

AIRLINE AND AIRPORT SECURITY: WHERE DO WE GO FROM HERE?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, I want to talk tonight about an issue that was discussed in the last hour and will be discussed in this country and in this Chamber tomorrow and the day after. Indeed, it is a topic that all Americans have been focused on if they are watching the great debate here in this city. That topic is a critical one for this country; it is airline and airport security.

This country's economy depends on our national air system, on our air travel system, on the security of people who decide to take a flight, whether it is for recreation or business, from their home to some other location to conduct business or to go on a vacation.

We heard a discussion in the last hour about the bill that will be before us, and I think it is important for all Americans to understand the issues presented by this legislation. It is vitally important that we make America's airports and America's airlines and America's air travel system absolutely safe. However, it is also important in doing that that we have an informed debate, a debate about what needs to occur and a debate about what is wrong with the current system, and a debate about what the alternatives are for the future.

Unfortunately, a lot of the debate that we have had and that we heard in the last hour focused on the past and not accurately on the future or the issue that is presented for the future. We heard a lot of discussion in the last hour about the flaws in the current system and about what is wrong with the current system.

Mr. Speaker, I want to make it absolutely clear that no one is proposing that the current system be retained. No one is proposing that. I want to make it also clear that while a lot of the discussion in the last hour focused on this issue of a Republican versus a Democrat solution of philosophy or ideology, those really are not the issues. The issue which all Americans need to understand as the issue is the safety of our airlines, the safety of our airports, and the safety of air travel in America. On that issue, I and my Republican colleagues do not see it as partisan and do not see any benefit in discussing a partisan divide. We see it as one issue: how do we make the skies of America safe for every single American, black, white, Republican, Democrat, brown, red; every American needs and deserves the best possible protection system for our Federal aviation system to ensure that we are all safe.

I want to say that I think it is sad, absolutely sad when the debate on this kind of issue, which ought not to be partisan, sinks to a level of partisan-

ship where one side is saying the other side is driven by ideology or bipartisan gain. This issue is about the safety of the American traveling public, and it is about how we make our airports and our airlines safe, the securist and the best it can be in the world. How do we create that system? It is not by creating a one-size-fits-all piece of legislation.

I would like to go down to the easel and walk through some of these points, because I think they are extremely important for all Americans to understand, and I have some graphics that I think will help make those points.

As I said just a moment ago, this is not about partisanship. And importantly, although we have heard a lot of discussion about what is wrong with the current system, it is not about the current system. Let me say it again. Let me make sure nobody misses this point. Nobody is debating the merits of the current system. The current system, whether it could have succeeded or not, has, in fact, failed. The current system has not provided the American people with the safety they deserve. So all the anecdotal stories we heard in the last hour, all the anecdotal stories we are going to hear tomorrow and the next day about the failures of the current system, about how the airlines are not doing security correctly; about the corruption, for example, of some of the current security providers, that is really not an issue, because the issue is not the current system. Nobody, again, is proposing the current system. Let us talk a little bit about that current system.

Under the current system, airlines hire private companies to supervise airline security. That is not in the Republican bill. That is not in the Democrat bill. That is not in the President's bill. That is not in any legislation. Nobody is proposing that we retain the current system where the airlines have responsibility for security and where private companies are hired by airlines to provide that security. Why discuss it? Why debate it? I was in a debate on this topic with one of my colleagues the other day who recounted to me over and over again the failings of the current security companies. Guess what? Nobody is proposing that we keep those systems. Under the current system there is no federalized and no law enforcement supervision of any kind. There is none. Right now, the Federal Government has no responsibility because we hand it over to airlines who hire private companies, and that system has failed.

So make no mistake about it, in the debate we are going to hear in the next few days, when we hear Republicans talk about the idea of having a mix of Federal Government employees and Federal supervisors and Federal training and Federal law enforcement personnel at every gate and at every site to supervise, but not requiring that every single employee as a mandate of Federal statute, which cannot be

changed until this Congress meets again; when they talk about that, they are not talking about the current system, because that does not exist in the current system. Under the current system, airlines hire private companies. Let me make it clear. That does not exist anymore. It is gone, absolutely, totally gone.

So although the stories about what is going wrong today or what is going right today about the checks that Americans may have experienced or may not have experienced when Americans have been through airport security in the last few days, all of that is a part of the past. Indeed, we will talk a little bit later about one of the dangers about one of the bills, the Senate bill, which says what we should do is make sure that every single employee responsible for any aspect of screening is a Federal Government employee. One of the dangers is that they will go out and simply hire the people that do the job now and make them Federal employees.

I want to make another point here: the issue is not where the paycheck comes from. I have never had a single constituent come up to me and say, you know, Congressman, I think I would feel more secure when I fly in an airplane if I knew that when I got on the airplane the person who checked me through got a paycheck from the Federal Government. I have never had somebody say to me, Congressman, I think I would feel more secure if when I went through the security gate, I knew the person got a paycheck from a private company. Nobody has ever said that is the issue. Indeed, that is not the issue. The issue is and the issue that all of us need to focus on is how do we create the best system to make sure that Americans are safe and secure.

The question we have to ask ourselves is what are the constituent elements of that? Well, I can tell my colleagues that one is, we have decided not to have the airlines continue to hire private companies. We have decided that the Federal Government should take over the responsibility of making our skies safe for the traveling public.

