

benefits already exist. Workers already have whistleblower protection through a memorandum of understanding with the Office of Special Counsel. Workers already have protection against discrimination through the alternative resolution of conflict program. Workers already have due process protections against disciplinary actions that are more efficient than the protections offered to other Federal employees.

Madam President, again, we are talking about the collective bargaining amendment. I was pointing out the protections that current TSA workers have. They have whistleblower protection, protection against discrimination, and they already have due process protections against disciplinary action that is more efficient than the protections offered by Federal workers.

Security screeners already have the right to appeal adverse actions to TSA's Disciplinary Review Board, which provides due process equivalent to that available to other Federal employees.

Workers already enjoy access to the Rehabilitation Act, except where Congress has specified that security job functions require certain aptitudes and physical abilities.

So all of these proworker provisions are redundant and meaningless in any amendment to current law. They are only being offered to mask the true goal of the amendment, which is to force TSA to bargain with unions on their security decisions.

The other side also likes to say there are high attrition rates at TSA and that collective bargaining would stabilize the workforce. I am afraid this is also false. Before 9/11, when airport security was under collective bargaining, attrition rates were as high as 400 percent at some airports. Now the voluntary attrition rate for full-time employees is down to 12.6 percent, and it is falling. This is not only significantly lower than pre-9/11 levels, but it is also lower than the attrition rates for the private sector as a whole and lower than the Federal Government as a whole. So my colleagues must understand that these are good jobs, attrition is low and falling, and attrition is not a valid reason to create collective bargaining.

It is also important that my colleagues understand how the collective bargaining amendment will weaken our homeland security, which is the priority of the 9/11 Commission bill.

First, the amendment creates a security trigger that will allow TSA to turn collective bargain on and off. This acknowledges that collective bargaining weakens security. I wish to repeat so my colleagues understand my Democratic colleagues agree that collective bargaining reduces security, and they feel obligated to offer a way to bypass it.

But this so-called trigger for emergencies only makes the problem of collective bargaining worse. The language defining emergencies and newly immi-

nent threats is so vague it will take an army of lawyers to determine whether each circumstance meets the definition. This will hurt our security and force TSA to be reactive and slow in its efforts to prevent future attacks.

If my colleagues need proof that there will be wide disagreement as to when the security trigger can be used, they only need to hear the comments made by the sponsor of this amendment. When I asked if the current on-going global war on terror would be considered an emergency under the amendment, the Senator from Missouri said it would not. If TSA cannot use the war on terror as a reason to protect Americans from al-Qaida and other terrorists on a daily basis, under what circumstance can it use this flexibility?

This underscores the issue that lies at the heart of this debate. On one side, there are those who believe we should always be on alert and that we must treat every person and every bag going through our airports as a potential threat. On the other side, there are those who believe we are not under constant threat and we can simply turn on and off our ability to prevent future attacks. That is the real disagreement because we all seem to agree collective bargaining weakens security.

In addition to allowing our security to be switched on and off by unions, the McCaskill amendment creates all the same problems as full-blown collective bargaining.

First, it still forces TSA to sign huge collective bargaining contracts, such as Customs and Border Patrol have now, and it could mean hundreds of separate contracts at airports across the country. Instead of streamlining security, it will create complex guidelines that make it harder to share and shift resources between airports as threats emerge.

Second, it still forces TSA to set up a huge new bureaucracy for collective bargaining, putting new layers of red-tape ahead of security and redirecting resources away from security and toward labor management. This new bureaucracy will cost TSA at least \$160 million over the next year, forcing it to take 3,500 screeners off security checkpoints and doubling the wait time for passengers.

Third, it still forces TSA to terminate its pay-for-performance system that currently rewards screeners for their proficiency rather than their seniority. This will only reduce TSA's ability to maintain a qualified workforce.

Fourth, it still forces TSA to share sensitive security information with unions, compromising air travel security. The amendment claims to protect "properly classified" information, but it doesn't address other types of sensitive information, such as the emergency plans for our airports.

This brings me back to my original point. This debate is about collective bargaining and whether it makes us more or less secure. All the talk about

worker benefits and workplace protections and security triggers is meant to cloud the issue and prevent Senators from being accountable for their votes. This collective bargaining proposal has nothing to do with preventing another 9/11. In fact, it could increase the chance of another such attack, and my colleagues should consider that before they vote.

There are only two reasons to vote for the McCaskill amendment: either political payback or out of political fear. I hope my colleagues will not act on either. Democrats should not pay back unions at the expense of our security, and we should not be afraid to stand up against union bosses so we can keep America safe.

I urge my colleagues to oppose the McCaskill amendment.

It will not only weaken our security, it will also kill this bill. The President will veto it and the Senate will sustain his veto. So that leaves the other side of the aisle with a clear choice. They can either have a political showdown with the President over an earmark for labor unions or they can take this provision out of the bill and make some progress on our security agenda.

