

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.

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

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 **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.

○