

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO

80 F Street, N.W.
Washington, D.C. 20001

Plaintiff,

v.

TRANSPORTATION SECURITY
ADMINISTRATION

6595 Springfield Center Dr.
Springfield, VA 20598-6011

Defendant.

CIVIL ACTION NO. 26-2766

COMPLAINT

PRELIMINARY STATEMENT

1. Plaintiff American Federation of Government Employees, AFL-CIO (“AFGE” or “Plaintiff”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the United States Transportation Security Administration (“TSA” or “Defendant”) to disclose documents requested pursuant to FOIA. Specifically, AFGE is seeking documents related to a TSA airport checkpoint privatization program called “GoldPlus” or “Gold+”.
2. These documents will shed light on the agency’s secretive push to expand the privatization of airport security screening functions. TSA has developed and marketed GoldPlus to airports since at least August of 2025, and the public only learned by happenstance when a TSA-branded briefing flier was found at Orlando International Airport. The existence of GoldPlus

was not formally disclosed to AFGE – which represents federal employees, including employees whose jobs and livelihoods would potentially be impacted by this privatization – until after AFGE had filed its FOIA request about the program.

3. TSA reportedly pitched this privatization program, which would jeopardize the employment conditions of tens of thousands of TSA employees and the safety of the traveling public, amid a Department of Homeland Security shutdown that forced approximately 47,000 transportation security officers to work unpaid for weeks.
4. To date, TSA has failed to make a determination on Plaintiff's FOIA request, to disclose any of the requested documents within the time stipulated under FOIA, or to provide any date when such documents will be disclosed.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action under 5 U.S.C. § 552(a)(4)(B). This Court also has federal question jurisdiction over this action under 28 U.S.C. § 1331.
6. This Court has the authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*
7. This Court is a proper venue under 5 U.S.C. § 552(a)(4)(B) (providing for venue in FOIA cases where the plaintiff resides, or in the District of Columbia).
8. This Court has the authority to award reasonable costs and attorneys' fees under 5 U.S.C. § 552(a)(4)(E).

PARTIES

9. Plaintiff American Federation of Government Employees, AFL-CIO, is a labor organization and unincorporated association headquartered in Washington, DC. AFGE is the largest union of federal workers. It represents approximately 800,000 federal civilian employees through its

affiliated councils and locals in every state in the United States and the District of Columbia. AFGE is dedicated to fighting for dignity, safety, and fairness of the job for its members, and promoting efficiency and the improvement of government service so that government can more effectively serve the American people. Among its members are tens of thousands of transportation security officers employed by TSA.

10. Defendant TSA is a component of the U.S. Department of Homeland Security (“DHS”) and an agency of the United States under 5 U.S.C. § 552(f)(1). TSA is headquartered in Springfield, VA.

11. Defendant is charged with the duty to provide public access to records in its possession consistent with the requirements of the FOIA. Defendant’s failure to make a determination on Plaintiff’s request and its refusal to provide Plaintiff with the records requested violates FOIA.

STATEMENT OF FACTS

The TSA Gold+ Program

12. In March 2025, DHS attempted to eliminate the collective bargaining rights of approximately 47,000 employees. Litigation by AFGE resulted in DHS’ efforts to eliminate collective bargaining being enjoined. That litigation, *American Federation of Government Employees AFL-CIO v. Noem*, is ongoing. 2:25-cv-00451, (W.D. Wash.).

13. Along with its efforts to strip TSA officers of their labor protections, TSA has been developing a program known as “GoldPlus” or “Gold+” to transfer management and staffing of airport security screening to private contractors. TSA has been marketing GoldPlus as distinct from its existing security privatization program, the “Screening Partnership Program.”¹

¹ See generally TSA, SCREENING PARTNERSHIP PROGRAM (last accessed Aug. 3, 2026), <https://www.tsa.gov/for-industry/screening-partnerships>.

