

TRANSPORTATION SECURITY WORKFORCE
ENHANCEMENT ACT OF 2009

SEPTEMBER 29, 2009.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. TOWNS, from the Committee on Oversight and Government
Reform, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1881]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 1881) to enhance the transportation se-
curity functions of the Department of Homeland Security by pro-
viding for an enhanced personnel system for employees of the
Transportation Security Administration, and for other purposes,
having considered the same, report favorably thereon without
amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1881, the “Transportation Workforce Enhancement Act of 2009”, makes applicable to the Transportation Security Administration (TSA) the rules, benefits, workplace protections, and conditions of employment codified in title 5 of the United States Code, including the right for employees to bargain collectively. The legislation repeals section 111(d) of the Aviation and Transportation Security Act (ATSA) (P.L. 107–71) and section 114(n) of title 49, United States Code, which authorized the TSA Administrator to establish personnel systems for the TSA outside of the rules that govern most other federal agencies. H.R. 1881 establishes a process for transitioning employees under the current TSA systems to the title 5 civil service personnel system, which applies to other Department of Homeland Security (DHS) components and government workers generally. The transition is to be completed at a date determined by the Secretary of Homeland Security, but in no event later than 60 days of the enactment of H.R. 1881. The legislation further requires that employees do not suffer a reduction in pay or accrued benefits as a result of the transition, and provides consultation rights to qualified labor organizations during the period of transition.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1881, the “Transportation Workforce Enhancement Act of 2009”, makes applicable to TSA the rules, benefits, workplace protections, and conditions of employment codified in title 5 of the United States Code, including the right for employees to bargain collectively.

Most other federal agencies and employees are subject to title 5’s civil service rules and merit system protections, including components within DHS, such as Customs and Border Protection and DHS Headquarters personnel. However, when the TSA was established in 2001, as part of the Department of Transportation, Congress provided the new agency with authority to develop and implement TSA-specific hiring and personnel rules, modeled on those that exist for the Federal Aviation Administration. These flexibilities were provided to help TSA “stand-up” quickly as a new agency. In addition, in order to expedite the process of federalizing the duties of airport screeners across the country, Congress gave the TSA Administrator nearly unfettered authority to define all terms of pay, benefits, and conditions of employment for the screening workforce (now called Transportation Security Officers (TSOs)), without regard to title 5.¹

TSA’s subsequent use of these authorities, and the development of disparate personnel systems for TSO and non-TSO employees,

¹ See section 111(d) of the Aviation and Transportation Security (P.L. 107–71): (d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

has created significant inconsistencies both within TSA and between TSA and the rest of DHS. More fundamentally, TSA has used its authority to exempt the agency from many laws that govern the rest of the civil service, such as the Civil Service Reform Act, the Rehabilitation Act, the right to appeal adverse actions to the Merit Systems Protection Board (MSPB), judicial review of adverse actions, General Schedule pay requirements, the right to seek the Office of Special Counsel's assistance to remedy violations of Veteran's preference and the Uniformed Services Employment and Reemployment Rights Act (USERRA), and until recently, whistleblower protections.

This lack of consistency and transparency in TSA's personnel systems has lowered employee morale and increased attrition within the agency, especially in the ranks of TSOs, who have been severely impacted by the lack of workplace protections, and now by the introduction of an unpopular pay-for-performance system known as the Performance Accountability and Standards System, or "PASS." A high injury rate, low employee morale, and attrition negatively impact the agency's ability to perform its vital aviation security function.

H.R. 1881 addresses this situation by repealing authority for the existing TSA personnel management systems. It provides rules for transitioning all TSA employees into title 5 of the U.S. Code. This will place TSA employees on par with their colleagues at DHS and the rest of the federal civil service. H.R. 1881 further ensures that TSA employees will not suffer a reduction in pay or accrued leave or benefits as a result of transitioning to title 5.

As part of the transition to title 5, H.R. 1881 would make applicable the federal government's rules pertaining to collective bargaining. Collective bargaining is a fundamental workplace right that applies to employees throughout the federal government, including in national security and homeland security professions. This includes civilian employees at the Defense Department, DHS Customs and Border Protection Guards, Border Patrol Officers, and Bureau of Prisons Guards.

