

of national security. After September 11, we can do no less.

I hope we enact this legislation and do it very quickly so that we can have in place a system that will help to restore confidence in the flying public.

I am happy to report in my own personal experience more and more people are returning to airports. I am glad that is the case.

#### FIGHTING TERRORISM

Mr. DURBIN. As a member of the Judiciary and Intelligence Committees, we have had a number of requests from the administration for new authority to collect information to fight terrorism. You will find that the vast majority of requests by the administration will be honored in the bill we will consider this week or next.

We will say to FBI and the CIA, other law enforcement agencies: Here are new tools for you to fight terrorism.

We should give to it them because we need to provide them what is necessary to protect our Nation. Certainly we need to keep our laws up to pace with the changes in technology so that when communications are moving by e-mail or through the use of cell telephones, we give to law enforcement the authority and the opportunity to make certain they have access to them.

I am concerned, as are many on the Judiciary Committee, that it isn't just a question of the new authority to collect information but a more fundamental question: Do these agencies of law enforcement have the infrastructure and the capacity to collect, process, evaluate, and distribute this information?

It was only a few weeks ago that the Senate Judiciary Committee had its first oversight hearing in 20 years on the FBI.

The information that came to us suggests that FBI computer capabilities are archaic, that no successful business in America could operate with the computers we have given to the premier law enforcement agency in America. Is there any doubt in anyone's mind that computer capability is as important, if not more important, than additional authorization in the law to collect information?

Things are being done. A man by the name of Bob Dies left the IBM Corporation and came to the Department of Justice to modernize their computer systems. I trust him. I believe he has a good mind. He can help us out of this terrible situation into modern computer technology.

When I sat down with Mr. Dies yesterday and asked him the problems he ran into, he gave me an example. We know there is software available that would allow us to see the coordinates of any location in America, cross streets in the city of Boston or the city of Chicago, and then with this software, with concentric circles, see all of the important surrounding structures, the buildings, the hospitals, whether

there is any type of nuclear facilities or electric substations, all within that region. Think of how valuable that is when we are fighting terrorism.

If they receive a notice at the FBI that there has been an explosion at a certain location, by using this software they can immediately see before them all of the potential targets and all of the worrisome areas around that explosion. That seems to be an obvious tool. Wouldn't you assume the FBI already had it? They don't. They don't have access to it because when Mr. Dies said he wanted to buy this software for the FBI—and they were excited about receiving it—he was told: First you have to draw up, under Federal procurement laws, a request with specific elements in it as to what you want in this software, and then we have to have it put out for bid. We think in about a year we can get it for you.

The average American can go right now and buy the software off the shelf. It is absolutely unforgivable that that basic tool and so many others are being denied to the FBI and other law enforcement agencies because of the bureaucratic mess we have in procurement in this Nation.

I am working at this moment on legislation that will allow an exception to our procurement laws in areas of national need and national emergency. We should have a certification process that will allow us to step back from this morass of bureaucracy and get to the point of bringing modern computers into the FBI so that all the names and all the tips and all the information collected can be processed, formulated, evaluated, and distributed so that the names of suspects can be given to the Federal Aviation Administration and, in turn, given to all of the airlines so that they can do their job when people apply for a ticket.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The time for morning business has expired.

Mr. DURBIN. I ask unanimous consent for 1 additional minute.

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

Mr. DURBIN. Mr. President, I hope that during the course of considering antiterrorism legislation we don't stop short of giving new authority to collect information but also give to the FBI, CIA, and other Federal law enforcement agencies the infrastructure to use that information. We need to create an extraordinary process for extraordinary times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent to proceed as in morning business and, after I have completed, Senator TORRICELLI be recognized.

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

#### PROBLEMS WITH THE FBI

Mr. KERRY. Mr. President, I thank the Senator from Illinois for his com-

ments. He could not be more correct about the problems with the FBI. In fact, the FBI had a lot of information regarding the potential of the events on September 11 4 and 5 years ago, I have learned, in certain compartments. Regrettably, just because of the compartmentalization and the process, that information was never adequately followed up on, as I think we will learn over the course of the next few months. We regret that.

There needs to be an enormous amount of work done in the coordination of the processing of information between the CIA and the FBI. The FBI, obviously, has been much more focused on prosecuting crimes after they happen and not necessarily on taking information and evaluating it in the context of a crime that may happen. The CIA has been much more involved in the processing of information. Their human intelligence component in the CIA has been so devastated in the last 10, 15 years, that we are light years behind where we ought to be.