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And both the Republican bill and the Democrat bill will provide that. The airlines no longer hire private companies. The airlines indeed no longer have the responsibility for this task. It becomes a Federal Government responsibility.

That is a decision that has been made. That is a debate that no longer will even occur, although some are trying to get Members not to watch the ball, and they may talk about that. They may say that private companies mean we are going to keep the old system. Please understand that is not correct.

There is another point. Right now there are no federalized standards, no federalized law enforcement present,

no federalized supervision at the gates. That is gone. That will not be part of any legislation that is before us tomorrow. But we need to talk about what is before us tomorrow and about the two different alternatives that are here.

One, quite frankly, is an approach by people who I think are genuine and sincere and are concerned about the safety of the traveling public, as I am, who think that the way we have to do that is to prescribe in Federal statute, locking it in forever and ever, until this Congress meets again and the Senate meets again and changes that, that the issue really is, where does the paycheck come from, and that the way to make our skies safe is to have those paychecks come from the Federal Government, because of course if they come from the Federal Government, our skies will be safer.

So the Senate bill, which will be offered here on the floor and which one of my colleagues just a moment ago called upon us to pass immediately, says that all screening of personnel and property must be done by Federal employees. It actually uses those words. It says it must be done by Federal employees, as if making them Federal employees would somehow accomplish the task.

I want to make it clear, I have a lot of friends who are Federal employees. I have great respect for Federal employees. I think they are sincere and hard-working people. I think this job could well be done by Federal employees.

But I do not think that it will be done by Federal employees correctly just because they were Federal employees. I think it could be done by Federal employees; I think it can be done by properly supervised private people, private employees, as well.

Again, the issue is not where their paycheck comes from. The issue is the standards and the training and the supervision, and, yes, the pay and the competence of the people who do these jobs.

The issues are: Are we intelligently thinking through the process; have we correctly assessed the threat; have we set proper security standards; are we training the personnel correctly to do the job; are we supervising them; are there law enforcement personnel present to supervise them; are there law enforcement personnel present to make arrests or to question people, if that needs to occur?

All of those things are true under the House Republican bill and, quite frankly, they are also true under the House Democrat bill, except the Democrat bill offers this premise: unless their paycheck comes from the Federal Government, they will not do it correctly. I simply reject that.

Now, the House Republican bill, and I regret using those terms, but those are the kinds of issues that we have here, and we will be discussing tomorrow a Republican and a Democrat bill, the House Republican bill says that the Secretary of Transportation can do

this through either Federal employees, or a mix of Federal employees who are law enforcement-trained and who are screened and trained and supervised, all the personnel. But it says that if the Secretary determines that some of those employees should be private rather than get a Federal Government check, then that is okay. We give that discretion.

I think it is important to understand that this is really not a fight about anything other than should we legislate the Department of Transportation into a strait-jacket where one must have Federal Government employees and Federal Government employees only; or should we give that discretion, so somebody could make a judgment?

If it should be, on their determination, the Secretary's determination, all Federal employees, so be it, but if it should be a mix, we can make that decision, as well.

There are problems with the Senate bill beyond this that I think are worth some attention and worth talking about; and I also want to talk about the facts behind this debate, because there are facts in this debate.

First, however, before we get to those facts, which include how this is done in Europe and how this is done for El Al, the airline that flies in and out of Israel, probably the most-attacked airline in the world, let us talk a little bit about the Senate bill.

In the last hour, we heard people call for, why do we not just pass the Senate bill, and why did we not do it a long time ago, and what in the world could be wrong with this? How could we have such a partisan debate? Why have some Members not just rushed to pass the Senate bill?

First of all, we have this building, we have this Congress, to debate these issues. We have them to educate ourselves and to study these issues. We do not just pass the other body's piece of legislation because it is done. We have a duty. I have a duty to my constituents to read it. I have a duty to study it. I have a duty to think about it. I have a duty to inform myself about it, and I have a duty to consider whether or not it does the job right.

I commend those who wrote the Senate bill for doing a competent job. They addressed a number of these issues. They moved very quickly. They are entitled to credit for that effort. But I do not believe it strikes the right balance. That is why I hope that my colleagues here in this body and all of the people across America will take a careful look and carefully listen to this debate, because the Senate bill is not flawless. Let us talk about it.

One of the first things that is kind of surprising to me about the Senate bill is that it perpetuates a flaw in the current system. The current system has a different mechanism, a different level of security at smaller airports than at larger airports.

Now, maybe if, when we flew from a smaller airport to a larger airport, we

had to in every case go back through security, there might be some rationale for drawing a distinction between small and big airports.

But that is not the way the system works. In my State of Arizona, we have two very, very large airports. We have Phoenix Sky Harbor Airport, and I fly in and out of that airport every single week. Let me assure the Members, I am part of the traveling public. I live in Phoenix every weekend, and I live in Washington during the week every week.

I have flown countless times since September 11. I have been through Reagan Airport, BWI, Dulles, and I have been through Orange County Airport, I have been through John F. Kennedy Airport, I have been through LaGuardia, and I have been through O'Hare and D-FW, all of those since September 11. So I am part of the traveling public, and this issue is of grave concern to me, not only for my safety but my family's safety and that of all the traveling public.