14. On May 20, 2025, Acting TSA Administrator McNeill was asked about the potential privatization of TSA during a hearing before the U.S. House of Representatives Appropriations Committee’s Subcommittee on Homeland Security. McNeill responded that “As we look to modernize TSA, I would say stakeholders have a word in this, this committee and this Congress, and we look forward to working with them.” She stated that “nothing is off the table.”²
15. Questions arose at that hearing due to the perceived influence of the Heritage Foundation “Project 2025” document, which proposed that TSA “privatize the screening function” at airports and instructed that “[u]ntil it is privatized, . . . its workforce should be deunionized immediately.”³
16. In August 2025, TSA published a Request for Information (“RFI”) seeking information from interested vendors for “Third-Party Testing of TSA Screening & Security Equipment” to “support current TSA acquisitions and new GoldPlus public-private screening mode acquisitions.”⁴
17. In or around February 2026, a TSA-branded briefing flier describing TSA GoldPlus as a “new public-private partnership aimed at modernizing aviation security at select airports across the country” was created. That flier was later found at Orlando International Airport and shared with Federal News Network, which confirmed the program’s existence with multiple airport industry sources and first reported the existence of GoldPlus on April 20, 2026. The flier

² Justin Doubleday, ‘*Nothing is off the table:*’ TSA leader testifies on potential privatization, FED. NEWS NETWORK (May 20, 2025), <https://federalnewsnetwork.com/workforce-rights/governance/2025/05/nothing-is-off-the-table-tsa-leader-testifies-on-potential-privatization/>.

³ HERITAGE FOUNDATION, PROJECT 2025 PRESIDENTIAL TRANSITION PROJECT 158-59 (2024).

⁴ Notice ID TSA25-04-0502 (Aug. 6, 2025), *available at* <https://sam.gov/workspace/contract/opp/ad3f85f2b0cc4123b8c6f12314d36176/view>.

included an ambitious timeline that would see airports go from “pre-application” to “new screening operations” in less than one year.⁵

18. As part of their reporting, Federal News Network discovered that, on March 26, 2026, TSA Innovation Program Manager Andy Haskins and Director of Mitigation Operations, International Operations Keith Mueller had delivered a presentation on the TSA GoldPlus program titled “TSA Gold+ and One-Stop Security” to the Airports Council International 2026 “Airports@Work Conference.”⁶

19. Federal News Network also analyzed the TSA fiscal 2027 budget justification document, which would cut roughly 8,400 positions out of 61,000 at the agency, representing about a 14% decrease in the TSA workforce. The budget would redirect \$477 million of the \$529 million in personnel savings towards a program to “begin[] the privatization of TSA’s airport screeners.”⁷

20. On April 16, 2026, four days before the Federal News Network story was published, at a hearing of the House Appropriations Subcommittee on Homeland Security, Congresswoman Veronica Escobar asked acting TSA Administrator McNeill what she “could share about the efforts to privatize.” McNeill replied only that “the President’s budget looks to advance [the SPP] public-private partnership and expand that to other airports.” When asked for specifics, McNeill stated “a legislative proposal is being developed, and once that’s submitted we’d be

⁵ Justin Doubleday, *TSA advances ‘GoldPlus’ privatization plan*, FED. NEWS NETWORK (Apr. 20, 2026), <https://federalnewsnetwork.com/management/2026/04/tsa-advances-goldplus-privatization-plan/>.

⁶ available at: <https://airportscouncil.org/conference/2026-airportswork/#1744247057052-09f0d731-90de>.

⁷ See Justin Doubleday, *TSA budget cuts jobs in privatization push*, FED. NEWS NETWORK (Apr. 7, 2026), <https://federalnewsnetwork.com/workforce-rights/governance/2026/04/tsa-budget-cuts-jobs-in-privatization-push/>.

happy to come in and brief you on it.” When finally asked whether there was nothing McNeill could share “on what y’all are working on” that day, she said only that “the President’s proposal looks at Category III and IV airports,” categories of smaller airports, many of which have previously enrolled in SPP. ⁸ By this time, TSA had been seeking information from prospective vendors and briefing much larger international airports about GoldPlus for months.

21. On April 20, 2026, Federal News Network published its story about TSA GoldPlus. TSA chose not to comment.⁹

22. TSA now maintains a website for the TSA GoldPlus program at <https://www.tsa.gov/goldplus>.

The website was published in or around May 2026.¹⁰

23. The four items in the website’s Frequently Asked Questions section describe its GoldPlus program as “a tailored security screening service . . . to develop and deploy solutions that leverage private-sector investment, cutting-edge technology, and human capital.” It states that the program “lets airports and airlines quickly deploy advanced security technology, improve customer experience, and unlock new revenue opportunities - all without lengthy federal budget cycles. Industry partners can manage equipment and introduce innovations, while travelers enjoy a smooth, predictable, and bespoke experience.” It declares “TSA Gold+ will rapidly enhance security by enabling faster deployment of advanced technologies, while TSA maintains robust oversight to ensure all operations meet or exceed federal security standards.” It further claims that participating airports “receive staffing, technology, and maintenance at

⁸ No formal transcript of this hearing is available but the quoted language appears beginning at minute 89 of the official recording, available at <https://youtu.be/eBOtrg6Asi4?t=5363>.

