

112TH CONGRESS
1ST SESSION

S. 1353

To exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2011

Mr. WICKER (for himself, Ms. COLLINS, and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation Secu-
5 rity Administration Efficiency and Flexibility Act of
6 2011”.

1 **SEC. 2. EXCLUSION OF EMPLOYEES OF THE TRANSPOR-**
2 **TATION SECURITY ADMINISTRATION FROM**
3 **THE COLLECTIVE BARGAINING RIGHTS OF**
4 **FEDERAL EMPLOYEES.**

5 (a) IN GENERAL.—Section 7103(a) of title 5, United
6 States Code, is amended—

7 (1) in paragraph (2)—

8 (A) in clause (iv), by striking “; or” and
9 inserting a semicolon;

10 (B) in clause (v), by striking the semicolon
11 and inserting “; or”; and

12 (C) by adding at the end the following:

13 “(vi) an officer or employee of the Trans-
14 portation Security Administration of the De-
15 partment of Homeland Security;”; and

16 (2) in paragraph (3)—

17 (A) in subparagraph (G), by striking “;
18 or” and inserting a semicolon;

19 (B) in subparagraph (H), by striking the
20 period and inserting “; or”; and

21 (C) by adding at the end the following:

22 “(I) the Transportation Security Adminis-
23 tration of the Department of Homeland Secu-
24 rity;”.

25 (b) AMENDMENTS TO TITLE 49.—

1 (1) TRANSPORTATION SECURITY ADMINISTRA-
2 TION.—Section 114(n) of title 49, United States
3 Code, is amended by adding “This subsection shall
4 be subject to section 7103(a)(2)(vi) and (3)(I) of
5 title 5, United States Code.” at the end.

6 (2) PERSONNEL MANAGEMENT SYSTEM.—Sec-
7 tion 40122 of title 49, United States Code, is
8 amended—

9 (A) by redesignating subsection (j) as sub-
10 section (k); and

11 (B) by inserting after subsection (i) the
12 following:

13 “(j) TRANSPORTATION SECURITY ADMINISTRA-
14 TION.—Notwithstanding any other provision of this sec-
15 tion (including subsection (g)(2)(C)), this section shall be
16 subject to section 7103(a) (2)(vi) and (3)(I) of title 5,
17 United States Code.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of enactment of
20 this Act and apply to any collective bargaining agreement
21 (as defined under section 7103(a)(8) of title 5, United
22 States Code) entered into on or after that date, including
23 the renewal of any collective bargaining agreement in ef-
24 fect on that date.

1 **SEC. 3. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM**
2 **FOR PASSENGER AND PROPERTY SCREEN-**
3 **ERS.**

4 (a) LABOR ORGANIZATION MEMBERSHIP; APPEAL
5 RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE
6 ISSUES.—

7 (1) IN GENERAL.—Section 111(d) of the Avia-
8 tion and Transportation Security Act (49 U.S.C.
9 44935 note) is amended—

10 (A) by striking “Notwithstanding” and in-
11 serting the following:

12 “(1) IN GENERAL.—Except as provided in sec-
13 tion 883 of the Homeland Security Act of 2002 (6
14 U.S.C. 463) and paragraphs (2) through (5), not-
15 withstanding”; and

16 (B) by adding at the end the following:

17 “(2) LABOR ORGANIZATION MEMBERSHIP.—
18 Nothing in this section shall be construed to prohibit
19 an individual described in paragraph (2) from join-
20 ing a labor organization.

21 “(3) RIGHT TO APPEAL ADVERSE ACTION.—An
22 individual employed or appointed to carry out the
23 screening functions of the Administrator under sec-
24 tion 44901 of title 49, United States Code, may sub-
25 mit an appeal of an adverse action covered by sec-
26 tion 7512 of title 5, United States Code, and final-

1 ized after the date of the enactment of the FAA Air
2 Transportation Modernization and Safety Improve-
3 ment Act, to the Merit Systems Protection Board
4 and may seek judicial review of any resulting orders
5 or decisions of the Merit Systems Protection Board.

6 “(4) EMPLOYEE ENGAGEMENT MECHANISM FOR
7 ADDRESSING WORKPLACE ISSUES.—At every airport
8 at which the Transportation Security Administration
9 screens passengers and property under section
10 44901 of title 49, United States Code, the Adminis-
11 trator shall provide a collaborative, integrated em-
12 ployee engagement mechanism to address workplace
13 issues.”.

14 (2) CONFORMING AMENDMENTS.—Section
15 111(d)(1) of such Act, as redesignated by paragraph
16 (1)(A), is amended—

17 (A) by striking “Under Secretary of
18 Transportation for Security” and inserting
19 “Administrator of the Transportation Security
20 Administration”; and

21 (B) by striking “Under Secretary” each
22 place it appears and inserting “Administrator”.

23 (b) WHISTLEBLOWER PROTECTIONS.—Section 883
24 of the Homeland Security Act of 2002 (6 U.S.C. 463) is
25 amended, in the matter preceding paragraph (1), by in-

1 sserting “, or section 111(d) of the Aviation and Transpor-
2 tation Security Act (49 U.S.C. 44935 note),” after “this
3 Act”.

○