But I want to make this point: in Arizona we have two large airports, Phoenix Sky Harbor and Tucson International. But we also have multiple small airports at Flagstaff and at Page and at Prescott and at Yuma.

People should understand that if I get on an airline at a small airport in Flagstaff, Arizona, let us say it is the hometown airline, America West, and I fly out of Flagstaff, Arizona, and land in Phoenix, I am in the secure area at Phoenix Sky Harbor Airport. I do not have to go back through any security screening. I go straight from my arriving gate to my departing gate; and my departing gate can take me to any airport in the country, and indeed, to many airports around the world. It can certainly take me to LaGuardia and to Washington National, Reagan National. It can take me to Dulles and all the major airports of this country.

But if I got on at a small airport, I am in the system. The hijackers used that very advantage when they got on, when some of them got on for the attacks, the unspeakable horrors of September 11.

Yet the Senate bill allows different responsibilities for different airports. It says that the Secretary has the right to delegate the authority for certain smaller airports, but not for larger airports. So we have different levels of responsibility or different responsibility at different airports.

Explain that to me. As a Congressman, do I not have a duty to look at the facts, to look at what happened on September 11 and to say, well, why would the Senate bill say, well, we are going to have one level of security for the 100 or so largest airports in America, but we are going to have a separate and different responsibility at smaller airports, when that was one of the very loopholes that was either used or tried to be used by the hijackers on September 11?

For that reason alone, we should reject the Senate bill and reexamine it

and rewrite it. I hope we will do that. I hope Americans across the country will understand that that is a critical flaw in the Senate bill.

Now, that is not a partisan flaw. It is not that I think that the authors of that bill were insincere. It is not that I think that they intended to leave a loophole in the Senate bill.

It is, however, that in their effort rather quickly to write a piece of legislation to address this very, very, very important topic, they thought, well, maybe we should have the Secretary have different authority for different airports, and maybe we should allow him to set different authority for different airports.

I would argue that that is a serious flaw, and a flaw that was exposed by the hijackers on September 11. That is the first part of the Senate bill, and that would be my response to my colleagues who were here on the floor an hour ago urging us to instantaneously pass the Senate bill.

Interestingly, I had a debate with the ranking member of the Committee on Transportation and Infrastructure, or I guess one member below him, an expert in this field who has done some very, very good work in this field. He said he thought the Senate bill was not perfect; and, indeed, he thought the House Democrat alternative was better than that. I commend him for at least acknowledging there are some problems with the Senate bill.

Let us talk about the second problem in the Senate bill, because I think it is also a very, very severe problem with that bill. I do not see this issue, again, as where the paycheck comes from. I see it as the competency, the training, the supervision, and the professionalism of the people who do this job. I do not see it as being solved by a quick and dirty, "well, we will just make them all Federal employees" solution.

But if we go down that road, we have to look at this. Even proponents of that solution say, well, what about the issue of the accountability of Federal employees? What about the issue of accountability of government employees? What about the accountability of the people who will be doing this? What laws should they be governed by?

In the Senate bill, they try to address that issue. In the Senate bill, they have written a sentence which says, notwithstanding any other law, the Attorney General may hire, discipline, and I think fire or terminate these employees. I think their goal there was to make sure that these employees would be accountable, so that is why I talk about accountability.

Right now, the authors of the Senate bill have apparently said, we do not want the same civil service protections for these new Federal airport screening personnel as we have for other Federal employees. They actually, I think, conceded that point and wrote the bill this way because there has been discussion across the country, and indeed, discus-

sion in Europe, about the question of whether or not government employees with full civil service protection can be fired or disciplined as rapidly and as easily as they need to be.

I do not know if they can or not, but I know there was an effort on the Senate bill to say that we ought to do it differently, except that I think they did not do it right.

If we read their bill, we will see it says, as I said, "Notwithstanding any other law, the Attorney General may do these things." But in discussing that issue with one of the authors of the bill, he said he thought that made those employees at-will employees, meaning that if the Attorney General, who has the responsibility under the Senate bill, decided they ought to be fired or disciplined, he could just do it and there would be no civil service protection, no hearings, no nothing; it could just be done. Unfortunately, they do not use the words "at-will employees."

But more importantly, and this is a second key problem with the Senate bill, they do not cross-reference or refer the current civil service statute. What I mean by that is the current law gives civil service protection to all Federal Government employees, and there is a statute that gives that protection.

The U.S. Supreme Court, in a series of cases, has said that with that civil service protection, an employee may not be fired and may not be disciplined without certain due process rights.

The Supreme Court has said, Congress could choose not to extend those rights to either all Federal employees or some subset of Federal employees; and I think that is what the Senate was trying to do when they wrote this bill, but they did not. They did not cross-reference the Federal statute that gives government employees, Federal Government employees, civil service protection.

So I think, quite frankly, they have done nothing to ensure that the Attorney General, who has the authority under their bill to hire such employees or fire them or discipline them, in fact has that authority without civil service protection. So I think that is a very serious drafting problem with that bill.