⁹ Doubleday, *supra* n. 5.

¹⁰ The Internet Archive’s Wayback Machine indexing service first captured the existence of the webpage on May 14, 2026. See <https://web.archive.org/web/20260514225409/https://www.tsa.gov/goldplus>.

no additional cost to airports. By enabling direct investment - without waiting on lengthy budget cycles - TSA Gold+ unlocks new revenue streams, empowers local decision-making, and accelerates the deployment of cutting-edge solutions nationwide.” It does not provide details or sources to substantiate these claims, and states that more information can be obtained by contacting tsagoldplus@tsa.dhs.gov.

AFGE’s FOIA Request

24. Because of its interest in the TSA GoldPlus program, the lack of public information about the program, and the potential threat to its membership, AFGE submitted a FOIA request to the TSA on May 11, 2026.

25. AFGE requested documents and records that:

- a. contain, describe, or refer to the stated purpose of TSA GoldPlus;
- b. contain, describe, or refer to the conception, development, evaluation, analysis, approval, or implementation of TSA GoldPlus;
- c. contain, describe, or refer to briefing materials, white papers, or presentations concerning TSA GoldPlus;
- d. contain, describe, or refer to communications with the Department of Homeland Security (“DHS”), the Office of Management and Budget (“OMB”), congressional offices, airport operators, or any private-sector entity, relating to TSA GoldPlus; or
- e. are sufficient to identify all communications with potential contractors, vendors, airport operators, or other stakeholders regarding TSA GoldPlus.

26. AFGE requested a waiver of search, review, and duplication fees for its request, explaining that the requested material would contribute significantly to public understanding of TSA efforts to further privatize its airport screening operations. AFGE did not request expedited processing.

27. Also on May 11, 2026, TSA acknowledged receipt and perfection of the request and assigned it Perfected Case Number: 2026-TSFO-01380. The acknowledgment used a checkbox system to indicate which portions of the form letter were applicable to AFGE's FOIA request. It indicated that "No additional information is needed at this time," checked the box denying a request for expedited processing which AFGE did not make, and checked a box indicating that TSA would "construe the submission of your request as an agreement to pay up to \$25.00."
28. The acknowledgment letter did not check the box for the language "You have requested a fee waiver. We are reviewing your request and will advise you of our determination shortly." It did not otherwise address AFGE's request for a fee waiver.
29. The acknowledgment letter did not provide a date on which AFGE could expect to receive information responsive to its FOIA request but did invite AFGE to "discuss reformulation or an alternative time frame for the processing" of its request.
30. On July 24, 2026, AFGE sent a message to TSA via the SecureRelease Portal asking for an update on the status of its request 2026-TSFO-01380 and an anticipated date by which AFGE would receive a response. To date, AFGE has not received a response to this communication.
31. To date, AFGE has received no other information from TSA regarding its FOIA request 2026-TSFO-01380. TSA has yet to provide an estimated date of completion, release any records responsive to, or otherwise make a determination on AFGE's FOIA request.

Additional Factual Development

32. Since the filing of AFGE's FOIA request, TSA has taken further actions that increase the urgency of TSA's response to AFGE's FOIA request.

33. On July 17, 2026, TSA amended a June 24, 2026, contract solicitation for GoldPlus.¹¹ The amendment included 413 detailed answers to questions asked by prospective vendors about the program and how it would be implemented and overseen.¹² This represented the first substantial information about the details of the GoldPlus program. Yet, to date, questions from Congress, AFGE, and TSA screeners themselves haven't been answered.
34. On July 20, 2026, TSA employees at Tampa International Airport were informed by email that the airport had chosen to transition to the TSA GoldPlus program and that forthcoming town hall meetings would include information on the "right of first refusal," which requires a private contractor to offer jobs to displaced government workers before hiring new staff.¹³
35. Also on July 20, 2026, TSA employees at Des Moines International Airport were informed by email that they would have the option of "accepting employment with the private screening company once selected." Other options would include reassignment to another airport with TSA vacancies, pursuing another federal position or retirement, if eligible.

¹¹ TSA, TSA Gold+ COMMERCIAL SERVICES IDIQ CONTRACT SOLICITATION, Notice ID 70T05026R5900N005 (Jul. 17, 2026), *available at* <https://sam.gov/workspace/contract/opp/604e92e52a8e4b0f9d86c61e7a3ca164/view>.

