirements.

9           (4) Eligible screening agents receive a split-shift  
10 differential for regularly scheduled split-shift work  
11 as well as regularly scheduled overtime and irregular  
12 and occasional split-shift work.

13           (5) Notwithstanding sections subsections (c),  
14 (e), and (f) of section 5754 of title 5, United States  
15 Code, eligible covered employees receive group reten-  
16 tion incentives, as appropriate.

17 **SEC. 5. CONSULTATION REQUIREMENT.**

18       (a) **EXCLUSIVE REPRESENTATIVE.—**

19           (1) **IN GENERAL.—**

20               (A) **APPLICATION.—**Beginning on the date  
21 that chapter 71 of title 5, United States Code  
22 (referred to in this subsection as “chapter 71”),  
23 begins to apply to covered employees under sec-  
24 tion 3(c)(2), the labor organization certified by  
25 the Federal Labor Relations Authority on June

1           29, 2011, or any successor labor organization,  
2           shall be treated as the exclusive representative  
3           of screening agents and shall be the exclusive  
4           representative for screening agents under chap-  
5           ter 71, with full rights under chapter 71.

6           (B) RULE OF CONSTRUCTION.—Nothing in  
7           this subsection may be construed to prevent  
8           covered employees from selecting an exclusive  
9           representative other than the labor organization  
10          described in paragraph (1) for purposes of col-  
11          lective bargaining under chapter 71.

12          (2) NATIONAL LEVEL.—

13           (A) IN GENERAL.—Notwithstanding any  
14           provision of chapter 71, collective bargaining  
15           for any unit of covered employees shall occur at  
16           the national level, but may be supplemented by  
17           local level bargaining and local level agreements  
18           in furtherance of elements of a national agree-  
19           ment or on issues of any local unit of covered  
20           employees not otherwise covered by a national  
21           agreement.

22           (B) MUTUAL CONSENT REQUIRED.—Local-  
23           level bargaining and local-level agreements de-  
24           scribed in subparagraph (A) shall occur only by  
25           mutual consent of the exclusive representative



1 of screening agents and the Federal Security  
2 Director (or a designee of such an official) of  
3 those screening agents.

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

11 (b) CONSULTATION PROCESS.—

12 (1) IN GENERAL.—Not later than 7 days after  
13 the date of enactment of this Act, the Secretary  
14 shall consult with the exclusive representative for the  
15 screening agents described in subsection (a)(1)  
16 under chapter 71 of title 5, United States Code, on  
17 the formulation of plans and deadlines to carry out  
18 the conversion, under this Act, of those screening  
19 agents.

20 (2) WRITTEN PLANS.—Before the date on  
21 which chapter 71 of title 5, United States Code, be-  
22 gins to apply under section 3(c)(2), the Secretary  
23 shall provide (in writing) to the exclusive representa-  
24 tive described in paragraph (1) the plans for how the  
25 Secretary intends to carry out the conversion of cov-

1       ered employees under this Act, including with re-  
2       spect to such matters as—

3               (A) the anticipated conversion date; and

4               (B) measures to ensure compliance with  
5       sections 3 and 4.

6       (c) **REQUIRED AGENCY RESPONSE.**—If any views or  
7       recommendations are presented under subsection (b) by  
8       the exclusive representative described in that subsection,  
9       the Secretary shall—

10           (1) consider the views or recommendations be-  
11          fore taking final action on any matter with respect  
12          to which the views or recommendations are pre-  
13          sented; and

14           (2) provide the exclusive representative a writ-  
15          ten statement of the reasons for the final actions to  
16          be taken.

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

18       Nothing in this Act may be considered—

19           (1) to repeal or otherwise affect—

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

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

1           (2) to otherwise authorize any activity that is  
2           not permitted under a provision of law described in  
3           subparagraph (A) or (B) of paragraph (1).

4 **SEC. 7. PROPOSAL ON HIRING AND CONTRACTING BACK-**  
5 **GROUND CHECK REQUIREMENTS.**

6           Not later than 1 year after the date of enactment  
7 of this Act, the Secretary shall submit to the appropriate  
8 congressional committees a plan to harmonize and update,  
9 for the purposes of making appointments and for author-  
10 izing or entering into any contract for service, the restric-  
11 tions under section 70105(c) of title 46, United States  
12 Code, (relating to the issuance of transportation security  
13 cards) and section 44936 of title 49, United States Code,  
14 (relating to employment investigations and restrictions).