When we hear people tomorrow and the next day urge people on the floor, just vote for the Senate bill, the Senate bill is perfect, the Senate bill is flawless, I hope Members will remember this. Because we can log on and find, all Americans and all my colleagues can find, this legislation and can look up these flaws. They can look up the fact that the Senate bill, which will be urged here on the floor, has different standards or allocates different responsibility for the security of airports that are large and those that are small; and it has this language which tries to make these new Federal employees accountable. But I think fails to do that, because, as we will see, there is no cross-reference to the title

IX, section 5, statute that gives these employees civil service protection.

□ 2045

So can they be disciplined? Who knows? Can they be disciplined without a hearing? Who knows? Can they be fired? Who knows? Can they be fired without a hearing or do they have these civil service rights? That issue, unfortunately, under the Senate bill will have to be litigated.

Now there are other issues that I think are worth discussing and worth people understanding on this very, very important topic; and it is not just that I am against the Senate bill. I want to make that clear. I am for the Senate or the House bill, whichever will make America's airlines and America's airports as secure and safe as is humanly possible.

I give no quarter, absolutely no quarter to claims that this debate is about somebody who wants to protect or preserve the current system, because that is not true. We talked about that a minute ago. The current system of airlines employing security companies is gone. That is not in the House committee bill. It is not in any Democrat substitute that will be here.

I give no quarter to anybody who says Republicans do not care about security or about safe skies. Come on. Give me a break. As if I do not fly and my family members do not fly. I give no quarter to anybody who says this is about partisan divide or philosophy or some dislike of government employees. That is outrageous and unfair.

The question is, is the Senate bill written correctly, or should we pass an alternative that fixes a couple of these problems, and do that and go to conference committee and try to write a good piece of legislation that will provide the American people with the securest and safest airline and airplane passenger and air traffic system in the world? And the answer is we have to do the latter. We cannot do the rush to judgment. We cannot just pass the Senate bill when we know it has these kinds of problems in it.

Let us talk about another issue. The Senate bill says that all passengers and property shall be screened by Federal employees. I have already expressed my concern about whether just having them be Federal employees is the answer, but let us talk about all passengers and property. Here is the interesting issue there. The Senate bill does not define, or at least does not define very clearly, about the question of property. What do we do about property?

We understand and I understand and the House bill supports the fact that every single carry-on piece of luggage needs to be screened and screened carefully. It needs to be screened by people who are competent and people who are trained. I think they ought to be certified by the Federal Government to do their jobs. They ought to be supervised by Federal law enforcement personnel

with the ability to question people and the ability to even make arrests on sight. That is what the House committee bill, the Committee on Transportation and Infrastructure bill does. But there are other issues besides that metal detector that we go through and carry our briefcases through, as I did this morning when I left Phoenix.

The other issues are what about our baggage? I think every single piece of checked baggage needs to be screened. It needs to be screened by personnel who are competent, by personnel who are trained, by personnel who know what they are doing and are paid well and are professionals. And they need the equipment to do that job right. That is in the House Committee on Transportation and Infrastructure bill. All of that is in the Committee on Transportation Infrastructure bill.

But when we use the word property we are raising the question of what about the employees who prepare the food that comes on to the airplane? Do they need to be Federal employees? Is that what the Senate bill is saying? What about the question of people who come on to the airplanes to clean them? Do they need to be Federal employees? Maybe they should be supervised by Federal employees. Maybe they should be screened by Federal employees. But do they need to be Federal employees?

One of things that we still do not know the answer to is in the tragic events of September 11 we know that those who carried out the attacks brought on board so-called box cutters. I first heard that term and I did not know what it was until I figured out it is the kind of razor knife that I use to cut open a box at home or to cut a piece of cardboard. It has a blade, it is in fact a razor blade, but the blade is exposed only about an inch.

Some of the speculation about September 11 and the attacks that occurred that day is that maybe those knives were not brought on board by the hijackers themselves, maybe they were brought on board by the cleaning crews. Maybe they were brought on board by the people who prepare the food. Maybe they were smuggled on board by mechanics. We do not know. But again it raises the question and I think the House bill address this, that we need a comprehensive system to ensure all security on those planes. And the idea of let us just make them Federal employees, we have to ask ourselves, where does that end?

Do all the people who cook the food have to be Federal employees? Do all the people who clean the planes have to be Federal employees? Do all the people who bring on boxes of Kleenex or rolls of toilet paper or big stacks of paper towels that we use to dry our hands, do they have to be Federal employees? What about the mechanics? What about the pilots? What about the stewardesses or flight attendants themselves? Do they all have to be Federal employees? That does not

make any sense. But under the Senate bill where we have this broad definition of property and this definition of Federal employees, we raise this very serious issue. Are we going to make all of those people, the cooks and the caterers and the cleaners and the mechanics and whoever else might bring something on board, some property on board the plane, a Federal employee?

I think that highlights that the Senate bill, though well intended, I think it has huge sections that are very well written and thoughtfully written out, made a mistake in that vague definition. I think we have a duty, all of us here in this Congress have a duty to read that bill carefully and to reflect on it and not just to rush to pass it, as was mentioned in the debate earlier here tonight. Why can we not pass the Senate bill? We have a good bill in front of us. What is wrong with it?

That is why I get really sad and disgusted. And I would hope that all people of good will in the debate that will come tomorrow and the next day would be saddened and disgusted when the attack comes that says, oh, the only reason that they do not want to pass the Senate bill is because of partisanship; the only reason they do not want to pass the Senate bill is because Republicans do not like it; the only reason they do not want to pass it is ideology or philosophy or refusal to compromise.

