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Senate

AVIATION SECURITY ACT—Continued

Mr. SHELBY. Mr. President, I rise to make a few comments and observations about the September 11 attacks and about some of the aviation security issues facing the Senate in the pending legislation.

To put these issues in perspective, I'd like to recall the extraordinary actions of the passengers on United Flight 93 on September 11, the ill-fated flight that crashed in Pennsylvania. In the ultimate act of self-sacrifice and heroism, a group of passengers rushed the cockpit and thwarted the terrorists aboard that flight from inflicting additional damage and loss on this great Nation.

Without doubt, those fathers, mothers, husbands, and wives, patriots one and all, saved the lives of hundreds of Americans wherever that aircraft was targeted. They understood what was happening, that they would probably never again see their loved ones, but they acted heroically and, in sacrificing their own lives and dreams, probably saved the lives of hundreds of their fellow citizens.

This Nation, and perhaps this Congress on an even more personal level, owes them a debt of honor and gratitude that is hard to articulate.

They deserve our recognition and our commitment that we will meet, address, and repel the threat that forced them to pay so great a price.

They were among the many Americans in New York, Virginia, Pennsylvania, and around the Nation who acted courageously during and in the aftermath of the terrorist attack on September 11. They brought honor to all who love this country and what it represents, they are what America is all about.

These were not warriors or law enforcement officials. You might say that they were neighbors, members of parishes, or people we might meet in our grocery stores. They were just ''average'' Americans. And the world should wonder and our enemies should tremble at their mettle.

As devastating as the heinous act of September 11 was, and as incalculable as the pain, disruption, and loss inflicted upon the victims at the World Trade Center, the Pentagon, and onboard the four hijacked United and American flights was, America and our very way of life we cherish will endure.

No one can make right the loss that the families, the coworkers, the friends and loved ones of the victims suffered because of these despicable acts. I know that all of us here in the Senate and across this great Nation continue to reflect and pray every day for the aggrieved and the fallen.

We must take every step to assure the Nation that this tragedy cannot be repeated. That is a tall order. I commend to your attention the comments made by the pilot of United Flight 564 on Saturday, September 15 to the passengers aboard that flight after the door closed and as they prepared to depart from Denver International Airport. He is reported to have said:

> I want to thank you brave folks for coming out today. We don't have any new instructions from the Federal government, so from now on we're on our own.

He continued:

> Sometimes a potential hijacker will announce that he has a bomb. There are no bombs on this aircraft and if someone were to get up and make that claim, don't believe him.
>
> If someone were to stand up, brandish something such as a plastic knife and say ''This is a hijacking'' or words to that effect, here is what you should do: Every one of you should stand up and immediately throw things at that person, pillows, books, magazines, eyeglasses, shoes, anything that will throw him off balance and distract his attention.
>
> If he has a confederate or two, do the same with them. Most important: get a blanket over him, then wrestle him to the floor and keep him there. We'll land the plane at the nearest airport and the authorities will take it from there.
>
> Remember, there will be one of him and maybe a few confederates, but there are 200 of you. You can overwhelm them.
>
> The Declaration of Independence says, ''We, the people . . .'' and that's just what it is when we're up in the air: we, the people, vs. would-be terrorists. I don't think we are going to have any such problem today or tomorrow or for a while, but some time down the road, it is going to happen again and I want you to know what to do.
>
> Now, since we're a family for the next few hours, I'll ask you to turn to the person next to you, introduce yourself, tell them a little about yourself and ask them to do the same.

That pilot's guidance is serious—but these are serious times. Americans are a people who empower themselves to do great things. Clearly, the actions of the passengers and the crew on the American airlines flight earlier this week illustrate that the flying public, the pilots and the crews are willing and committed to maintaining the safety and security of our airways.

We should not delude ourselves into thinking that simple pronouncements from the FAA, with all due respect, or tweaking the Federal Aviation Regulations, will allow us to sleep comfortably on transcontinental flights.

It is all of our responsibility to ensure the safety of our airways. The passengers aboard United Flight 93 knew that instinctively, the pilot on the United flight out of Denver merely reminds us of it.

Accordingly, as we review and reform our safety and security procedures, we must ask a simple question: would the actions and initiatives we propose to undertake have prevented the recent terrorist attacks and will they prevent future acts. Unfortunately, I'm concerned that the bill as currently drafted may fall short of meeting that standard.

Our actions must be meaningful, effective, and they must restore the confidence of the American public in the integrity and safety of our transportation systems.