In the federal government, collective bargaining rules are governed by chapter 71 of title 5. In general, employees and their representatives are entitled to bargain on issues that impact the day-to-day life of the employee, such as work schedules and "flextime," break times, procedures for filing grievances, procedures for rating performance, procedures for selecting overtime, and procedures for providing training. All of these issues affect the morale of rank and file employees. Satisfactory resolution of these issues, based on a cooperative labor-management process, leads to a more productive and efficient workforce.

The right to bargain collectively under title 5 is subject to several broad exceptions. Management exclusively determines the mission, budget, organization, number of employees, and internal security practices of the agency. Agencies have no obligation to bargain over matters set by statute, such as the amount employees are paid under the General Schedule pay system. Agencies have no obligation to bargain over matters set by government-wide rule or regulation, such as the job classification rules and qualification standards for positions. Agencies have no obligation to bargain over rules they promulgate for which there is a compelling need. And, in order to

carry out the agency's mission during emergencies, management has the statutory authority to take whatever actions may be necessary.

The changes made by H.R. 1881 would not affect existing law that prohibits federal employees from striking. Indeed, section 6 of H.R. 1881 re-states existing law that imposes criminal penalties on a person who violates title 5's prohibition on participating in a strike against the federal government. In addition, the legislation would not modify existing training and certification requirements for TSA personnel under section 114(e) of title 49, United States Code, and other un-repealed provisions of ATSA.

H.R. 1881 mandates consultation between the TSA Administrator and employees, through qualified labor organizations, during the 60-day transition period to the title 5 civil service system. This requirement is for the 60-day transition period only and should not be interpreted as impacting or overriding the exclusive bargaining recognition or labor management relations under Chapter 71 of Title 5. This consultation requirement will provide an opportunity for employees and their representatives to stay informed during the transition process and provide an opportunity for the employees and their representatives to present their views and recommendations to the Assistant Secretary on the transition plan. The Secretary is required to consider the recommendations and provide a statement and reason for any final actions being taken.

In the 110th Congress, the House of Representatives passed similar rights and protections, including the right to collectively bargain, for TSA personnel as part of H.R. 1, the "Implementing the Recommendations of the 9/11 Commission Act of 2007." However, under the threat of a veto from the Bush administration, the protections were removed in conference with the Senate. President Obama has supported these protections. In an October 20, 2008, letter, then-candidate Obama wrote, "Advocating for TSOs to receive collective bargaining rights and workplace protections will be a priority for my administration. It is unacceptable for TSOs to work under unfair rules and without workplace protections—this makes it more difficult for them to perform their jobs."

LEGISLATIVE HISTORY

The Oversight and Government Reform Committee held a markup of H.R. 1881 on September 10, 2009, and ordered the bill to be reported by a vote of 19–10.

On July 9, 2009, the Homeland Security Committee held a markup of H.R. 1881 and ordered the bill to be reported by a voice vote.

SECTION-BY-SECTION

Section 1. Short title; table of contents

The short title of this Act is the Transportation Security Workforce Enhancement Act of 2009.

Section 2. Definitions

This section defines several terms for the purposes of this Act, including: covered position and employee; Secretary and Assistant Secretary; TSA personnel management system; agency, and; conversion date.

Section 3. Conversion of transportation security personnel

This section terminates the authorities provided to the Assistant Secretary under section 111(d) of ATSA to set the terms and condition of employment for the screener workforce. This section also strikes the personnel system established under section 111(n) of title 49, which applies currently to the non-screener TSA workforce. These changes are effective 60 days from date of enactment, during which time the Secretary of Homeland Security is required to transition all TSA employees to the employment provisions of title 5 that apply to other DHS employees.

