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## **DEPARTMENT OF HOMELAND SECURITY**

### **TRANSPORTATION SECURITY ADMINISTRATION (TSA)**

#### **Background**

Calendar year 2025 marked a turning point for the TSA workforce. After years of advocacy, TSOs experienced improved pay, workplace protections, and stability as a result of policy changes implemented under the Biden administration and a collective bargaining agreement (CBA ratified in May 2024). However, actions taken by DHS and the Trump administration in 2025 now threaten to reverse these gains, creating uncertainty for more than 47,000 frontline aviation security professionals and raising serious legal, operational, and national security concerns.

Transportation Security Officers (TSOs) remain uniquely excluded from statutory Title 5 protections under the Aviation and Transportation Security Act (ATSA). Instead, TSOs' pay, discipline, and collective bargaining rights depend on agreements between AFGE and TSA. This structural vulnerability has made the TSO workforce especially susceptible to political shifts.

In June 2021, then-Department of Homeland Security (DHS) Secretary Alejandro Mayorkas directed TSA to expand collective bargaining rights, align TSO pay with the General Schedule (GS), and provide access to the Merit Systems Protection Board (MSPB). Congress reinforced this direction in the FY 2023 Omnibus Appropriations Act, providing nearly \$400 million to implement GS-equivalent pay and support bargaining. These changes resulted in an average pay increase of roughly 30 percent beginning in July 2023 and culminated in a new seven-year TSA–AFGE collective bargaining agreement ratified in May 2024.

#### **TSA Under the Trump Administration**

On February 27, 2025 the Secretary of the Department of Homeland Security, Kristi Noem, issued a determination that barred TSOs from engaging in collective bargaining and rescinded the 2024 collective bargaining agreement between AFGE and TSA. The Noem Determination ended AFGE as the exclusive representative of TSOs, stopped voluntary dues collection from TSO paychecks, and halted all grievances and arbitration pending nationwide on behalf of TSOs.

AFGE sued DHS in federal court and received a preliminary injunction on June 2. The district court judge found that AFGE had convincingly demonstrated it is likely to succeed on the merits of its claims showing that the Noem Determination violated the First and Fifth Amendments, as well as the Administrative Procedure Act (APA). With the preliminary injunction, the Noem

Determination is no longer binding and places the 2024 CBA back in force with all the rights provided under the CBA, including payroll deduction.

On August 13, a federal district court judge denied the Trump Administration's motion to dismiss the case.

In December, the Trump Administration issued a second DHS determination asserting that collective bargaining for TSOs is "incompatible" with TSA's national security mission. This determination, similar to the earlier Noem determination, is a second effort by the administration to strip TSOs of collective bargaining rights, halt voluntary dues collective and halt all grievances and arbitration covered under the 2024 CBA. This action is a sharp reversal of DHS policy prior to 2025 and ignores years of operational experience demonstrating that labor-management collaboration that has improved aviation security, morale, and retention. DHS filed a motion to dismiss and dissolve the preliminary injunction. AFGE has responded with a motion to enforce the preliminary injunction.

On January 15, 2026, a federal district judge in Seattle, WA ruled that DHS's attempt to terminate the CBA between TSA and AFGE would violate the existing preliminary injunction. The federal district judge ordered TSA to "immediately notify bargaining unit TSO's that, pursuant to the Preliminary Injunction issued by the court on June 2, 2025, the September Noem Determination will not take effect on January 18, 2026, the 2024 CBA remains applicable and binding, and the currently pending grievances and arbitrations submitted under the 2024 CBA will continue to be processed."

Both DHS determinations relied on broad, unsupported assertions rather than evidence. TSA had operated for several years with expanded bargaining rights without any degradation in security outcomes. To the contrary, improved pay and workplace protections reduced attrition, strengthened institutional knowledge, and improved checkpoint operations.

### **Impact on TSOs**

The two DHS determinations to dissolve the CBA disproportionately harms TSOs, who already lack statutory Title 5 protections. If allowed to proceed, the dissolution of TSOs CBA will have immediate and anticipated impacts, including:

- Loss of enforceable grievance and arbitration procedures.
- Increased risk of arbitrary discipline and inconsistent workplace policies.
- Reduced ability for TSOs to raise safety and operational concerns without fear of retaliation
- Renewed instability in recruitment and retention at a time of persistent staffing shortages.

TSOs perform high-stress, mission-critical work under intense public scrutiny. Undermining their workplace rights directly weakens aviation security by accelerating attrition and silencing frontline expertise.

### **Workforce Stability, Pay and Retention**

While GS-equivalent pay remains in effect as of January 2026, it is not codified in statute. Without continued appropriations and supportive DHS policy, TSA workforce conditions can be further eroded by a hostile administration.

Historically, inadequate pay contributed to very high rates of attrition at TSA. Between 2007 and 2018, the agency effectively replaced its entire screening workforce. In some years, one in five TSOs resigned within six months. Evidence following the 2023 pay adjustment showed improved retention, underscoring the direct connection between fair compensation, collective bargaining rights and security readiness.

