

UNITES STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FIRSTLINE TRANSPORTATION
SECURITY, INC.

Employer

and

Case 17-RC-12354

INTERNATIONAL UNION, SECURITY
POLICE and FIRE PROFESSIONAL
OF AMERICA (SPFPA)

Petitioner.

CLARIFICATION TO STATEMENT OF THE TRANSPORTATION SECURITY
ADMINISTRATION

On August 4, 2005, the Transportation Security Administration (TSA) of the U.S. Department of Homeland Security submitted its statement to the National Labor Relations Board (NLRB) regarding "whether the [NLRB] has jurisdiction over privately employed airport security screeners and, if so, whether the [NLRB] should exercise that jurisdiction." TSA hereby supplements its earlier statement to the Board.

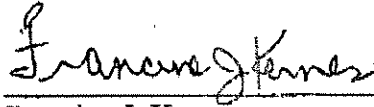
TSA reiterates the statutory bar to mandatory collective bargaining for federal employees in Section 111(d) of the Aviation Transportation and Security Act (ATSA) of 2001, P.L. 107-71, 115 Stat. 597, codified at 49 U.S.C. § 44935 Note. By its plain and unambiguous terms, Section 111(d) applies to TSA screeners employed in the Federal service.

TSA wishes to call to the Board's attention Section 108 the ATSA, which amended Chapter 449 of Title 49 of the U.S. Code. The amendment included two provisions that relate to privately employed security screeners, 49 U.S.C. § 44919(f), for Pilot Program airports, and 44920(c), for "opt-out" airports, both of which require that a private screening company "only employ individuals

to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports".

Dated: August 19, 2005

Respectfully submitted,



Francine J. Kerner
Chief Counsel
Transportation Security Administration
U.S. Department
of Homeland Security
601 12th Street, South
TSA-2
Arlington, VA 22204

CERTIFICATE OF SERVICE

I certify that true and correct copies of Clarification to Statement of the
Transportation Security Administration were placed in the United States mail, first class
postage prepaid, addressed to:

D. Michael McConnell
Regional Director, Region 17
National Labor Relations Board
8600 Farley Street, Suite 100
Overland Park, KS 66212-4677

Mark L. Heinen
Gregory, Moore, Jeakle, Heinen & Brooks, P.C.
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2993

William G. Trumpeter
Thomas Anthony Swafford
Philip B. Byrum
Suite 1000 Volunteer Building
832 Georgia Avenue
Chattanooga, TN 37402-2289

Dated: August 19, 2005


Lois B. Osler