Section 4. Transition rules

This section provides rules for the transition of TSA employees to title 5. Specifically, this section requires that the transition be conducted without any reduction in the rate of basic pay for any employee covered by the conversion. The Secretary of Homeland Security must also take any actions which may be necessary to ensure that all service performed by covered employees before the conversion date be credited in the determination of the employees' length of service for purposes of applying the provisions of law in title 5 governing leave, pay, group life and health insurance, severance pay, tenure, and status. The Secretary must also ensure that all annual leave, sick leave, or other paid leave accrued, accumulated, or otherwise available to a covered employee remain available to the employee after the conversion. The section also requires the Secretary to ensure that the Government's share of any premiums or other periodic charges under the provisions of law governing group health insurance remain the same as was the case immediately before the conversion date. This section also states that nothing in this Act shall affect any administrative or judicial proceeding commenced before the date of the enactment of this Act.

Section 5. Consultation requirement

This section ensures that during the 60-day transition period to the civil service system, there will be a consultation requirement between the Assistant Secretary and the employees through their qualified labor organizations. For the purposes of this section, the term qualified labor organization means a labor organization which satisfies the definition of a labor organization under section 7103(a)(4) of title 5, United States Code and is receiving through payroll deductions, from at least 1,000 covered employees, dues payable to the labor organization.

Section 6. No right to strike

This section re-states current law that nothing in this Act would provide the employees of TSA with the right to strike.

Section 7. Regulations

This section provides the Secretary of Homeland Security the authority to prescribe any regulations necessary to carry out this Act.

Section 8. Delegations to Assistant Secretary

This section provides the Secretary the authority to delegate any authorities or functions necessary to fulfill this act to the Assistant Secretary.

Section 9. Authorization of appropriations

This section authorizes the appropriation of such sums as necessary to carry out the Act.

EXPLANATION OF AMENDMENTS

No amendments were offered during the Committee's markup of H.R. 1881.

COMMITTEE CONSIDERATION

On Thursday, September 10, 2009, the Committee met in open session and favorably ordered H.R. 1881 to be reported to the House by a vote of 19–10.

ROLL CALL VOTES

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM - 111TH CONGRESS
ROLL CALL VOTE # 002

BILL: H.R. 1881, the "Transportation Workforce Enhancement Act of 2009"

DISPOSITION: FAVORABLY REPORTED, without objection, by a roll call vote of 19 yeas to 10 nays.

Democrats	Aye	No	Present	Republicans	Aye	No	Present
MR. TOWNS (<i>Chairman</i>)	X			MR. ISSA (<i>Ranking</i>)			
MR. KANJORSKI	X			MR. BURTON		X	
MRS. MALONEY	X			MR. McHUGH			
MR. CUMMINGS	X			MR. MICA		X	
MR. KUCINICH	X			MR. SOUDER		X	
MR. TIERNEY	X			MR. DUNCAN		X	
MR. CLAY				MR. TURNER			
MS. WATSON	X			MR. WESTMORELAND			
MR. LYNCH				MR. McHENRY			
MR. COOPER				MR. BILBRAY		X	
MR. CONNOLLY	X			MR. JORDAN		X	
MR. QUIGLEY	X			MR. FLAKE		X	
MS. KAPTUR	X			MR. FORTENBERRY		X	
MS. NORTON	X			MR. CHAFFETZ		X	
MR. KENNEDY	X			MR. SCHOCK			
MR. DAVIS				MR. LUETKEMEYER		X	
MR. Van HOLLEN							
MR. CUELLAR	X						
MR. HODES	X						
MR. MURPHY	X						
MR. WELCH	X						
MR. FOSTER	X						
MS. SPEIER	X						
MR. DRIEHAUS	X						
VACANCY							

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of P.L. 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to terms and conditions of employment or access to public services and accommodations.

H.R. 1881 repeals the authority for existing TSA personnel systems, and requires that TSA employees transition to the employment rules under title 5 of the United States Code. This bill does not relate to employment or access to public services and accommodations in the legislative branch.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report, including the need to transition employees of the TSA from their current personnel systems to the rules and conditions of employment in title 5, which also covers other employees at the Department of Homeland Security and the federal workforce generally.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report, including the need to address long-standing morale and attrition problems at TSA by converting the TSA's employees to the title 5 civil service employment system.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 1881. Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement on whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 1881 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 1881. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1881 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 17, 2009.

