



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, THURSDAY, MARCH 1, 2007

No. 35

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, empower our Senators to make consistency a top priority. Lead them over life's mountains and through life's valleys with a spirit of faithfulness and trust in You and a kindness and respect for each other. Help them to live their lives on an even keel and to never give in to despair. Whether in life's sunshine or shadows, may they be aware that You will walk beside them, making the crooked places straight. Keep them from making critical decisions without consulting You or succumbing to the temptation of taking the easy way out. Infuse them with a spirit of gratitude to You for Your involvement in the destiny of our Nation and world.

Lord, help us all to live lives worthy of Your love. We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes, the first half under the control of the Republicans, the second half under the control of the majority. Following morning business, the Senate will resume consideration of S. 4. I announced last night that there would be a Democrat ready to offer an amendment. I am told this morning that individual called and said they are not ready now. We have a Bingaman amendment pending, and I understand there may be a second degree filed to that. If that is the case, I hope they will do that. I know Senator SCHUMER will be available to offer an amendment after lunch, 1 p.m. or thereabouts.

I say this to my distinguished Republican colleague, Senator McCONNELL: I don't think it is fair to everybody to have such a schedule that is kind of up in the air. I think tomorrow we are going to finish around noon. Nobody seems to be anxious to offer amendments. It is unfair to everybody else to be kind of standing around waiting for something to happen. We will stay in session tomorrow after that, if nec-

essary, for people to offer amendments. As I indicated, we can have some stacked votes when we come in Monday evening.

The Republican leader and I have spoken. I don't want to have to file cloture on this bill, but Democrats and Republicans should understand that we can't stand around and think we are going to legislate the last few hours of next week. We cannot do that.

I say to people on my side of the aisle and those on the other side of the aisle, if they have amendments, offer them. I appreciate the amendments that have been offered in relation to this legislation. This is important legislation. There are still some controversial things that have to be decided. Waiting around is not going to do the trick. It is my understanding the Republican manager of the bill has been working with the administration on REAL ID. According to news reports this morning, the administration is going to offer some relief, and the managers of the bill and those who are concerned about REAL ID will have to decide if that is enough.

I simply say that I wanted to have a lot done today, a lot done tomorrow, but I don't think it is fair to everybody when there doesn't appear to be a lot of interest. We on our side have hotlined Members to find out who has amendments to offer. There are a few amendments Senators have requested to put in line for offering themselves. We are certainly able to do that. But that line has to start someplace.

We are going to finish this bill next week.

Mr. McCONNELL. Will the majority leader yield for an observation on that point?

Mr. REID. I am happy to yield.

Mr. McCONNELL. I think it is a problem on both sides of the aisle. I agree with the majority leader, we need to get going. I will give an example, what happened yesterday. Senator DEMINT came down shortly after noon

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to offer his amendment, was prepared to accept a short time agreement, so we could have had a vote early in the afternoon. But in that particular instance, the problem was on the side of my good friend, the majority leader. We were unable to get a time agreement on Senator DEMINT's amendment until almost the end of the afternoon because there was someone on that side of the aisle who wanted to offer a side-by-side. This has been sort of a bipartisan problem both the majority leader and myself have in getting this legislation going and getting votes up and handled. Yesterday, the dilemma was basically on his side. On our side, our hands are not entirely clean, either. We are trying to get amendments up.

I happen to agree with the majority leader, we ought to have a full day with plenty of amendments. We are working hard to get that done on our side.

Mr. REID. Mr. President, I repeat, I have had a number of people come to me and say: You have announced there are going to be votes Friday afternoon. We are not having votes Wednesday afternoon; why worry about Friday afternoon?

I say to everyone, if they have things to do this weekend—and I am sure they do—we are going to be out of here around noon tomorrow as far as votes. I leave the door open. If Members want to offer amendments, they can still come and do so. The managers will be here, if necessary, until sundown tomorrow night, when Chairman LIEBERMAN's Sabbath begins.

We want to move forward. For the information of Members, today at 3 p.m., the Chairman of the Joint Chiefs of Staff, General Pace, will be in 407 to brief Members who wish to be briefed.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Wyoming.