If there ever were a time for bold and aggressive steps to improve the safety

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

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of our transportation systems, now is that time. I believe, no, I know, that this Congress and the American people will accept and embrace meaningful steps toward that end.

We only need look at the full measure of sacrifice made by the passengers aboard United Flight 93 to know the depths of our responsibility and I am heartened by the fact that I know that same spirit is aboard every plane in the sky.

I believe that it all starts with our intelligence capability, we have to have the best possible intelligence about potential or imminent threats in order to constantly focus and modify security procedures and efforts. Intelligence is the first line of offense in our war against terrorism.

The principle that should guide us is that through human scrutiny and technological screening, we should put passengers through sufficient security procedures to identify potential threats;

For the passenger, that might mean answering computer generated and tailored questions at the ticket counter which might be followed by interviews with security personnel; passage through a metal detector which might be followed by a thorough physical search of carry-on baggage, and perhaps passage through another magnetometer or wanding before boarding the aircraft.

For checked baggage, that should mean passage through various and increasingly sophisticated explosive detection systems followed by thorough physical search for any bag that requires further scrutiny, there should also be random physical searches for all bags to improve proficiency and to raise the security penetration.

In addition, we should accelerate our research into emerging technologies to improve our ability to detect weapons carried by people or explosives secreted away in baggage. We also may need to consider stronger limitations on both hand carried and checked bags.

For the aircraft, that should mean armed air marshals on flights and hardening the cockpit door, as Delta Airlines has already begun, revising access procedures to the cockpit, and increasing the security training of pilots and crews, including allowing pilots the option of defending themselves.

We should require background checks of everyone who has access to the aircraft: whether pilots, crew, ground personnel, baggage handlers, caterers, and other contract personnel, with regular and periodic reviews.

For the airport, it entails a more substantial armed police force, conspicuously and constantly present in the public areas and concourses. In addition, we need to improve the airport access procedures and technologies to make sure that people are where they are supposed to be and not in places that could present a threat to the aircraft or passengers.

Simply put, we need to expeditiously pursue security technologies and procedures at airport access points that cannot be defeated by even well organized and clever terrorists.

And so, we come full circle back to intelligence, without a robust and aggressive intelligence effort that is constantly questioning where, how, and who may plan the next attack, our security measure will not evolve to meet the challenge. Unfortunately, if that is the case, we're merely waiting for the next attack.

Clearly, we must approach airline, airport, and aircraft security issues in complementary and overlapping ways to establish a security ''net'' around our aviation system. What do I mean by a ''net?'' If we are suspicious about a bag or a passenger, that information is relayed and additional, more extensive security measure like I've described would be employed.

The increased tempo and breadth of security operations pose dramatic cost increases for airlines and airports and for the Federal Government. I note that the legislation before the Senate contains an authorization to reimburse airports for the direct costs of increased law enforcement requirements mandated by the FAA.

I think this is a legitimate and reasonable approach. The Federal Government should not place unfunded Federal mandates on our airports or any other unit of local government.

Clearly, the FAA mandated security directive requiring airports to increase the law enforcement presence is necessary. I intend to work with my colleagues on the appropriations committee to provide funding to help defray these costs and I commend the authorizing committee for providing that authorization in this bill.

However, notwithstanding that there are some useful provisions in this bill, I'm concerned that this legislation and this debate has gotten bogged down about whether we should ''federalize'' the aviation screening functions. I doubt that ''federalizing'' is the panacea that some would have you believe.

For some, it is an instinctive response to turn to the Federal Government in the wake of a crisis without ever questioning if it is the responsible action to take or if the federal bureaucracy will be any better. So, ''federalization'' may be a bad idea whose time has come.

We're missing the point if we misinterpret the mandate from the American people to improve aviation security with a public desire that the people searching our bags or manning the security checkpoint must be receive a paycheck from the U.S. Treasury.

Keep in mind, the weapons that the terrorists carried on the aircraft were legal to carry on the aircraft. What failed was intelligence, our response time, and the lack of security on board the aircraft. Let's fix those things. Until September 11, it was legal to take a 4-inch knife on board an aircraft, and metal knives were commonplace in first class meal service.

The price tag for full Federal assumption of airport security is not small, in excess of $2 billion annually and that cost will only rise. And that's forever.

We must weigh that commitment of taxpayer dollars against whether it would result in either improved security, or the perception of improved security. There are a lot of things that the Federal Government does well, I would argue that this is not one of them.

Let's not mislead the public into interpreting ''federalization'' to mean that baggage screening is going to be conducted by law enforcement officers.