## **Legislative Priorities for TSA**

### **Title 5 Rights and the Rights for the TSA Workforce Act**

The number one priority for the TSO workforce is to achieve collective bargaining rights under Title 5 of the U.S. Code, which would provide statutory protections and prevent the current or future administrations from making similar determinations. AFGE has and continues to pursue legislation in Congress to codify Title 5 rights for TSOs. In 2025, Rep. Bennie Thompson (D-MS) and Sen. Brian Schatz (D-HI) reintroduced the Rights for the TSA Workforce Act (H.R. 2086 / S. 997). This legislation would provide the TSO workforce collective bargaining rights under Title 5 and place TSO's on the General Schedule (GS) pay scale. Given the second determination issued by DHS in December that would strip collective bargaining rights from TSOs, it is even more critical that the Rights for the TSA Workforce Act be enacted. As of January 25, the House bill has 141 cosponsors, including seven Republicans. The Senate bill has 31 cosponsors, all Democrats.

In previous years, AFGE has pushed vigorously to have the Rights for the TSA Workforce Act enacted into law as a standalone bill or attached to larger legislation. In 2022, the Rights for the TSA Workforce Act passed the U.S. House of Representatives by a 220-201 vote. It was not taken up by the U.S. Senate for a floor vote at that time. AFGE also pushed to have the Rights for the TSA Workforce Act included as part of the FAA Reauthorization Act of 2024, but that effort was opposed by some members of the Senate Commerce Committee. The bill has also been offered as an amendment to the FY2025 National Defense Authorization Act by Sen. Schatz but was not adopted. AFGE will continue to push for the Rights for the TSA Workforce Act to be enacted into law.

### **Possible Reauthorization of the Transportation Security Administration (TSA)**

The House Homeland Security and Senate Commerce Committees, the two committees of jurisdiction over TSA, are both looking into reauthorizing TSA. TSA was created in 2001 under the Aviation and Transportation Security Act (ATSA) in the aftermath of September 11 attacks. Both committees have solicited feedback from stakeholders, including AFGE, on what they would like to see in TSA reauthorization. We have told both committees that AFGE has two main priorities: codifying Title 5 rights for transportation security officers (TSOs) and halting any effort to privatize airport screening security functions.

Efforts to privatize airport screening security is a matter AFGE is monitoring closely. It is possible Republicans in Congress may use an existing program – the Screening Partnership Program – to make it easier for airports to contract security screening functions over the current use of federal TSOs. Democratic committee staff have told us that they are aware of this concern and the ranking Democrats, Rep. Bennie Thompson and Sen. Maria Cantwell, are opposed to privatization efforts.

There is also legislation that was introduced in 2025 that would eliminate TSA. This includes S. 1180, the Abolish TSA Act, introduced by Senator Mike Lee (R-UT). We do not expect this legislation to get much traction, but it is a valuable point of reference for where some congressional legislators are on TSA.

AFGE has been told to expect TSA reauthorization efforts in the two committees of jurisdiction in the first half of 2026.

### **TSA Commuting Fairness Act**

AFGE supports the TSA Commuting Fairness Act (H.R. 862 / S. 1483), legislation that would require TSA to study the time TSOs spend traveling from remote parking lots to their duty stations. The bill seeks to study whether some form of compensation or service credit may be possible for those with particularly long on-site travel. The bill, introduced by Reps. Tim Kennedy (D-NY) and Andrew Garbarino (R-NY) in the U.S. House of Representatives, passed the House on voice vote on March 10, 2025. The Senate companion bill was introduced on April 10 by Sen. Tammy Duckworth (D-IL) and is awaiting further action.

### **Honoring Our Fallen TSA Heroes Act**

The Honoring Our Fallen TSA Heroes Act (H.R. 1159), introduced by Rep. Julia Brownley (D-CA) would grant public safety officer benefits to TSA officers and family members in the event of death or severe injury in the line of duty. The bill has 20 cosponsors. Efforts to identify a Senate cosponsor to introduce companion legislation have not proven successful. However, TSOs and other federal workers killed on the job would receive increased death benefits under the Honoring Civil Servants Killed in the Line of Duty Act that AFGE has endorsed (H.R. 3317/S. 2078).

## **U.S BORDER PATROL**

In 2025, U.S. Border Patrol agents experienced a mixed policy environment shaped by the Trump administration’s immigration agenda and DHS workforce practices. While Border Patrol was rhetorically prioritized by the administration, agents continued to face chronic staffing shortages, high attrition, and demanding working conditions. Recruitment and retention challenges persist. Attrition continued to be a significant issue, reflecting long-standing issues related to mandatory overtime, remote duty locations, family separation, and burnout.

