

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 903  
OFFERED BY MRS. WATSON COLEMAN OF NEW  
JERSEY**

Page 2, after line 9, insert the following (and redesignate subsequent paragraphs accordingly):

1           (4) the term “at-risk employee” means a  
2           Transportation Security Officer, Federal Air Mar-  
3           shal, canine handler, or any other employee of the  
4           Transportation Security Administration carrying out  
5           duties that require substantial contact with the pub-  
6           lic during the COVID–19 national emergency;

Page 3, line 10, strike “and”.

Page 3, after line 10, insert the following (and redesignate paragraph (11) on page 3, line 11, as paragraph (13)):

7           (12) the term “TSA” means the Transportation  
8           Security Administration; and

Page 5, line 1, insert a comma after “5304a”.

Page 7, after line 25, insert the following:

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

5           (A) the Office of Personnel Management  
6 shall establish a position series and classifica-  
7 tion standard for the positions of Transpor-  
8 tation Security Officer, Federal Air Marshal,  
9 Transportation Security Inspector, and other  
10 positions requested by the Administrator; and

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

Page 8, strike lines 2 through 11, and insert the fol-  
lowing:

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

1        have the right to have such grievance or appeal re-  
2        moved to proceedings pursuant to title 5, United  
3        States Code, or continued within the TSA.

Page 8, line 13, strike “Administration” and insert  
“TSA”.

Page 8, line 14, strike “Administration” and insert  
“Administrator”.

Page 8, line 16, after paragraph (2), insert the fol-  
lowing:

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

Page 8, strike lines 18 through 25 and insert the  
following:

12           (a) NONREDUCTION IN PAY AND COMPENSATION.—  
13       Under pay conversion rules as the Secretary may prescribe  
14       to carry out this Act, a covered employee converted from  
15       a TSA personnel management system to the provisions of

1 title 5, United States Code, pursuant to section  
2 3(c)(1)(F)—

3 (1) shall 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 such 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 employee had served in an  
10 equivalent General Schedule position at the same  
11 grade, for purposes of determining the appropriate  
12 step within a grade at which to establish the employ-  
13 ee's converted rate of pay.

Page 8, after line 25, insert the following (and re-  
designate subsection (b) on page 9, line 1, as subsection  
(e)):

14 (b) RETIREMENT PAY.—For purposes of determining  
15 a covered employee's average pay to calculate the employ-  
16 ee's retirement annuity, consistent with title 5, United  
17 States Code, for any covered employee who retires within  
18 three years of the conversion date, the higher of the fol-  
19 lowing shall be used:

20 (1) The covered employee's annual rate of basic  
21 pay on the first date of the pay period following the  
22 conversion under section 3(c)(1).

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

4           (c) **LIMITATION ON PREMIUM PAY.**—Notwith-  
5           standing section 5547 of title 5, United States Code, or  
6           any other provision of law, a Federal Air Marshal or crimi-  
7           nal investigator hired prior to the date of enactment of  
8           this Act may be eligible for premium pay up to the max-  
9           imum level allowed by the Administrator prior to the date  
10          of enactment of this Act. The Office of Personnel Manage-  
11          ment shall recognize such premium pay as fully creditable  
12          for the purposes of calculating pay and retirement bene-  
13          fits.

14          (d) **COLLECTIVE BARGAINING UNIT.**—Notwith-  
15          standing section 7112 of title 5, United States Code, fol-  
16          lowing the application of chapter 71 pursuant to section  
17          3(c)(2) of this Act, full- and part-time non-supervisory  
18          Transportation Security Administration personnel car-  
19          rying out screening functions under section 44901 of title  
20          49, United States Code, shall remain eligible to form a  
21          collective bargaining unit.

Page 9, line 16, strike “Transportation Security Ad-  
ministration” and insert “TSA”.

Page 9, after line 17, insert the following:

1 (f) PROVISION OF ADDITIONAL BENEFITS.—Subject  
2 to negotiations with the exclusive representative of full-  
3 and part-time non-supervisory Transportation Security  
4 Administration personnel carrying out screening functions  
5 under section 44901 of title 49, United States Code, pur-  
6 suant to chapter 71 of title 5, United States Code, fol-  
7 lowing the application of such chapter 71 pursuant to sec-  
8 tion 3(e)(2) of this Act, the Administrator may—

9 (1) notwithstanding chapter 63 of title 5,  
10 United States Code, provide leave benefits for cov-  
11 ered employees that exceed those otherwise provided  
12 under such chapter;

13 (2) notwithstanding chapter 55 of title 5,  
14 United States Code, provide pay for covered employ-  
15 ees that exceeds that otherwise provided under such  
16 chapter; and

17 (3) notwithstanding sections 5753 and 5754 of  
18 title 5, United States Code, set payable rates and  
19 conditions for the payment of incentives and bonuses  
20 that exceed those otherwise provided under such sec-  
21 tions.

Page 10, beginning on line 3, strike “Transportation  
Security Administration” and insert “TSA”.

Page 11, beginning on line 10, strike “Transpor-  
tation Security Administration” and insert “TSA”.

Page 13, line 5, strike “Transportation Security Administration” and insert “TSA”.

Page 13, line 10, strike “Administration” and insert “TSA”.

Page 13, in paragraph (1) beginning on line 20, strike “Transportation Security Administration’s” in each instance and insert “TSA’s”.

Page 14, beginning on line 3, strike “Transportation Security Administration” and insert “TSA”.

Page 14, line 7, strike “(a) IN GENERAL.—”.

Page 14, line 8, strike “the organization” and insert “organizations”.

Page 14, strike lines 17 through 19.

Page 15, after line 3, insert the following:

**1 SEC. 12. HAZARDOUS DUTY PAYMENTS.**

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

1 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated such sums as  
3 may be necessary, to remain available until expended, to  
4 carry out this Act.