Not even the supporters of full federalization are contemplating having Federal law enforcement officers search passengers or carry-on baggage.

In a federalized world, the metal detectors and bag searches would be conducted by Federal bureaucrats. I don't think that over time, the American taxpayer is going to look at a bureaucrat bag screener and say, ''I feel safer because a Federal employee is checking my bags.''

Remember, the money we spend on replacing private sector employees with government bureaucrats means we will have that much less money for other security improvements, and we're talking about hiring as many as 30,000 new Federal employees. That's three Army divisions.

I'm also concerned about the concept of a two-tier airport security construct. Some have advocated that we ''federalize'' at the largest airports while not ''federalizing'' at other smaller airports. That logic is inconsistent with its proponents' other flawed reasoning that security will somehow be magically improved and tightened by virtue of ''federalization.''

The simple fact is we must improve aviation security at all airports. We cannot have weaker points and stronger points in the system. Instead, we must tailor our security architecture to stop terrorists no matter where they attempt to get into the system.

Further, I fail to see how creating a new Deputy Administrator at the FAA or a new Deputy or Assistant Secretary at the Department of Transportation moves the aviation security ball down the field.

Since both the past administration and this administration have had such difficulty in filling the Deputy Administrator of the FAA position, I'm concerned that we're unnecessarily confusing and complicating the Federal bureaucracy.

I can't remember a case where an additional layer of bureaucracy led to the swift, decisive leadership I believe is necessary, especially in regards to safety and security. I'm also not certain that either the DOT or the FAA are the only, or the best place, for any new security function to reside.

I would hope that the relevant committees of jurisdiction would explore whether these responsibilities wouldn't

be better executed at the Department of Justice, the Department of the Treasury, or in the new Office of Homeland Security.

Personally, I believe that the President got it right in his proposal. The Federal Government would assume management and oversight of the security function. It is imperative that we have standards for personnel, background checks, and training, as the President proposed, to improve the security net.

That is the appropriate role of the Federal Government. I'm disappointed that the bill before us today seems to be taking this issue in a different direction.

When we addressed the imminent financial crisis facing the airline industry 2 weeks ago, we acted expeditiously to restore the confidence of the financial markets that Congress and the administration had confidence in the future of air travel in America.

Congress and the administration must move expeditiously, but deliberately, to augment the interim security procedures already instituted by the Administration. This is not a one time infusion of capital or liquidity as was necessary in the Airline Stabilization legislation.

Make no mistake, we must get this done and get it right before the end of this Congress. Taking a few more weeks as this bill moves through conference will not shake the confidence of the American public.

The American people will live with our decisions on aviation security for a long time. It is critical that we address the problems in the system without rushing to judgment. If we act precipitously we run the risk of failing to address security in a thoughtful and comprehensive fashion, and, we may well lose the opportunity to make the meaningful improvements that are essential to provide a system worthy of the American public's confidence.

In the extreme, we run the risk of perpetrating a fraud on the American public by misleading them into a false sense of comfort that we have met the security challenge in this bill.

Congress has time to get this right. This is a complicated and crucial issue and we should take the time to get it right. The administration has taken the interim steps to restore public confidence and to bolster security at airports; our actions should augment and complement those steps, not quibble over organization charts and who mans the security checkpoints.

Clearly, the airlines, the airports, and pilots, such as the United Airline captain I quoted earlier, are taking responsible and meaningful steps to improve safety and security. We should follow their example.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate will pass the Aviation Security Act. This bill will help restore our Nation's confidence in commercial aviation by boosting the security in our skies and our airports. The strengthening of cockpit doors and the deployment of sky marshals, among other security measures in this bill, are meaningful and worthwhile steps in making air travel safer.

This bill also includes a safety provision based on a bill I recently introduced. The idea is from a couple of Wisconsinites. When I held one of my listening sessions following the vicious attacks on September 11, Fire Chief James Reseburg and Deputy Police Chief Charles Tubbs of Beloit, WI, suggested an idea that they thought would help make our skies safer. Part of their idea was to create a registration system through which law enforcement officials, firefighters, and emergency medical technicians could register voluntarily to serve in the event of an emergency on a commercial airplane.

For example, if an official was going on vacation on an airplane, he would simply register with the airline beforehand to notify them that they would have a public safety official on that flight. Like the sky marshals, only authorized airline personnel would know when one of these volunteers was on the plane. In many cases, these public servants already notify the crew when they board that they are trained for emergencies and are willing to help out in the event they are needed. They are trained to respond calmly during emergencies and can be of great assistance to an airline crew.