Hon. EDOLPHUS TOWNS,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1881, the Transportation Security Workforce Enhancement Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Barry Blow.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas Elmendorf, Director).

Enclosure.

H.R. 1881—Transportation Security Workforce Enhancement Act of 2009

Summary: H.R. 1881 would repeal the authority of the Transportation Security Administration (TSA) to establish or modify a personnel management system for its employees. Instead, those employees would become subject to the provisions of title 5, United States Code, and other civil service laws, including the right to collective bargaining, that apply to employees and positions within most other executive branch agencies. Under the bill, the Secretary of Homeland Security would have to announce, within 14 days after enactment, plans for carrying out the conversion. Further, the bill would require the Secretary to permit a qualified labor organization to comment on those plans and to consider and respond to

those comments. The conversion would have to be completed within 60 days of enactment.

Based on information from TSA and the Office of Personnel Management (OPM), and subject to the appropriation of the necessary amounts, CBO estimates that implementing H.R. 1881 would cost about \$690 million over the 2010–2014 period. That estimate includes the costs of higher salaries likely to be paid to some employees under the General Schedule (GS) and the costs of creating a labor relations program, which include the expenses to hire necessary employees and retrain current employees to operate with a workforce that includes collective bargaining units. Enacting H.R. 1881 would not affect direct spending or revenues.

H.R. 1881 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal government: The estimated budgetary impact of H.R.1881 is shown in the following table. The costs of this legislation would fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Impact on Salaries of Moving to the General Schedule:						
Estimated Authorization Level	104	129	131	133	134	631
Estimated Outlays	100	128	131	133	134	626
Impact of Implementing Collective Bargaining:						
Estimated Authorization Level	12	12	13	13	13	63
Estimated Outlays	11	12	13	13	13	61
Total Changes:						
Estimated Authorization Level	116	141	144	146	147	694
Estimated Outlays	111	140	144	145	147	687

Basis of estimate: For this estimate, CBO assumes that H.R. 1881 will be enacted near the end of 2009, that the conversion will require the full 60 days allowed under the bill, and that the necessary amounts for implementing it will be appropriated each year.

The legislation would make several changes to current law related to the personnel system for TSA employees. The costs of converting from the TSA personnel system to the General Schedule depend in large part on how employees are classified under GS pay grades. Because TSA positions have never been part of the General Schedule, there is considerable uncertainty as to how the roughly 60,000 positions currently under that pay system would ultimately be assigned within the GS system and, hence, considerable uncertainty as to the cost of the conversion. For the purposes of this estimate, CBO estimates that the reclassification would result in many employees, particularly the approximately 50,000 employees in the lower four pay bands of the current system, receiving a salary increase under the bill. Based on discussions with OPM and TSA, CBO has assumed that the 36,000 employees in the bottom two bands of TSA’s current pay system would be classified at various steps within the GS–5 pay grade. Using data on salary and length of service (which employees are credited with for purposes of determining pay under the bill) provided by OPM, CBO estimates the conversion would result in an average salary increase of about

\$1,700 for those employees. Employees in the next two pay bands with jobs requiring additional responsibilities and duties would be classified at higher pay grades and also would receive a salary increase as a result. As stated in H.R. 1881, no employee would suffer a reduction in pay. In total, CBO estimates that moving to the General Schedule would increase outlays by \$100 million in 2010 and \$626 million over the 2010–2014 period, assuming appropriation of the necessary amounts.

CBO expects that, under H.R. 1881, the agency also would incur costs starting in 2010 to move from its current personnel system to a system based on collective bargaining, particularly to hire specialists in labor relations. Based on information provided by other federal agencies on the costs to support personnel systems that allow collective bargaining, as well as information provided by TSA, CBO estimates that such costs would total \$11 million in 2010 and \$61 million over the five-year period, assuming appropriation of the necessary amounts.

CBO cannot estimate the impact of potential changes in TSA’s spending that might result from future negotiations with labor groups. Although those costs could be significant, particularly in future years, CBO has not included any such changes in this estimate.