Border Patrol agents were affected by broader DHS policies that collective bargaining could be curtailed on asserted “national security” grounds. Although DHS did not rescind CBP collective bargaining agreements in 2025, the selective targeting of other agencies under DHS raised

concerns among Border Patrol employees that similar actions could follow. Uncertainty regarding future bargaining rights has negatively affected morale and trust in DHS leadership.

The One Big Beautiful Bill Act (Public Law 119-21) provided approximately \$70 billion over 4 years towards U.S. Customs and Border Protection (CBP). The funding includes:

- \$46.55 billion towards physical barriers along the southern and northern borders of the United States. The White House stated the new law would fund the construction of 701 miles of primary wall, 629 miles of secondary barriers and 141 miles of vehicle and pedestrian barriers.
- \$5 billion towards CBP facilities, including short-term detention facilities and checkpoints.
- \$4.1 billion to hire and train new Border Patrol agents and support staff and more than \$2 billion in retention and hiring bonuses. These funds are intended to hire and retain 3,000 new Border Patrol agents.
- \$6.2 billion in border security technology and screening processes along the southern and northern borders.

The October–November 2025 federal government shutdown further strained the Border Patrol workforce. Agents were required to work without pay for several weeks, exacerbating financial stress and highlighting Congress’s failure to provide funding stability for frontline national security personnel. As in previous shutdowns, missed paychecks undermined morale and retention, particularly for agents stationed in high-cost or remote areas.

## **U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)**

USCIS employees faced significant operational and workforce challenges in 2025 as DHS and the Trump administration pursued policies aimed at restricting immigration and asylum processing. Staffing shortages, especially among asylum officers, remained severe. DHS policy choices and budgetary constraints limited USCIS’s ability to hire, train, and retain staff needed to address growing caseloads.

The administration’s posture toward asylum processing placed USCIS employees under intense pressure, with frequent policy changes, heightened performance demands, and public criticism of the agency’s mission.

USCIS was included in President Trump March 2025 executive order *Exclusions from Federal Labor-Management Relations Programs* that stripped collective bargaining rights from over one million federal workers. In August, USCIS announced it was terminating the CBA with AFGE.

The One Big Beautiful Bill Act (Public Law 119-21) significantly increased fees and created new fees for applications administered by USCIS.

The 2025 shutdown had a negative impact on USCIS employees. Although the agency is largely fee-funded, uncertainty surrounding appropriations and authority during the shutdown disrupted operations, delayed processing, and increased backlogs. Employees faced heightened workloads

after the shutdown ended, with no corresponding relief in staffing or resources. Congressional inaction on stable funding and workforce support compounded these challenges.

## **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

AFGE continues to lobby in support of full FEMA funding and advocating for member pay and fair hiring practices. AFGE represents employees at FEMA whose mission is to make victims whole again after natural disasters. AFGE continues to urge Congress to amend language that allows Cadre of On-Call Response/Recovery (CORE) employees to become full-time employees without the standard hiring practices and advocate for raising the Pay Cap Waivers for FEMA employees so that FEMA employees can be compensated for hours worked in disaster zones.

FEMA was included in President Trump March 2025 executive order *Exclusions from Federal Labor-Management Relations Programs* that stripped collective bargaining rights from over one million federal workers. In August, FEMA announced it was terminating the CBA with AFGE, ending a nearly 10-year contract.

The October–November 2025 shutdown directly impeded FEMA’s ability to prepare for and respond to disasters. While certain emergency functions continued, uncertainty over funding and staffing disrupted planning and recovery efforts. FEMA employees, many of whom are deployed for long periods away from home, faced financial and personal hardship due to delayed pay. Congress’s failure to enact reforms allowing CORE employees a clearer path to permanent status, as well as inaction on pay cap waivers, continued to hinder FEMA’s recruitment and retention efforts in 2025.

Most recently, FEMA is advising its staff in early January to prepare for the elimination of 1,000 jobs as part of the administration’s downsizing of the federal workforce. The dismissals are anticipated to apply to contractual CORE FEMA staff whose assignments expire in January. CORE employees have historically made up nearly 40 percent of the agency’s workforce.

On January 27, 2026, AFGE, along with a coalition of labor unions, nonprofit groups, and local governments, filed a supplemental complaint Tuesday challenging the unlawful and drastic reduction of staff at FEMA. The complaint is a supplemental to a lawsuit filed in April 2025 by AFGE and a coalition of groups challenging the Trump administration’s unlawful reorganization and downsizing of the federal government without congressional authority. The January 2026 supplemental complaint alleges that DHS’s December 2025 decision to severely reduce FEMA’s staffing levels beginning January 1, 2026 violates congressional protections designed to preserve FEMA’s independence and ensure it can carry out its statutory mission. The complaint further alleges that, if allowed to proceed, DHS’s actions will leave FEMA unable to adequately prepare for or respond to natural disasters and other emergencies, placing lives and property at risk and undermining the very purpose for which Congress created the agency.