As many of my colleagues have stated, if the airline industry is to recover fully from the events of September 11, 2001, we must make the flying public feel safe once again in our skies. The Aviation Security Act will help us do just that.

Ms. MIKULSKI. Mr. President, I rise in support of the Aviation Security Act.

On September 11, four civilian airliners from three of our nation's airports were used as weapons of war. As were debating this legislation, our military is taking action against those who are responsible. One way to support our troops is to improve safety for all Americans. That is the goal of this legislation. This bill enables us to take three concrete actions to improve safety in our skies.

First, it federalizes airport security operations. Security is a high skill job, yet airport screeners in this country are low paid, poorly trained, and inexperienced. Many of our airport screeners make $6.00 to $7.00 an hour. That is a lower wage than many of our fast food workers receive. Our airport screeners receive minimal training. The FAA currently requires 12 hours of classroom training for our airport screeners, while France requires at least 60 hours of training. Turnover rates are also abysmal. From May 1998 through April 1999, turnover rates for workers at our nation's nineteen largest airports averaged 126 percent, and as high as 416 percent in some instances. When morale and incentive are low, poor performance follows. FAA inspection reports reveal significant weaknesses in the performance of our airport screeners. Security inspections showed that B.W.I. ranked fifth among major airports in the number of bombs, grenades or other weapons that went undetected in federal inspections. This is not a new problem, however. The GAO reports that in 1987 airport screeners missed 20 percent of the potentially dangerous used in tests, and it's been getting worse over the past decade. That is why this legislation is so important. We have Federal officials protecting our borders and protecting our President. We also need federal officials protecting our flying public. Federal workers can be fully trained and monitored. Their primary goal would be safety, not the economic bottom line. The Hollings bill does this by federalizing airport security operations, requiring extensive training and deploying law enforcement personnel at airport security screening locations.

The second item this bill addresses is the safety of our pilots. We all know that the safety of our pilots is critical to ensuring the safety of our passengers. The tragedies of September 11 showed that we need to strengthen the cockpit doors and locks to prevent entry by non-flight deck crew members. This bill prohibits access to the flight deck cockpit by any person other than a flight deck crew member and requires the strengthening of the cockpit door and locks to prevent entry by non-flight deck crew members.

The third critical item this bill addresses is the expansion of the Federal Air Marshal program. On September 11, some heroic Americans on United Airlines flight 93 lost their lives as they confronted the terrorists. They prevented the plane from possibly flying into the Capitol or the White House. These brave citizens lost their lives, yet they saved many others. Perhaps they saved the lives of those of us in this chamber. We can't ask American citizens to risk or lose their lives on airplanes. We need federal air marshals on our airplanes to protect our flying public. The Sky Marshal Program dates back to the Kennedy Administration when the concern of highjackings to Cuba was prevalent. In 1970 the program was greatly expanded to include U.S. Customs and military personnel. Two years later the program was phased out. Then, in 1985 a 727 flight from Athens was diverted to Beirut, where terrorists murdered Robert Dean Stetham of Maryland. The highjackings of 1985 prompted Congress to reinstate the Federal Air Marshal program, but it's skimpy and spartan. This bill would allow a federal air marshal on every domestic flight and every international flight originating in the United States.

The events of September 11 were an attack against America and an attack against humanity. We are a nation that is grief stricken, but we are not paralyzed in our determination to rid

the world of terrorism. In the mean time we must act to make transportation safer in the United States. We must exhibit a sense of urgency and pass this legislation immediately.

Airline security is a crucial part of transportation security, but we can't stop there. We must also improve the safety of our railroads and our ports. We must ensure the safety of all components of our rail system, including: tunnel security, terminal safety, bridge safety and protection of our track switchboards. Over 22 million people a year ride our railroads and forty percent of all freight is transported on our rails. A terrorist attack on our rails could result in catastrophic loss of life and paralyze our economy. Amtrak is ready and willing to improve passenger rail safety in this country, but it also must address its critical infrastructure needs. For example, the tunnels that run through Washington, Baltimore, and New York accommodates trains that carry roughly 350,000 people a day. These tunnels don't meet minimum safety standards, they don't have proper ventilation, and there is not adequate lighting. Rail safety requires federal help, but annual appropriations for Amtrak is frozen at $521 million, about half of its $955 million authorization in TEA–21. The Amtrak emergency package would improve safety and security on our trains by: hiring more police officers to patrol trains, stations and railroads; provide anti-terrorism training for employees; install cameras to monitor facilities; improve the safety of tunnels, especially in the aging tunnels that run through Maryland, Washington, and New York.