Intergovernmental and private-sector impact: H.R. 1881 contains no intergovernmental or private-sector mandates as defined in UMR A and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On August 31, 2009, CBO transmitted a cost estimate for H.R. 1881 as ordered reported by the House Committee on Homeland Security on July 9, 2009. The two versions of the legislation are identical, as are the estimated costs.

Estimate prepared by: Federal Costs: Barry Blom; Impact on State, Local, and Tribal Governments: Ryan Miller; Impact on the Private Sector: Jacob Kuipers.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

AVIATION AND TRANSPORTATION SECURITY ACT

* * * * *

TITLE I—AVIATION SECURITY

* * * * *

SEC. 111. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) * * *

* * * * *

[(d) **SCREENER PERSONNEL.**—Notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.]

* * * * *

TITLE 49, UNITED STATES CODE

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SUBTITLE I—DEPARTMENT OF TRANSPORTATION

* * * * *

CHAPTER 1—ORGANIZATION

* * * * *

§ 114. Transportation Security Administration

(a) * * *

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[(n) **PERSONNEL MANAGEMENT SYSTEM.**—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, or, subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate, such as adopting aspects of other personnel systems of the Department of Transportation.]

* * * * *

DISSENTING VIEWS OF RANKING MEMBER DARRELL E.
ISSA

Signed into law in November 2001, the Aviation and Transportation Security Act (PL 107–71) established the Transportation Security Administration (TSA), and gave the Administrator of the TSA total flexibility in administering an appropriate pay system to ensure that TSA was capable of fulfilling the critical mission of protecting the lives of Americans. Congress granted this flexibility because it was determined that collective bargaining was not compatible with the flexibility required to wage the war against terrorism.

During the Committee’s markup of H.R. 1881, Representative Mica, the Chairman of the Transportation and Infrastructure Committee’s Aviation Subcommittee in 2001 spoke regarding the consideration of the Aviation and Transportation Security Act:

We had a bipartisan agreement. It is ironic that one day before the anniversary of that tragedy that struck our Nation we undertake to undo a bipartisan agreement. That bipartisan agreement was based on what we thought was best for the Nation, and that was not to have airport screeners under the protection of Title 5.

The belief that this flexibility is imperative to TSA’s function has been expressed by every TSA Administrator. H.R. 1881, however, would remove this pay structure flexibility. It does so while TSA only has an Acting Administrator, and as such has not taken an official position which differs from its previous claim that requiring TSA to become part of Title V would “ultimately reduce transportation security.”¹ This legislation is therefore premature, and seeks to limit authority granted to the TSA Administrator without the Administrator’s input. In addition, the Committee did not hold any hearings on this matter, nor did it receive the view of the Administration regarding this provision. The most appropriate course of action would be to allow the new TSA Administrator, once confirmed, to participate in this discussion.

TSA established a pay for performance plan the Performance Accountability and Standards System (PASS)—in 2005 at the request of TSA employees, including Transportation Security Officers, who participated in six regional focus groups. These employees wanted more than just a passing or failing grade for their technical proficiency. They wanted to be recognized for positive performances on annual assessments. Employees meeting or exceeding TSA stand-

¹Written testimony submitted by Assistant Secretary, Transportation Security Administration, Kip Hawley before the Senate Homeland Security and Government Affairs Subcommittee on Oversight of Government Management, the Federal Workforces, and the District of Columbia hearing entitled, “Transportation Security Administration Personnel System,” March 5, 2007.

ards receive performance-based pay raises and/or lump-sum bonuses.

There appears to be little indication from TSA employees that the PASS system is in any way problematic. During the most recent performance evaluations of TSA employees, only one percent received a rating of “Does Not Meet Standards.”

The Congressional Budget Office estimated that H.R. 1881 would increase discretionary spending \$690 million from fiscal year 2010 through fiscal year 2014. Given the cost associated with this legislation, the lack of an Administration position and the fact that this Committee has not held a hearing on the measure, the Committee Minority is opposed to H.R. 1881.

DARRELL E. ISSA.