These points that I have just made, different airports having different levels of responsibility, accountability being unclear, the vague definition of what is property and what is not property and who would have to be a Federal employee, all raise serious questions on the merits, substantive questions, that I challenge my opponents, opponents of the House bill whether they be on that side of the aisle or this side of the aisle, to address, deal with and talk with. Explain why these are not serious problems in the Senate bill and explain why the debate that will occur here on what we ought to pass to make America's skies as safe as humanly possible is not a meritorious debate.

That kind of leads me to the last point, and maybe the camera can look at it here, and that is the word strait-jacket. I would argue in crafting the Senate bill, its authors were, I think, genuine and sincere and did their best to write a good piece of legislation, have simply made a mistake by creating a strait-jacket, a strait-jacket written into Federal statute that says here is how we do it.

It does not say, we want safe skies and we are going to give the authority to some Federal law enforcement officials to create safe skies. No. It says, we want safe skies and we, the United States Congress, know the only way to make safe skies and so we are going to write into law forever and ever, or at least forever and ever until we pass some other piece of legislation, that way to make the skies safe. And by the

way, that is to dictate that all of this be done by Federal employees.

Again, I do not criticize Federal employees. I have great respect for them. It is not about Federal employees or private sector employees. It is about professionalism. It is about training. It is about pay. And the critics who say the current people who do that job are underpaid are dead right. But, again, like I stated earlier, nobody is defending the current system. The House Committee on Transportation and Infrastructure bill drafted by the gentleman from Alaska (Mr. YOUNG) does not preserve the current system. It changes that system, as I outlined before. But what the Senate bill does is create a strait-jacket.

Now I want to talk just for a moment for people who understand the problem when you do that in Federal statute. All of us want clean air in America and all of us think that that is an important goal for us to have. We need the cleanest possible air for Americans to breathe. A few years back, the United States Congress wrote a law and said we will create clean air. And that was the right thing to do. But unfortunately the Congress went a step beyond that. And what we said was the way and the only way to create clean air is to mandate by Federal statute that we oxygenate the fuels. Guess what? It turns out in California that oxygenating the fuel is not the best way to create clean air. And out of this mess we have created TCE, which is in our water supply.

This raises a fundamental question about the debate that will go on here tomorrow. That is, when we as a Congress identify a problem, should we solve that problem by prescribing a standard and giving the authority to people who achieve that standard, or should we tell them how to do the job? Because the Senate bill says the only way to make the skies safe is already known, and it is known by the United States Congress. And it is to require everybody, though it is not clear who everybody is, who screens passengers and property to be a Federal employee. Well, that kind of strait-jacket did not work for clean air because we now have problems with clean air.

The answer is science moves faster than the United States Congress. The answer is scientists in the energy field have already figured out how to make cleaner air without using oxygenates. But the Federal Government knew the right answer, so it did not prescribe that we ought to have clean air. It said we ought to have clean air and this is how to do it. That is the problem with the Senate bill. The Senate bill creates a legislative strait-jacket. It does not say we want the safest skies in the world. It says we want the safest skies in the world and we, the Congress, in our arrogance, know the right way to do that. I want to say that that is just dead wrong. We do not know the right way to do it.

Let us talk for just a moment about the House bill and then the other experiences around the world and the facts. Here is the House bill. It probably is not perfect either, and if we pass the House Committee on Transportation and Infrastructure bill tomorrow we will go to conference and we can take the best of both pieces of legislation. But if we pass the Senate bill, it will be done and it will go to the President.

First of all, as I said, the House bill does not preserve the current system of airlines hiring private sector companies at the lowest bid, by the way, to provide the screening of passenger and baggage at airports. No. It says that all screening shall be done under the supervision of Federal Government employees. And it says that there will be Federal personnel at every single check point.

It is not a question of returning to the current system where we get to the gate and there is some private sector security person that was hired and they are the only one there. It is not that at all. It says that at every single check point in America there will be a presence of Federal Government supervisory personnel. And, by the way, they will either be law enforcement personnel or military personnel, and they will ensure that the screening is done properly. There will be Federal training, there will be Federal supervision, and there will be Federal standards, and there will be a law enforcement or military presence at every single check point. That is not the current system.

But to this key question of whether they have to be government employees every single one down to the last person, it leaves that open to the Secretary of Transportation. It says that we will let that job be done by the Secretary of Transportation to decide what is the proper mix.

I have said there are facts in this debate and there are facts in this debate. And I think it is important to talk about those facts. That dovetails into the way of House Committee on Transportation and Infrastructure wrote their bill because the system elsewhere in the world that is working does not follow the model of the Senate bill.

The system around the rest of the world that is working follows the model similar to the House bill, that is, national government supervision, a national government law enforcement presence at every check point, national government in those countries, national government standards and law enforcement presence; but it does not say that everyone shall be an employee of the Federal Government. Why? Because the issue, again, is not where their pay check came from. The issue is competence, training, supervision, pay, and professionalism.

Let us talk about the experience around the world. Again, I have charts that show this.