#### TSA

Mr. THOMAS. Mr. President, I wanted to make a few remarks relative to the TSA legislation the Senate is considering. I do hope we can get it finished. I am a little confused about what we are trying to achieve with the measure that is before us. We have already been through this. We have

passed a great many of the recommendations that were made by the 9/11 Commission—actually, most of them, as a matter of fact. It is of concern to me that we have a 300-page bill here on what is left in the Commission's report.

We are going through a number of the bills that relate to portions of the report that really have nothing to do with enhancing homeland security. For example, the 9/11 Commission didn't have anything to do with collective bargaining rights for labor unions. Here we probably had a good reason not to do that. In fact, we had this extended debate back in 2002. We found that it was not in the interest of national security to provide collective bargaining rights in this instance. Here we are dealing with it again.

I guess I am just a little impatient in that we need to move on. I don't think homeland security ought to have the approval of labor unions to move forward. The policy would also greatly hinder TSA's flexibility to respond to terrorist threats, fresh intelligence, and other emergencies, if we did it that way. We need to have the ability to move screeners around as schedules are necessary and threats change. Obviously, in a security bill of this kind, there needs to be the kind of flexibility, the kind of management that can be there for the agencies that are responsible. The real focus is on the capability to deal with homeland security.

Another concern I have, frankly, is a provision relative to the distribution of funding. I understand that urban areas, large areas—New York and so on—have more concerns about security and threats, perhaps, but rural areas do as well. We have energy production and those kinds of things. Wyoming originally had \$20 million involved. It has dropped to \$9 million. We do have military bases there. Large sums of money have been unused, and we need to evaluate that distribution somewhat.

As we debate the bill, I look forward to supporting amendments that would actually make America safer and that we don't get into areas that really are not directly associated with security. That is what this legislation is about. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, we are debating S. 4, dealing with the TSA employees, the Transportation Security Agency. The most controversial aspect of that has to do with the unionization of those employees. We have had this debate before. We had it when the Department of Homeland Security was created. It was a very vigorous debate. Quite frankly, it held up the bill for a considerable period of time.

Ultimately, the Senate and the House decided, with the concurrence of the President, that it would not be a good idea to have these workers unionized. But they are Federal workers and they should have the same rights as

every other Federal worker was the argument in favor of unionization. The argument against has to do with the peculiar nature of their assignment. They are not Federal workers in the same sense that people working in the Federal Highway Administration, building highways, might be Federal workers. They are not Federal workers in the same sense that people dealing with normal routines are Federal workers.

They appear to be, as we see them day to day—as all of us go through the security procedures at airports and we take off our shoes and our belts and we forget our boarding pass because it is in the bin with the computer and they have to help us recover it and so on—we all have the sense that these are fairly routine operations they are going through. Therefore, why not allow them to form a union and engage in collective bargaining, because this is, in fact, fairly routine work—very important work, to be sure, but fairly routine. In fact, it is not fairly routine, as we have seen during the time this force has been in place.

Let me take my colleagues back to the situation before the TSA was created. Screening was done airport by airport, contractor by contractor, because it was viewed as a routine kind of thing. Like all Senators, I travel in and out of enough airports to know that each airport is different. In the days before TSA, one never quite knew what they were going to get. You would go through one airport very rapidly, you would go to another and they would be sticklers for detail.

These people were contracted by the airlines, and they had a wide range of skills and a wide range of training. One of the reasons we decided after 9/11 we would have a single Federal force to deal with this was we wanted a single level of training, accountability, and competence to cover the entire American system anywhere in the country.

I have found that is now basically true. If I go through the airport in Philadelphia, I get treated pretty much the same way as if I go through the airport in Salt Lake City. This, however, has a security component that is over and above the screening component.

We are in a war with an enemy unlike any we have ever had before, and the primary tool in protecting us in this war is intelligence. This is an intelligence war rather than a war between tanks and aircraft carriers and infantry battalions. So when the intelligence turns up a key piece of information in this war, the TSA must be flexible and responsive to its leadership.

If we had a series of organized unions, one different in each of the 450 airports that operate in the United States, we would not have the flexibility nor the capacity to respond that we currently have in this situation.

Let me give you a few case studies to illustrate what I mean.

The most dramatic, of course, was that which occurred when the British