¹² *See Id.*, (scroll to "Attachments" section, documents "70T05026R5900N005 Questions and Answers Set 1.pdf" *et seq.*).

¹³ Justin Doubleday, *Two airports opt into TSA's new privatization model*, FED. NEWS NETWORK (July 20, 2026), <https://federalnewsnetwork.com/workforce-rightsgovernance/2026/07/two-airports-opt-into-tsas-new-privatization-model/>.

COUNT ONE

Violation of Statutory Deadline

36. Plaintiff incorporates the allegations in the preceding paragraphs as though fully set forth herein.
37. FOIA requires agencies to determine within 20 working days after the receipt of any FOIA request whether to comply with the request. 5 U.S.C. § 552(a)(6)(A)(i). FOIA also provides that upon request, agencies are to make records “promptly available.” 5 U.S.C. § 552(a)(3)(A).
38. Agencies may only extend this time period once for an additional 10 working days in “unusual circumstances.” 5 U.S.C. § 552(a)(6)(B)(i). FOIA’s “unusual circumstances” provision also requires the agency to indicate “the date on which a determination is expected to be dispatched.” *Id.*
39. FOIA requires federal agencies to respond to public requests for records, including files maintained electronically, to increase public understanding of the workings of government and to provide access to government information. FOIA reflects a “profound national commitment to ensuring an open Government” and agencies must “adopt a presumption in favor of disclosure.” Presidential Mem., 74 Fed. Reg. 4683 (Jan. 21, 2009).
40. On July 29, 2026, the New York Times published an investigation into the performance of DHS and other federal FOIA programs. In the story, administration officials represented that DHS and its components purposefully divested from FOIA. Specifically, Office of Management and Budget Communications Director Rachel Cauley stated that “it would not be serving the American peoples’ desire for a smaller, leaner government to waste money hiring

additional FOIA processors.” She stated regarding DHS specifically that: “In working with limited budgets, we choose to hire ICE officers instead of FOIA processors.”¹⁴

41. Twenty working days from May 11, 2026, the date on which TSA received AFGE’s FOIA request, was June 9, 2026.
42. As of the date of this filing, Plaintiff has received no documents in response to its FOIA request. TSA has yet to provide an estimated date of completion, release any records responsive to, or otherwise make a determination on AFGE’s FOIA request.
43. Administrative remedies are deemed exhausted when an agency fails to comply with the applicable time limits. 5 U.S.C. § 552(a)(6)(C)(i). Having exhausted its administrative remedies for its FOIA request, AFGE now turns to this Court to enforce the remedies and public access to agency records guaranteed by FOIA.

COUNT TWO

Unlawful Withholding of Agency Records

44. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.
45. Defendant has unlawfully withheld records responsive to Plaintiff’s FOIA Request.
46. Plaintiff has exhausted all applicable administrative remedies under 5 U.S.C. §552(a)(6)(C)(i).

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

- i. Enter an order declaring that Defendant wrongfully withheld requested agency documents;
- ii. Issue a permanent injunction directing Defendant to disclose to Plaintiff all wrongfully withheld documents;

¹⁴ Minh Kim, *Public Records Requests Are Surging. The Government Is Falling Behind*, N.Y. TIMES (July 29, 2026), <https://www.nytimes.com/2026/07/29/us/politics/foia-public-document-requests.html>.

- iii. Maintain jurisdiction over this action until Defendant is in compliance with the FOIA, the Administrative Procedure Act, and every order of this Court;
- iv. Award Plaintiff attorney fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E); and
- v. Grant such additional and further relief to which Plaintiff may be entitled.

Respectfully submitted on August 5, 2026.

/s/ Kevin H. Bell
Kevin H. Bell
DC Bar # 90015600
kevin@freeinformationgroup.com

Ginger McCall
DC Bar # 1001104
ginger@freeinformationgroup.com

FREE INFORMATION GROUP, PLLC
1100 13th St. NW, Ste. 800
Washington, DC 20005
(202) 946-3642

Rushab B. Sanghvi (DC Bar No. 1012814)
Andres M. Grajales (DC Bar No. 476894)
American Federation of Government
Employees, AFL-CIO
80 F Street, N.W.
Washington, D.C. 20001
Tel: (202) 639-6426
SanghR@afge.org
Grajaa@afge.org

Attorneys for Plaintiff