

**AMENDMENT TO IN THE NATURE OF A  
SUBSTITUTE TO H.R. 1140  
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Rights for Transpor-  
3 tation Security Officers Act of 2020”.

**4 SEC. 2. DEFINITIONS.**

5       For purposes of this Act—

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

7                   (A) the rate of pay fixed by law or admin-  
8 istrative action for the position held by a cov-  
9 ered employee before any deductions; and

10                   (B) any regular, fixed supplemental pay-  
11 ment for non-overtime hours of work creditable  
12 as basic pay for retirement purposes, including  
13 any applicable locality payment and any special  
14 rate supplement;

15           (2) the term “Administrator” means the Ad-  
16 ministrator of the Transportation Security Adminis-  
17 tration;

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

3           (4) the term “covered position” means a posi-  
4     tion within the Transportation Security Administra-  
5     tion;

6           (5) the term “conversion date” means the date  
7     as of which paragraphs (1) through (4) of section  
8     3(c) take effect;

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

14          (7) the term “employee” has the meaning given  
15    such term by section 2105 of title 5, United States  
16    Code;

17          (8) the term “Secretary” means the Secretary  
18    of Homeland Security; and

19          (9) the term “TSA personnel management sys-  
20    tem” means any personnel management system es-  
21    tablished or modified under—

22                 (A) section 111(d) of the Aviation and  
23    Transportation Security Act (49 U.S.C. 44935  
24    note); or

1 (B) section 114(n) of title 49, United  
2 States Code.

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

4 (a) RESTRICTIONS ON CERTAIN PERSONNEL AU-  
5 THORITIES.—Notwithstanding any other provision of law,  
6 effective as of the date of the enactment of this Act—

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

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

18 (3) any authority to establish or adjust a  
19 human resources management system under chapter  
20 97 of title 5, United States Code, shall terminate  
21 with respect to covered employees and covered posi-  
22 tions.

23 (b) PERSONNEL AUTHORITIES DURING TRANSITION  
24 PERIOD.—Any TSA personnel management system in use  
25 for covered employees and covered positions on the day

1 before the date of enactment of this Act and any TSA  
2 personnel management policy, letter, guideline, or direc-  
3 tive in effect on the day before the date of enactment of  
4 this Act shall remain in effect until the effective date  
5 under subsection (c).

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

11 (1) each provision of law cited in section 2(9)  
12 is repealed;

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

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

21 (4) covered employees and covered positions  
22 shall be subject to the provisions of title 5, United  
23 States Code.

24 (d) **SAFEGUARDS ON GRIEVANCES.**—In carrying out  
25 this Act, the Secretary shall take such actions as are nec-

1    essary to provide an opportunity to each covered employee  
2    with a grievance or disciplinary action (including an ad-  
3    verse action) pending within TSA on the date of enact-  
4    ment of this Act or at any time during the transition pe-  
5    riod described in subsection (c) to have such grievance re-  
6    moved to proceedings pursuant to title 5, United States  
7    Code, or continued within TSA.

8    **SEC. 4. TRANSITION RULES.**

9       (a) NONREDUCTION IN PAY AND COMPENSATION.—  
10    Under pay conversion rules as the Secretary may prescribe  
11    to carry out this Act, a covered employee converted from  
12    a TSA personnel management system to the provisions of  
13    title 5, United States Code, pursuant to section 2(c)(4)  
14    shall not be subject to any reduction in the rate of ad-  
15    justed basic pay payable, or total compensation provided,  
16    to such covered employee.

17       (b) PRESERVATION OF OTHER RIGHTS.—In the case  
18    of each covered employee as of the conversion date, the  
19    Secretary shall take any actions necessary to ensure  
20    that—

21           (1) any annual leave, sick leave, or other paid  
22    leave accrued, accumulated, or otherwise available to  
23    a covered employee immediately before the conver-  
24    sion date shall remain available to the employee  
25    until used; and

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

6 **SEC. 5. CONSULTATION REQUIREMENT.**

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

19          (b) **CONSULTATION RIGHTS.**—Not later than 7 days  
20          after the date of the enactment of this Act, the Secretary  
21          shall consult with the exclusive representative for the per-  
22          sonnel described in subsection (a) under chapter 71 of title  
23          5, United States Code, on the formulation of plans and  
24          deadlines to carry out the conversion of covered employees  
25          and covered positions under this Act. Prior to the conver-

1 sion date, the Secretary shall provide (in writing) to such  
2 exclusive representative the plans for how the Secretary  
3 intends to carry out the conversion of covered employees  
4 and covered positions under this Act, including with re-  
5 spect to such matters as—

6 (1) the anticipated conversion date; and

7 (2) measures to ensure compliance with sections  
8 3 and 4.

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

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

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

20 Nothing in this Act shall be considered—

21 (1) to repeal or otherwise affect—

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

1 (B) section 7311 of title 5, United States  
2 Code (relating to loyalty and striking); or  
3 (2) to otherwise authorize any activity which is  
4 not permitted under either provision of law cited in  
5 paragraph (1).

