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Collective Bargaining for Defense and DHS Would Undermine National Security

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Three bills now before Congress put unions' interests ahead of ensuring government can act swiftly, decisively, and effectively in addressing national security concerns. The Department of Homeland Security and associated agencies need flexibility to combat threats to America's homeland security. Forcing collective bargaining onto the frontlines of homeland security would undermine flexibility and thereby effectiveness. Congress should strip these provisions from its legislation. If it does not, the President should veto any bill that puts union interests ahead of national security.

Off Course from the Start. As one of its first tasks this year, Congress set about drafting legislation to implement the remaining unimplemented recommendations of the 9/11 Commission. The bills passed by both chambers that are now awaiting conference would allow collective bargaining rights for Transportation Security Administration (TSA) workers that could undermine the agency's ability to rapidly shift workers and procedures to counter emerging threats. In addition, collective bargaining could result in the elimination of merit-based promotions, undermining personnel quality, and could compromise security by requiring that sensitive data be shared with union officials.

These risks are not justified. Unionizing TSA was not a recommendation of the 9/11 Commission. In addition, TSA has done much over the last two years to build morale, enhance career development opportunities, and reduce on-the-job injury rates. Unionization would bring no great benefits.

Getting Worse. More recently, the House passed a homeland security authorization bill which repealed the personnel flexibility rules established in the Homeland Security Act of 2002. These civil service reforms were the most carefully considered and debated part of the legislation that created the department. Congress intended the reforms to allow the Department of Homeland Security the means to reward performance and initiative and provide flexibility in recruiting and career development. After DHS has spent years working closely with stakeholder groups representing the department's employees to develop the guidelines to implement the authorities in the 2002 act, the new leadership in the Congress wants to scrap the entire effort.

In 2003, Congress granted the Pentagon similar authorities. Now both the Senate and the House have placed provisions in their defense authorization bills to scale back civil service reforms in favor of granting unions a greater ability to engage in collective bargaining.

Reduces National Security. The Department of Defense and the Department of Homeland Security exist to protect American citizens. Collective bargaining interferes with that objective by introducing

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time-consuming negotiations with unions that emphasize employee comfort, not strengthening national security. When the government uncovered a liquid explosives plot in the summer of 2006, the TSA overhauled its screening procedures in less than 12 hours.¹ This would not have been possible if the agency first had to negotiate the radical changes in working conditions this involved with a union.

Collective bargaining would force the government to trade off between greater security and union demands. For example, most public sector unions insist on seniority-based promotions and raises instead of merit pay. This makes life easier for government workers, who are usually guaranteed raises no matter how hard they work, but makes it difficult to motivate employees and to put the most qualified workers in the most sensitive positions. When this happens in the Department of Motor Vehicles, it simply means that customers must endure unnecessary delays. When it happens in the Pentagon or the Department of Homeland Security, it can cost lives.

This risk is not just hypothetical. Nations that allow their security forces to collectively bargain have faced the consequences. In 2006, a labor dispute in Toronto resulted in many pieces of luggage

going unscreened and 250,000 passengers boarding their planes with minimal or no security screening. In the words of one Canadian security expert, “If terrorists had known that in those three days that their baggage wasn’t going to be searched, that would have been bad.”²

Getting Back on Track. Officials in the Departments of Homeland Security and Defense report that having the flexibility to manage their workforce has brought real benefits, helping them to better build the capabilities needed to meet the national security challenges of the 21st century. Congress should strip provisions rolling back these civil service reforms. Such measures only serve to empower unions at the expense of national security. If Congress presses ahead, the President should refuse to sign any legislation that compromises security to please special interests.

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1. Statement of Kip Hawley, Assistant Secretary, Transportation Security Administration, before the Subcommittee on Homeland Security, Committee on Appropriations, U.S. House of Representatives, February 13, 2007, at www.tsa.gov/assets/pdf/hahsc_security_challenges.pdf.
2. CBC News, “Luggage Security Lax During Pearson Labour Dispute: Report,” December 20, 2006.