15 **SEC. 8. COMPTROLLER GENERAL REVIEWS.**

16           (a) REVIEW OF RECRUITMENT.—

17           (1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this Act, the Comptroller  
19 General of the United States shall submit to Con-  
20 gress a report on the efforts of the Administration  
21 regarding recruitment, including recruitment efforts  
22 relating to veterans, the dependents of veterans,  
23 members of the Armed Forces, and the dependents  
24 of such members.

1           (2) RECRUITMENT.—The report required under  
2 paragraph (1) shall include recommendations re-  
3 garding how the Administration may improve the re-  
4 cruitment efforts described in that paragraph.

5           (b) REVIEW OF IMPLEMENTATION.—The Comptroller  
6 General of the United States shall—

7           (1) not later than 60 days after the conversion  
8 date, commence a review of the implementation of  
9 this Act; and

10          (2) not later than 1 year after the conversion  
11 date, submit to Congress a report on the review con-  
12 ducted under paragraph (1).

13          (c) REVIEW OF PROMOTION POLICIES AND LEADER-  
14 SHIP DIVERSITY.—Not later than 1 year after the date  
15 of enactment of this Act, the Comptroller General of the  
16 United States shall submit to Congress a report—

17          (1) on the efforts of the Administration to en-  
18 sure that recruitment, appointment, promotion, and  
19 advancement opportunities within the Administra-  
20 tion are equitable and provide for demographics  
21 among senior leadership that are reflective of the  
22 workforce demographics of the United States; and

23          (2) that, to the extent possible, includes—

24                (A) an overview and analysis of the current  
25                (as of the date on which the report is sub-

1           mitted) demographics of the leadership of the  
2           Administration; and

3                   (B) as appropriate, recommendations to  
4           improve appointment and promotion procedures  
5           and diversity in leadership roles, which may in-  
6           clude recommendations for how the Administra-  
7           tion can better promote from within the Admin-  
8           istration and retain and advance covered em-  
9           ployees.

10          (d) REVIEW OF HARASSMENT AND ASSAULT POLI-  
11          CIES AND PROTECTIONS.—

12                   (1) IN GENERAL.—Not later than 1 year after  
13          the date of enactment of this Act, the Comptroller  
14          General of the United States shall submit to Con-  
15          gress a report on the efforts of the Administration  
16          to ensure the safety of the staff of the Administra-  
17          tion with respect to harassment and assault in the  
18          workplace, such as incidents—

19                           (A) of sexual harassment and violence and  
20                           harassment and violence motivated by the per-  
21                           ceived race, ethnicity, religion, gender identity,  
22                           or sexuality of an individual; and

23                           (B) in which the alleged perpetrator is a  
24                           member of the general public.

1           (2) INCLUSIONS.—The report required under  
2 paragraph (1) shall include—

3           (A) an overview and analysis of the current  
4 (as of the date on which the report is sub-  
5 mitted) policies and response procedures of the  
6 Administration;

7           (B) a detailed description of if, when, and  
8 how the policies described in subparagraph (A)  
9 fail to adequately protect covered employees;  
10 and

11           (C) as appropriate, recommendations for  
12 steps the Administration can take to better pro-  
13 tect covered employees from harassment and vi-  
14 olence in the workplace.

15           (3) OPPORTUNITY FOR COMMENT.—In con-  
16 ducting the review required under this subsection,  
17 the Comptroller General of the United States shall  
18 provide opportunities for covered employees of all  
19 levels and positions, and labor organizations and as-  
20 sociations representing those covered employees, to  
21 submit comments, including in an anonymous form,  
22 and take those comments into account in the final  
23 recommendations of the Comptroller General.