This chart, and it is maybe a little bit hard to see, is a chart of Europe. It shows, and I do not know how well it

can be read, but it shows the various countries of Europe and it shows a trend. Beginning 20 or 25 years ago in all of those countries, there was one system. The system was the national government ran security at virtually every airport, indeed, so far as I know, every airport in those countries. But beginning in the 1980s they discovered that that system was not the best system. And so they began to move to a mix of private and public personnel at these airports.

Now let us just take a look at them. Belgium went partially private in 1982. They still have a federal government, federal Belgium Government presence at the airports, but they have some private contractors. Supervised, trained, overseen by government employees, but not every single person is a government employee.

□ 2100

The map goes on, I just want to make this point over and over and over again. You may have heard that security is much better in Europe than it is here in the United States and, indeed, that may be, although the first flight I took after September 11, a gentleman in line in front of me had just come from Europe and he said he had gotten on an airplane in Milan, Italy, and he had not been asked a single question or gone through any security screening whatsoever.

But, nonetheless, the argument goes that in Europe, and this is a false argument but it is an argument that has been raised at the outset of this debate, that in Europe they all use government employees. Well, that simply is not true. Belgium went partially private, partially government in 1982. In 1983, the Netherlands, a mix of private and public. In 1987, England had a mix of government supervision and private sector employees. In 1990, a number of countries, Sweden, Norway, Finland, all went to a mix of Federal Government employees of those countries supervising private contractors.

I will not go through the entire chart, but Ireland in 1998, Portugal in 1999, Spain in 1999, France in 1993, Switzerland in 1999, Italy in 1999, Germany in 1992, Austria, I believe in 1994, it is almost impossible for me to read so it has to be hard for you to read, Poland in 1998. Virtually every country in Europe, indeed a grand total of at least 16 of them, has moved to a mix of private sector employees on contract with standards and supervision and training done by the government. That is the system that they have found that has worked the best.

Now, I have tried to describe that mix by saying that it is a mix of personnel, and this is another chart which shows that mix of personnel. It shows what the ratio of private employees to public employees is at each of these European airports. And I can pick any one of them and perhaps read it. For example, in Oslo, Norway, there are 150 private sector employees supervised by

20 public sector employees. In Amsterdam, there are 2,000 private sector employees supervised by a total of 200 government employees. And the ratios are shown all through this map. In Brussels, for example, they use 50 government supervisors to oversee a total of 700 private sector contract employees. In, for example, Helsinki, Finland, over there, you can see the ratio is 20 government employees, supervisors, trainers, law enforcement personnel supervising 150 private sector employees.

Pick any one of these airports and it is, as you can see, a mix. In Geneva, we see it is 50 private sector employees to 250 government employees. So they flipped the chart there. But it is still a mix, and I think that makes the point very clear. The average ratio, as the chart says, is 85 percent private sector employees supervised or overseen by 15 percent government sector employees.

I think it is very important to understand, then, that when we hear people tomorrow on the floor say, look, anyone who opposes the Senate bill is just being stubborn or just being rigid or just being anti-government employee or just being partisan, I hope that these facts, and I assume they will come out again over and over in the course of this debate, will help us understand that at least in Europe there is a mix similar to what would be possible under the House bill.

Now, I think it is very important to understand because under the language of the House bill, the Secretary of Transportation is not placed in a straitjacket. He or she is not told they must all be private sector. Indeed, they are told they cannot all be private sector. But they are also not told they must be all government employees. That discretion is given.

If the Secretary were to decide they must all be, for his or her satisfaction to do the job properly, government employees, then that would be permissible under the House bill. If the Secretary decides it ought to be a mix, as is the case throughout Europe, then that would be possible under the House bill. But, again, under the straitjacket of the Senate bill, that simply is not permitted. That discretion is not given. The Federal Government decides that issue. They decide once and for all, by gosh, it is going to be Federal employees no matter what. That is it. That will assure safe skies, and we the Congress know the right answer. The heck with giving anybody any discretion. The heck with assuring professionalism by training.

They have no more training in the Senate bill than the House bill. Pay. They have no higher standards for pay in the Senate bill than the House bill. Supervision. They have no more supervision of the actual screeners in the Senate bill than in the House bill. Certification of compliance with training. That is not done any differently or any better or any more stringently in the Senate bill than the House bill. It is just that they think that what matters

is where the paycheck comes from, and they think that what matters is that Congress ought to decide. I think that is wrong.

I think it is important to understand two more things in this trend while looking at Europe. Number of European airports with private security. I mentioned that there are 16 airports throughout Europe that have private security. Here is the trend. As I mentioned, it began in 1982 with one airport, it climbed in 1983 and all the way on up, and we can see by 1999 it had risen to 16 airports in Europe, I think the majority of airports in Europe who are a mix of government employees supervising private sector employees.

I also said that there were facts in this debate, and there are facts in this debate. It is not just bias or prejudice or philosophy or pro-union or anti-union, because I do not think those are the issues. Again, the issue is competence. And on the issue of competence, on the issue of what will best protect the American people, there are at least some facts that strongly support this structure, a structure where there is a mix of private employees supervised by government law enforcement personnel, as the House bill requires, and that is demonstrated by this chart.

This chart is a chart of the number of hijackings in Europe and Israel over time, beginning back in 1968, and it shows there were 8, I believe, in 1970, there were 4 in 1973, and on across. If we look at the red line, we will see that in Europe and in Israel, and I will talk about Israel in just a moment, in Europe and in Israel, as they have moved, beginning in about 1982, from a total government controlled system to a mix of government law enforcement supervision and professionalism and training and standards of private sector employees and away from mandating all government employees, the number of incidents has declined.