The Amtrak emergency package would also provide additional rail capacity to accommodates increased ridership. In the days following the September 11th tragedy, Amtrak employees worked around the clock to provide a safe, viable option to our traveling public. Daily ridership from September 12 to September 17 jumped 17 percent, and that doesn't include all of the airline tickets that Amtrak honored to keep America on the move. On the Northeast Corridor, Amtrak added roughly 30 percent more seating capacity, or 2,000 more seats per day on unreserved trains. Amtrak responded to our national crisis in many ways: they helped carry our mail, they delivered thousand of emergency relief kits to New York, and they provided transportation to firefighters, police and medical personnel. Some may argue that now is not the time to discuss Amtrak. I would argue there's never been a better time. Now is the time to give Amtrak the support it needs to keep America moving quickly and safely. The simple truth is that we have a National Passenger Railroad System in this country that needs our immediate help with security and capacity upgrades. It is our duty to respond.

I would also like to take this opportunity to rise as a cosponsor of the Carnahan amendment. This important amendment would help those who are most hurt by the economic impact of the terrorist attacks of September 11. Thousands of American workers have lost their jobs during this economic downturn. These workers need our help. We need to act quickly on a economic stimulus package that targets the American worker. Airline and aviation employees have been especially hard hit. 140,000 thousand of these workers have been laid off since the terrorist attacks. Unemployment is steadily rising in the industry. Last week, 528,000 people filed for unemployment. That is the nearly the population of Baltimore City, and a figure we haven't seen in nine years. These people are our pilots, our flight attendants, baggage handlers, concessionaires and aircraft builders. These workers have lost their paychecks, lost their health care and could lose their homes. They need our immediate help, just as we helped their former employers with a $15 billion stabilization package of grant and loan guarantees.

I am confident that the airline industry and the U.S. economy will recover, but help is needed today. Senator CARNAHAN's amendment would provide financial assistance, training and health care coverage to employees of the airline industry who lose their jobs as a result of the attacks on September 11. The Carnahan amendment would provide income support by extending the number of weeks eligible individuals can receive unemployment insurance, from 26 weeks to 79 weeks. These cash payments would not create a strain on state budgets, because they would be funded entirely by the Federal Government. Workers who don't meet their states' requirements for unemployment insurance would not be left out. They would receive 26 weeks of federally financed unemployment insurance.

This amendment also addresses job training. Workers who may not return to their jobs within the airline industry would be eligible for retraining benefits. Other workers would be eligible for training to upgrade their skills. This amendment would enable laid off workers to keep their health care by expanding the COBRA program. This would enable people who have lost their jobs to retain their health insurance. Madame President, I strongly support the Carnahan amendment. It is a thoughtful and comprehensive airline workers relief package. It's also a good starting point to address the needs of working families in America, and provides a good model for a broader economic stimulus package.

Mr. MCCAIN. Mr. President, I believe in just a minute we will move to final passage.

Mr. HOLLINGS. Mr. President, if there are no further amendments, we are ready for third reading.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 25

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of S. 1447, the aviation safety bill, the Senate proceed to the consideration of S.J. Res. 25, the joint resolution designating September 11 as a day of remembrance; that there be 20 minutes for debate on the resolution, equally divided between the two leaders or their designees; that no amendments or motions be in order; and that upon the use or yielding back of the time, the Senate vote without any intervening action on final passage of the joint resolution.

Mr. MCCAIN. Reserving the right to object, I ask the Senator from Nevada, could he include in there that immediately after the vote, Senator VOINOVICH be given 15 minutes to speak as in morning business on the legislation just passed?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. That would be fine. The Senator from Ohio would speak immediately following the vote on final passage. I am wondering: Everyone will be here. If consent is granted, we are going to have, immediately following that, two more votes on judges. It would appear to me the Senator from Ohio has to be here anyway. Perhaps we could have him give his speech then.

Mr. MCCAIN. I would ask in modification that both Senators from Ohio would like to speak for 10 minutes and it would take place following the election of the judges.

Mr. REID. Mr. President, could I have my first unanimous consent request approved; that is, we are going to take care of the resolution dealing with the day of remembrance?

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that immediately following the disposition of the joint resolution establishing a day of remembrance, the Senate proceed to executive session and vote on the nominations of Barrington Parker to be a circuit court judge and Michael Mills to be a Federal district court judge; that any statements thereon appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

Mr. REID. Mr. President, as in executive session, I ask unanimous consent