24 **SEC. 9. SENSE OF CONGRESS.**

25           It is the sense of Congress that—

1           (1) TSA personnel management systems pro-  
2           vide insufficient benefits and workplace protections  
3           to the workforce that secures the transportation sys-  
4           tems of the United States;

5           (2) covered employees should be provided pro-  
6           tections and benefits under title 5, United States  
7           Code; and

8           (3) the provision of the protections and benefits  
9           described in paragraph (2) should not result in a re-  
10          duction of pay or benefits to current covered employ-  
11          ees.

12 **SEC. 10. ASSISTANCE FOR FEDERAL AIR MARSHAL SERV-**  
13 **ICE.**

14          The Administrator shall communicate with organiza-  
15          tions representing a significant number of Federal air  
16          marshals, to the extent provided by law, to address con-  
17          cerns regarding Federal Air Marshals related to the fol-  
18          lowing:

19               (1) Mental health.

20               (2) Suicide rates.

21               (3) Morale and recruitment.

22               (4) Equipment and training.

23               (5) Work schedules and shifts, including man-  
24          dated periods of rest.

1           (6) Any other personnel issues the Adminis-  
2           trator determines appropriate.

3 **SEC. 11. STUDY ON FEASIBILITY OF COMMUTING BENEFITS.**

4           (a) IN GENERAL.—Not later than 270 days after the  
5           date of enactment of this Act, the Administrator shall sub-  
6           mit to the appropriate congressional committees a feasi-  
7           bility study on allowing covered employees carrying out  
8           screening functions under section 44901 of title 49,  
9           United States Code, to treat as hours of employment time  
10          spent by those covered employees regularly traveling be-  
11          tween parking lots and bus and transit stops of airports  
12          and screening checkpoints before and after the regular  
13          work day.

14          (b) CONSIDERATIONS.—In conducting the study re-  
15          quired under subsection (a), the Administrator shall con-  
16          sider—

17                (1) the amount of time needed to travel to and  
18                from parking lots and bus and transit stops of air-  
19                ports at small hub airports, medium hub airports,  
20                and large hub airports, as those terms are defined  
21                in section 40102 of title 49, United States Code;

22                (2) the feasibility of using mobile phones and  
23                location data to allow covered employees to report  
24                their arrival to and departure from parking lots and  
25                bus and transit stops of airports; and



1           (3) the estimated costs of treating the amount  
2           of time described in paragraph (1) as hours of em-  
3           ployment time spent.

4 **SEC. 12. BRIEFING ON ASSAULTS AND THREATS ON TSA EM-**  
5 **PLOYEES.**

6           Not later than 90 days after the date of enactment  
7           of this Act, the Administrator shall brief the appropriate  
8           congressional committees regarding the following:

9           (1) Reports to the Administrator of instances of  
10          physical or verbal assaults or threats made by mem-  
11          bers of the general public against screening agents  
12          since January 1, 2019.

13          (2) Procedures for reporting the assaults and  
14          threats described in paragraph (1), including infor-  
15          mation on how the Administrator communicates the  
16          availability of those procedures.

17          (3) Any steps taken by the Administration to  
18          prevent and respond to the assaults and threats de-  
19          scribed in paragraph (1).

20          (4) Any related civil actions and criminal refer-  
21          rals made annually since January 1, 2019.

22          (5) Any additional authorities needed by the  
23          Administrator to better prevent or respond to the as-  
24          saults and threats described in paragraph (1).

1 **SEC. 13. ANNUAL REPORTS ON TSA WORKFORCE.**

2 Not later than 1 year after the date of enactment  
3 of this Act, and annually thereafter, the Administrator  
4 shall submit to the appropriate congressional committees  
5 a report that contains the following:

6 (1) An analysis of the Federal Employee View-  
7 point Survey of the Office of Personnel Management  
8 to determine job satisfaction rates of covered em-  
9 ployees.

10 (2) Information relating to retention rates of  
11 covered employees at each airport, including trans-  
12 fers, in addition to aggregate retention rates of cov-  
13 ered employees across the workforce of the Adminis-  
14 tration.

15 (3) Information relating to actions taken by the  
16 Administration intended to improve workforce mo-  
17 rale and retention.

18 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated such sums as  
20 may be necessary, to remain available until expended, to  
21 carry out this Act and the amendments made by this Act.

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