

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Whitehouse amendment No. 8, to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes.

Ms. CANTWELL. Mr. President, we are continuing this morning on this important FAA bill, which is a very important jobs bill for America. I know my colleagues have been down on the Senate floor—the chairman of the full committee, Senator ROCKEFELLER, and the ranking member, Senator HUTCHISON—and they have been doing a good job of explaining why it is so important to move ahead on something that can create hundreds of thousands of jobs both in construction at our airports across America and on the implementation of the NextGen system, which is really about making a digital conversion to air transportation so our flights can be safer, so they can be more fuel efficient, and so there can be coordination on the ground with the flights and all of our transportation systems.

So this morning we want to keep moving through this process to get this legislation done so we can get it implemented and start creating jobs and improving our air transportation safety.

I think there are amendments to be offered under the agreement. I will yield to my colleague from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

AMENDMENT NO. 14

Mr. WICKER. I thank the Senator from Washington, and I thank the Presiding Officer.

I ask unanimous consent to set aside the pending amendment so that I may call up my Wicker amendment No. 14, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 14.

Mr. WICKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees)

At the appropriate place, insert the following:

SEC. ____. **EXCLUSION OF EMPLOYEES OF THE TRANSPORTATION SECURITY ADMINISTRATION FROM THE COLLECTIVE BARGAINING RIGHTS OF FEDERAL EMPLOYEES.**

(a) **SHORT TITLE.**—This section may be cited as the “Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011”.

(b) **IN GENERAL.**—Section 7103(a) of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) in clause (iv), by striking “; or” and inserting a semicolon;

(B) in clause (v), by striking the semicolon and inserting “; or”; and

(C) by adding at the end the following:

“(vi) an officer or employee of the Transportation Security Administration of the Department of Homeland Security;” and

(2) in paragraph (3)—

(A) in subparagraph (G), by striking “; or” and inserting a semicolon;

(B) in subparagraph (H), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(I) the Transportation Security Administration of the Department of Homeland Security;”.

(c) **AMENDMENTS TO TITLE 49.**—

(1) **TRANSPORTATION SECURITY ADMINISTRATION.**—Section 114(n) of title 49, United States Code, is amended by adding “This subsection shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.” at the end.

(2) **PERSONNEL MANAGEMENT SYSTEM.**—Section 40122 of title 49, United States Code, is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following:

“(j) **TRANSPORTATION SECURITY ADMINISTRATION.**—Notwithstanding any other provision of this section (including subsection (g)(2)(C)), this section shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any collective bargaining agreement (as defined under section 7103(a)(8) of title 5, United States Code) entered into on or after that date, including the renewal of any collective bargaining agreement in effect on that date.

Mr. WICKER. Mr. President, this amendment deals with the notion of collective bargaining by TSA employees. The Transportation Security Administration was formed approximately 10 years ago by the Aviation and Transportation Security Act of 2001, Public Law 107-71. Since that time, Transportation Security Administration employees have fared very well. They are a familiar sight in our airports. They are familiar to any of us who fly and who frequent the airports of the United States. It is a good job, and they are well taken care of.

During that 10-year period, TSA employees have not been allowed to collectively bargain. There is a reason for that. First of all, under that act which I referenced, as a compromise back in that day, the Under Secretary of Transportation for Security, who is now the TSA Administrator, was given the ability to fix the compensation and terms thereof, and included in that was the determination about whether collective bargaining rights would be afforded to these TSA employees.

In a 2003 memo, the Under Secretary of Transportation for Security at that time prohibited TSA security screeners from unionizing with collective bargaining rights. The Under Secretary wrote:

I hereby determine that individuals carrying out the security screening function under section 44901 of Title 49, United States Code, in light of their critical national security responsibilities, shall not, as a term or condition of their employment, be entitled to engage in collective bargaining or be represented for the purpose of engaging in such bargaining by any representative or organization.

The determination was made by the predecessor of the TSA Administrator that in light of their critical national security responsibilities, it was not appropriate for collective bargaining rights to be included.

Now we have every reason to believe that under this new administration, that decision is about to be reversed. A decade of experience and practice will be ended unless this Congress acts, and the appropriate vehicle on which to act is this reauthorization bill before us. Wicker amendment No. 14 would simply exclude TSA personnel from forming a union with collective bargaining rights. I point out to my colleagues that the FBI and the CIA and the Secret Service, which all have similar critical national security responsibilities, do not have collective bargaining rights either. So the spirit of amendment No. 14 would be to continue TSA employees in that same vein.

TSA workers have fared well indeed during the past decade. It is a good job. I enjoy seeing them, I enjoy working with them, and we are glad to have them. But for good reason, they have been excluded from collective bargaining rights.

The TSA and TSA leadership need the flexibility to innovate and to move quickly during times of national emergency on issues involving the security