So the one really hard fact in this debate, what will make the skies of America the safest, is the fact that shows that at least in Europe and also Israel, where we have an airline that is probably the most targeted airline in the world, El Al, the airline that serves Israel, as we have moved from all government employees in the 1970s to a mix of contract employees supervised by government employees, the number of incidents has gone down.

Now, in this debate there was some discussion about Israel, and I mentioned Israel a few moments ago. I think it is extremely important to know that Israel has followed the same model as Europe. And that is to say in Israel there was a point in time when no private contractor was involved at all. The entire process was done by government employees. That system has been abandoned. The system in use now in Israel is a system which includes a mix of private sector contract employees supervised by government employees with law enforcement training.

It seems to me that when we look at the hard facts, when we look at the real issues here, it is fair to see that this is an honest debate. It is a debate which ought to go forward on the floor of the House, and it is a debate in which I hope my sincere and earnest colleagues on both sides of the aisle will understand there is no room for partisanship. There is no room for political attacks of who gets a political advantage or who loses a political advantage.

Indeed, I would hope the American people become enraged at anyone who attacks, one side or the other, saying, well, they are just doing this for philosophy or for political gain. I would hope the Members of this body have enough conscience and conscientiousness to put aside partisanship at this critical point in our country's history and ask themselves, what is the right way to do this job? How do we provide the American people, how do we provide my son and my daughter, or your wife and your husband, or your son or your daughter, or your sister or your brother the safest, most secure system?

I would argue to the depth of my soul that there is not just one answer. I would argue that anybody who says that there is just one answer and that just one answer is in one bill is wrong, whether they said that about the House bill or the Senate bill. The truth is at this critical point in America's history, if for no other reason than to honor the people who died on September 11 in the unspeakable horrors of those attacks, that we have a duty to look at these issues conscientiously, that we have a duty to analyze the facts, that we have a duty to actually read the legislation.

These are pretty short bills. They are not that hard to read. It is not that difficult to pick them up and leaf through them. The American people have the possibility and the ability to get on the Internet and to read every one of the bills that we will debate here on the floor of the House in the next few days. They can read the Senate bill that has been out for the past few days. They can see the good provisions in that bill on making cockpit doors more secure, on looking at the entire airport and trying to make it more secure. They can look at the House bill and see that we do in the House bill many of those same things. We make the cockpit doors more secure and more safe. We make airline travel safer. We provide for Federal air marshals.

But on this critical issue that seems to be dividing this body, I hope the American people will look, and I hope my colleagues will look at the key points of the legislation, and those key points are worth remembering. Number one, this debate is not about the current system or the current contractors.

I know that many of the contractors out there are doing a pathetic job. At my own airport at Sky Harbor Airport, there is a private contractor that has been fired because of their incompetence; not doing the job. Nobody, no-

body is defending the current system or arguing that we should keep it. The current system says airlines hire private companies.

Now, maybe that system could have worked, maybe it never could work, but it certainly did not work. Although it is fair to point out, and I have a column here by John Stossel, who says he does not think the right answer is to give this entire function over to the Federal Government. But it is fair to point out that as flawed as the current system is, give it to the low bidder, do not pay them competent wages, do not screen them, and he says it is important to note are we closing the barn door after the horse got out or are we just simply whistling past this whole issue?

The reality is there is no evidence, not one shred of evidence, that the attacks of September 11 occurred because the screeners at the airports let them get by, let the hijackers get by with something they were not allowed to bring on the plane. Indeed, the Federal standards which did exist at the time for what you could carry on the plane made a box cutter legal to carry onto a plane because it had such a short little blade.

So it is important to note that as bad as this current system is, and as certain that we are going to replace it that we are, it is gone, we will not keep that system, there is no evidence that it was that system that let those hijackers get on to the plane. The box cutter knives they carried on board were allowed, and they were allowed to bring them on board.

Now, it is also important to understand that it is not true that only these lousy private contractors make mistakes and only private contractors hire incompetent people or indeed criminals. Because John Stossel points out in his column, a recent column that appeared, that there was a recent government study which found that 150 IRS, Internal Revenue Service, that is Federal Government, seasonal workers had criminal records.

□ 2115

Now, I do not defend the private security companies who have done a terrible job of screening their employees. I do not defend them when they have underpaid their employees. I do not defend them or their records, and I think they should be gone. I will vote for either of these bills because they are going to get rid of this terrible system.

But do not make the mistake that only private companies and only these private companies make tragic errors. Here is the IRS of the United States, government employees, who hired IRS workers, also government employees, 150 of them, seasonal workers who had criminal records.

What about the issue of the government never makes a mistake. How about in my State where a National Guardsman was allowed to carry a gun in the airport, turned out to be a felon.

He was allowed to carry a gun. The question is not that the Federal Government or the private sector cannot make mistakes; the question is how do we ensure that the standards are set and enforced.

Again, we owe it to every American and every American business to create a system that will indeed protect all Americans. My daughter, my son, your daughter and your son, and your wife and your husband.