The DeMint amendment protects American security. The McCaskill amendment protects unions.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

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#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Carl Joseph Artman to be Assistant Secretary of the Interior; that there be 10 minutes for debate, equally divided between the chairman and ranking member of the Indian Affairs Committee; that at the conclusion of that time, the Senate vote on confirmation of the nomination; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### EXECUTIVE SESSION

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#### NOMINATION OF CARL JOSEPH ARTMAN TO BE ASSISTANT SECRETARY OF THE INTERIOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am pleased to speak on this nomination with my colleague from Wyoming, Senator THOMAS. I chair the Indian Affairs Committee. Senator THOMAS is vice chair of that committee.

This is the nomination of Carl Artman to be Assistant Secretary for Indian Affairs. Mr. Artman is an American Indian from the Oneida Tribe of Wisconsin. He is highly qualified. He was nominated twice—once last year by President Bush. Last year, I supported his nomination, which was held up in the Senate. He has been nominated recently again by the President. I held an immediate hearing with Senator THOMAS on his nomination. We passed it out of the committee the same day, and we have been waiting to get it to the floor.

There has been a hold on the nomination, regrettably. With some irritation, I say it has been 2 full years last month that this position has been vacant. The position of Assistant Secretary for Indian affairs—a position that has existed in this Government since 1806—is one that is responsible for the trust responsibilities and all of the other issues that relate to treaties with Indian tribes. It has always been considered a very important position. For 2 years it has been vacant. That is unbelievable. Nowhere in this country are there more significant and enduring problems than those that exist on many Indian reservations. Many live in Third World conditions. I have told stories of people freezing in their homes in the winter. There are housing crises that exist on Indian reservations. There are health care crises and education crises. It is unbelievable. We need to have this position filled. Finally, at long last, today we will have a chance to vote on the nomination.

I am sure there will be an overwhelming vote in support of a well-qualified candidate sent to us by President Bush first last year, then held up, unfortunately, in the Senate, and now this year, held up until now. Finally, perhaps, at long last we will do what we should have done long ago on behalf of American Indians, and that is to put someone in the position of the Assistant Secretary for Indian Affairs to be involved in managing and reacting to all of these responsibilities that have been long ignored—too long ignored, in my judgment.

I come today to support this nomination. My colleague, Senator THOMAS, will speak for himself, but we have worked together in support of trying to get this nomination to the floor of the Senate. American Indians and Native Alaskans—my colleagues know the information—have higher rates of tuberculosis, 600 percent higher than other American citizens; substance abuse, alcohol abuse, 500 percent higher; diabetes, in some cases up to 10 times the rate; Indian youth suicide, 10 times the rate of the rest of the country.

These are unbelievable circumstances. We have to begin to deal

with these issues. That is what we are trying to do on the Indian Affairs Committee. But it is absolutely shameful this position has been open for 2 full years. It has been vacant 2 years. This is a well-qualified person. I have met with him a couple of times. I was proud to move his nomination through the committee. This is a well-qualified person, an American Indian from the Oneida Tribe in Wisconsin.

At long last, I hope today we will decide to give Senate approval to President Bush's nomination and give Mr. Carl Artman the opportunity to assume this role of Assistant Secretary for Indian Affairs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I join my friend, the chairman of the Indian Affairs Committee, in supporting Carl Joseph Artman for Assistant Secretary for Indian Affairs. We have waited a good long time to get to this point.

Mr. Artman is an excellent candidate with diversity of experience in both the private and public sectors. He has the leadership and academic credentials needed for this necessary and extraordinarily demanding position.

The Assistant Secretary for Indian Affairs implements the Federal Indian policy set by Congress and facilitates the government-to-government relationship with 561 Indian tribal governments.

The Assistant Secretary, as you might imagine, is responsible for a variety of activities, including economic development, law enforcement, trust asset management, social services, and education.

I will not take a long time, but I just want to say the Assistant Secretary must be balanced in meeting these needs. I think this gentleman will be. He has pledged to facilitate a more vibrant communication between Indian tribes and their neighbors.

The job of Assistant Secretary for Indian Affairs has been exponentially more difficult because of the methamphetamine plague that is ravaging this Nation's Indian communities, and he is committed to fighting this terrible epidemic. We can certainly support that effort.

Madam President, you know how important it is to have leadership in this area, and we haven't had it for a very long time. There are many other challenges confronting Indian country that cannot be met without strong leadership within the Bureau of Indian Affairs, and yet the position has been vacant for 2 years.

Mr. Artman will serve the country well. I urge my colleagues to join me today in moving expeditiously toward confirmation.

I yield the floor.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Mr. LIEBERMAN. Yes, I ask that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SPECTOR).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—87

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brown	Gregg	Reid
Bunning	Hagel	Roberts
Burr	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cantwell	Hutchison	Sanders
Cardin	Inhofe	Schumer
Carper	Inouye	Sessions
Casey	Isakson	Shelby
Chambliss	Klobuchar	Smith
Clinton	Kohl	Snowe
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wyden

NAYS—1

Vitter

NOT VOTING—12

Biden	Johnson	McCain
Brownback	Kennedy	Obama
Dodd	Kerry	Specter
Enzi	Leahy	Stabenow

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.