Senators would wonder about me if I were to say: How dare you block this. I have done a fair amount of blocking during my time in the Senate.

Frankly, unlimited debate and unlimited amendments is what makes this body unique. It means any one Senator, if they know the rules and know the leverage, if they want to change the topic of conversation, if they want to focus on a different issue, if they feel strongly about something, can speak out for what they believe and what they think is best for the people they represent. They can fight hard.

Every Senator has a right to use their rights. That is what is happening with this bill. I appeal to colleagues to let this legislation go through. This is important to many hard-working families as they move into their sixties, seventies, and hopefully eighties and nineties. It is important to them.

I appeal to my colleagues to let us proceed. I say to my colleagues—if they want to amend this bill, go ahead, but I appeal to colleagues not to add on different legislation which will then create a quagmire and snarl everything up. We should push this legislation forward and pass it. It is the right thing to do for these families.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HARSH PENALTIES FOR BREACH OF SECURITY AT AIRPORTS

Mr. CLELAND. Mr. President, I rise today to announce my intention to introduce a bill to provide Federal criminal penalties for security breaches at American airports. I make this announcement on the heels of my own experience with a security breach at Hartsfield International Airport. I have no way of knowing the reasons behind the security breach at Hartsfield, but the results of it were startling. The event triggered the total evacuation of the Atlanta airport and a temporary halt of incoming and outgoing air traffic. I might say I have been marooned on the tarmac at Hartsfield many times, but never with 60 other aircraft. I spent 4 hours on the tarmac, and many more hours waiting for my connecting flight, which I basically rendezvoused with and arrived at my destination the next day. Thousands of other travelers were also stranded while the ripple effects were felt across the country.

Thankfully, nobody was hurt in this instance, and people's worst fears of another terrorist attack were not realized. But a loophole in existing law has been revealed in the days since the incident, and has shown that breaches at airport security checkpoints are currently punishable by local criminal penalties and Federal civil penalties, but not Federal criminal penalties. Incidentally, the current Federal civil penalty for such a breach currently carries a fine of $1,100.

In an incident that probably cost the State of Georgia, the airlines, and this country about $10 million in economic impact, that is a small pittance to pay—$1,100.

As we have learned in the most painful way possible, airport security is a matter of national security, and for there to be no Federal criminal penalty for such a breach is appalling. It was relieving to find that there appeared to be no nefarious intent in the Atlanta instance, but it was very disconcerting to learn the shortcomings of our Federal laws in a situation like this.

While a Federal criminal penalty does cover security violations aboard airplanes themselves, I believe similar penalties should be available for violations before a person actually boards a plane. I would like to stress that I do intend to include provisions to make distinctions between deliberate and unintentional breaches. The legislation is currently being drafted and vetted, and will be introduced in the near future.

The two main intentions of this bill are to provide uniformity and accountability for breaches of security across the Nation. Congress and the President have agreed that it is the responsibility of the Federal Government to protect our airports, and the laws should reflect that. It should also provide the same penalty for breaches in New York City, Columbus, OH, and Columbus, GA. The offense is the same, and the laws should be too.

Mr. President, I yield the floor.

RECESS

Mr. CLELAND. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. In my capacity as the Senator from Michigan, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED—Continued

Mr. BAUCUS. Madam President, I support the motion to take up H.R. 10 so we can consider the retirement bill as an amendment. Let me explain why this bill is necessary and then I will respond to some of the criticisms that were made yesterday.

By way of background, the Federal railroad retirement system has served railroaders and their families for 65 years. Its roots reach back to the 1930s, in a struggle to find answers to the hardships that resulted from the Great Depression. Today, the system provides benefit payments to more than 673,000 retirees and other beneficiaries.

The railroad retirement system actually has two components. Tier 1 is largely equivalent to Social Security. Tier 2 provides additional benefits and is equivalent to a private pension plan. Both are funded by taxes that are paid entirely by railroad companies and railroad workers.

Let me stop here and stress a critical point. Every single change that we make in this bill applies only to tier 2. Again, tier 2 is equivalent to a private pension program. In other words, we are only addressing how railroad retirement operates as a private pension plan. We are not making any changes to the part of the program that is largely equivalent to Social Security.

So where do things stand? At one point, the Railroad Retirement system was in deep trouble. Just like the Social Security system. In fact, in 1983, we had to permanently cut benefits and increase taxes, in order to get the system back on its financial feet.

But there's good news. Today, the Railroad Retirement system is fiscally strong. There's a surplus, of $19 billion.

On top of that, the most recent report by the Chief Actuary concludes that no cash-flow problems are expected to arise over next 75 years. In other words, the system is solvent. I'll say it again. The system is solvent. Over the short term, and over the long term.

That's good news.

Among other things, it gives us the opportunity to consider some basic improvements in the operation of the railroad retirement program. That's what this bill is all about.

After years of careful deliberations between railroad companies and railroad unions, the bill is designed to make two basic reforms.

First, the bill improves the investment returns of the Railroad Retirement Account. Currently, the taxes collected in the Railroad Retirement Account can only be invested in U.S. government securities. Actuarial projections assume an annual return of 6 percent on these investments.

This bill would allow a portion of the assets to be invested in a diversified investment portfolio that includes private-sector securities. In other words, the portion of assets attributable to private industry contributions could be invested in the same way that the assets of private sector retirement plans can be invested.

Over the long run, this would increase the rate of return on the investment of railroad retirement assets. I grant that this proposal may have