



**FOR IMMEDIATE RELEASE**

## **Statement of Chairman Bennie G. Thompson**

### ***Markup of H.R. 1881: the Transportation Security Workforce Enhancement Act of 2009***

July 9, 2009 (Washington) – Today, Committee on Homeland Security Chairman Bennie G. Thompson (D-MS) delivered the following prepared remarks for the full Committee markup of H.R. 1881: *the Transportation Security Workforce Enhancement Act of 2009*:

“If enacted, H.R. 1881 would ensure that all TSA workers are afforded the same whistleblower protections, veteran’s preference, collective bargaining rights, and benefits that their colleagues across the Department of Homeland Security and the Federal government enjoy.

Specifically, this bill transitions the entire TSA workforce to the mature, widely-accepted, and well-understood Title 5 Federal employee system—including the General Schedule.

Effectively, H.R. 1881 would bring an end to TSA’s ‘Grand Personnel Experiment.’

Before we turn to the bill, I want to remind Members about how TSA ended up with the pay-for-performance personnel system known as ‘PASS’.

When TSA was established in November 2001, Congress gave this new security agency some flexibilities to develop its own hiring and personnel practices to help TSA quickly ‘standup’ and ‘staff up.’

The exercise of these flexibilities has resulted in variations in TSA’s personnel systems and policies over the past eight years.

For instance, early on, Admiral Loy denied the TSA workforce any collective bargaining or whistleblower rights. More recently, Assistant Secretary Kip Hawley granted some limited whistleblower rights but continued to deny formal collective bargaining rights.

Imagine having a job where basic employment rights, such as leave, pay, benefits, and protections vary from year-to-year?

It takes a toll on a worker and explains why, over the past eight years, morale at TSA has been low and attrition has been high.

In fact, more often than not, when workers are asked why they are dissatisfied, they cite the lack of transparency and consistency in TSA’s personnel system.

In response, last Congress, the House overwhelmingly approved a provision that gave TSA employees Title 5 rights, including collective bargaining rights.

Regrettably, the final conference report for H.R. 1, a bill I authored to implement the unfinished business of the 9/11 Commission Recommendations, did not include this critical provision.

At the time, in 2007, I committed to continuing the fight to implement a fair and consistent system for the TSA workforce.

Today’s mark-up represents a critical moment in that fight. I am grateful to Ms. Lowey, a former

Member of this Committee, Subcommittee Chairwoman Jackson-Lee, and the more than 130 Members—including every Democratic Member of this panel—who have cosponsored this bill.

Supporting H.R. 1881 is the right thing to do for TSA. There's a lot of misinformation out there about this bill that needs to be debunked.

First, H.R. 1881 does NOT change any of the training and certification requirements required under current law.

It does NOT eliminate statutory requirements that are necessary to maintain a well-qualified security workforce.

Nor does it alter the existing Title 5 flexibilities for deployment of personnel to respond to an emergency.

Nor would it prevent TSA from discharging a worker based on threats to national security or performance deficiencies.

To those who argue that the 'General Schedule' system is too antiquated to deal with a modern agency like TSA, I would note that workers at other DHS components-- including Customs and Border Protection and the Federal Emergency Management Agency—operate under the 'General Schedule' system and we're not hearing any complaints.

To those who allege that we risk labor strikes at TSA if we allow collective bargaining, I would direct them to Section 6 of the bill which plainly states that there is NO RIGHT TO STRIKE.

Finally, to those who argue that giving collective bargaining rights will diminish TSA's ability to be nimble to address threats, I would note that there are nearly 69,000 Federal law enforcement officers with these rights and that has not stopped their agencies from protecting the nation.

Specifically, according to the Congressional Research Service, Federal law enforcement officers at the following agencies have collective bargaining rights: CBP; ICE; FPS; U.S. Capitol Police; DoD; State Department; Bureau of Prisons; U.S. Mint; and Eighteen other Federal agencies with law enforcement operations.

Moreover, law enforcement officers in 29 states and the District of Columbia have collective bargaining rights. In fact, CRS estimates that the total number of State law enforcement officers with these rights is well over 650,000.

In light of this information, it is pretty difficult to argue that extending collective bargaining rights to TSA employees would have a negative impact on security.

By enacting this legislation, we will bring a sense of unity and fairness to DHS. DHS employees, especially those within TSA, should be placed on the same personnel system so that they can be managed and supervised in an objective and consistent way.

TSA's pay-for-performance system—the 'PASS' system fails to meet this standard. Specifically, under PASS, not only do the criteria for evaluation differ from year-to-year, but so does the 'passing grade.'

Under this system, it is possible that a few points separate a 'poor performer' from an 'exceptional performer.' As a result, TSA workers do not know whether to expect a pink slip or a bonus.

It is time to give the PASS system a 'pink slip' and put the TSA workforce where it belongs—in the Federal Title 5 system. It is time to approve H.R. 1881."

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