That system, I do not believe, is in the Senate bill. I urge my colleagues to log on and read it. There are problems in that bill.

Number one, the hijackers tried to slip into this country by using small airports. The Federal bill lets the Secretary delegate the responsibility for small airports to local law enforcement, but says he cannot do that for big airports. If it is not right in all locations, it should not happen in any location. But that is a flaw. Different responsibility at different size airports is a flaw in the Senate bill.

Accountability. The question of accountability is extremely important. We need professionalism, and people who do the jobs as professional. We need people who are trained and paid well. We need people who are supervised well and who are given the tools to do the job, not just at the metal detector gate that I went through today, but downstairs where bags go through.

The Senate bill and its defenders will be here tomorrow, and you have heard them say it can only be partisanship that causes people not to vote for that bill. The Federal bill leaves the accountability question of whether they have civil service protection, whether they can be hired or fired without a hearing and under what conditions unclear.

I do not accuse the Senate authors of that bill of having intentionally made either of these mistakes. I think they were sincere and doing their best; but it is the job of this body as well as the job of the other body to carefully scrutinize the words in these bills and to try to make them right.

The vague definition that I mentioned earlier, the question of does this new requirement of Federal employment extend to the people that clean the planes and bring food on the planes, to the mechanics or pilots, if the only way to make something safe is to be done by Federal employees, do we have to nationalize the airlines? I think the issue is professionalism and training and supervision, and indeed pay and competence. These are the issues that we ought to be looking at in this debate. On one there is a clear answer. I think giving a pure strait-jacket for the United States Congress in its arrogance to say not only do we want the safest skies, of course we should say that. But to say there is one way and one way only and that is by making them Federal employees is simply wrong.

The head of airport security in Belgium, who is the head of a European

task force on the issue of airport security, said as Europe privatized, he said as Europe moved from an all government employee system to a mix of private sector employees supervised by government employees, said that they had better luck and better success in having responsive employees under the mixed system.

Maybe that is not always true, but I think it is important that this is a gentleman who is responsible for airport security in Belgium; and it is a gentleman who headed up the task force that oversaw that. It is important to understand the one immutable fact in this debate, and that is that when Europe moved from an all-government employee system, and this is true of Israel as well, from an all-national government employee system to a mixed system of private sector employees and public sector employees, the number of hijackings declined.

Mr. Speaker, to conclude, I do not think there is any one right answer, but we have a duty to debate these matters objectively. We owe it to the American people, to the victims of September 11, and we owe it to our families.

CHILDREN WHO LOST PARENT OR GUARDIAN ON SEPTEMBER 11, 2001, MUST BE PROVIDED FOR

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, so many of us continue to feel the overwhelming impact that Americans felt after the horrific attack on America on September 11, 2001.

My colleague just finished a very extensive discussion and explanation of the agreements and disagreements as it relates to Federal security and the airlines. We will have an opportunity, however, this week to debate that question on the floor of the House, those of us who support the Senate bill and the Democratic substitute that we hope will be presented; and of course the majority will have an opportunity to present their ideas to the floor.

A couple of weeks ago we debated the question of how the President would respond to these horrific acts. Although the time was not long enough, we had the opportunity to debate the war resolution and the War Powers Act and to include Congress' voice and Congress' desire to have oversight as we send our men and women to foreign shores.

Shortly thereafter, we debated the question of bailing out airlines. In the aftermath of September 11, we were told by the industry that they were in severe distress. Although it was not sufficient time, we debated that question on the floor of the House and provided the airline industry with approximately \$15 billion.

I believe in providing an opportunity for these airlines to survive. This

evening Members will hear me talk about providing an opportunity for employees to survive. So I do not fault what we ultimately did with assisting airlines. I am hoping, having the responsibility of representing Continental Airlines in my hometown, my congressional district, I do believe that we must ensure that the access to commerce, the free movement of people is supported. We are hoping as we begin to secure the airlines and to pass legislation that will provide Federal security for our airlines, we will see the American people accept the comfort, if you will, of the safety of traveling and more and more will travel.

Just today we passed H. Con. Res. 243, expressing the sense of Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

I supported this legislation. I am gratified that the House had an opportunity to debate the valor of these public safety officers, the great thanks that we owe them, the firefighters, the emergency preparedness officers, the police officers and all others who worked those days in New York and Somerset, Pennsylvania, and Washington, D.C.

We debated on the floor of the House H. Con. Res. 233. I am delighted that we were able to support legislation expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist acts on the World Trade Center and the Pentagon on September 11, 2001.

We, in a very unified manner, supported this legislation. I am proud that the Congress took time to debate this and voted on this unanimously, almost, to the extent that Members were here. This is good legislation, and I support it.

Interesting enough, however, in the aftermath of September 11, 2001, I have not heard one full debate on the floor of the House about the children who suffered and are still suffering. Not one hour, not one moment has been debated and allowed for legislation that focuses on the loss of these children.

H. Con. Res. 228 dated September 14, 2001, sponsored and cosponsored by over 40 to 50 Members of the United States Congress, focuses on these children. It seems to me that a Nation that prides itself on the value and investment of children and recognizes that our children are our future, it seems to me that the House leadership is going astray, that they cannot find minimal time in all of the time for suspensions and other initiatives, to be able to bring to the floor of the House a resolution that acknowledges to America we care about our children.