I will correct my colleague. We had the security chief from El Al in yesterday with Senator HOLLINGS. He said that every facet of airline security is in fact Government managed at this point—in fact, the employees. I don't know if that was an older process or what. Yesterday, El Al gave us a clear description of how they are doing it now. It is entirely managed by the Government, which is precisely what we are suggesting ought to happen here.

(The remarks of Mr. KERRY pertaining to the introduction of S. 1499 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. Mr. President, I thank the Senator from New Jersey for his courtesy in allowing me to step in front of him to introduce this legislation.

The PRESIDING OFFICER. The Senator from New Jersey.

#### ESTABLISHING A BOARD OF INQUIRY

Mr. TORRICELLI. Mr. President, when this Chamber was new and Members of the Senate were gathering in their first years, they were confronted with the reality of a civil war which had consumed over 860,000 lives and the rebuilding of our Republic. Even with those daunting tasks, there was a recognition that somehow the institutions of our Government had failed to deal with the crisis, to avert the struggle.

Even in that atmosphere, those who preceded us created a board of inquiry as to the reasons of the war and how it was executed and what might lie ahead for the country.

That civil war debate created a foundation which through two centuries has created a consistent pattern for this Congress. In times of national trouble or trauma, part of dealing with

the realities of our problems and preparing for the future required a dispassionate analysis of the problem.

While survivors were still being taken out of the North Atlantic from the sinking of the *Titanic*, a board of inquiry met to determine the failures of maritime safety.

Three weeks after the Japanese attack on Pearl Harbor, a board of inquiry began to examine why our Nation was not prepared and how the institutions of our country had failed to respond to the looming threat and the reality of the attack.

In the ensuing years, we returned again and again to this trusted form of analysis that allowed our people to trust a result and the Congress to prepare to avoid the same circumstances in the future: a commission that was formed after the assassination of President Kennedy and the board that convened after the *Challenger* accident.

In each of these instances, I have no doubt a Senator rose and said it is difficult to deal with examining the reasons for the war of 1861 because our time is consumed with the reality of the situation. How can one deal with the reality of the situation if we do not know the reasons for the problem?

How can we simply give more resources to the same institutions, more power to those institutions if we doubted they had the ability or used those powers or resources properly in the first instance? Indeed, one can only imagine when President Roosevelt required a board of inquiry on preparedness and the response to Pearl Harbor how admirals and generals, scrambling to defend the Nation and execute the war, must have felt about diverting resources to deal with the inquiry.

It was recognized by those who sat in these chairs before us, as we should recognize now, that the credibility of the institutions involved, the confidence in their leadership, a dispassionate, removed analysis of their powers is a foundation before implementing a new policy to avert the same problems.

A number of my colleagues are joining with me in the coming days in introducing legislation to create a board of inquiry regarding the terrorist attacks of September 11. It is my intention to offer it as an amendment to legislation that is currently working its way through the Senate dealing with this tragedy.

As the Senate properly responds to the administration's request for more power in Federal institutions, the people need to know how those institutions use the power they possess and to restore confidence in those institutions as they execute these powers.

The Senate properly allocates billions of dollars more for national security and law enforcement and the protection of our people. People of our country justifiably will want to know, as antiterrorist activities in the last 5 years increased by 300 percent, why that money was not sufficient or why it failed to protect our country.

It speaks well of this Congress that we are willing to do so much to protect our country, to avert a future terrorist attack, but I have 3,000 families in New Jersey who have a husband or a mother or a wife or a child who will never come home. Of the 6,500 potentially dead victims of the New York attack alone, and the hundreds of families in Virginia, the families of New Jersey are going to want to know not simply what are we doing in the future, but what happened in the past.

How did an intelligence community that is larger financially than the military establishments of our largest rivals fail to uncover the intentions of these terrorists? How did all of our technology prove unable to intercept their communications? How, with all of the interceptions that have taken place, were we unable to analyze the information and predict the attack? How, indeed, in law enforcement, given the presence of these same terrorist organizations in previous attacks from the same locations on the same target, were we unable to infiltrate these organizations?

It may well be that there is a good explanation for each of these failures. Indeed, it may prove that everything that was humanly possible was done to the fullest extent conceivable. It may be there are institutional failures and conflicts, so that all the money conceivable will not prevent a future attack if powers are not properly distributed or the proper people do not have authority or there are breakdowns in command or communication.

I cannot predict any of these answers, but what is important is neither can anyone else in this Congress or the administration because without some analysis, as we have done throughout our country's history, we will never know. Indeed, if we fail to have a board of inquiry in the midst of this crisis about these circumstances, I believe history will instruct us it will be the first time in the history of the Republic that the Government did not hold itself accountable and subject to analysis when our American people have faced a crisis of this magnitude.

The people deserve an answer. The Government should hold itself accountable, and only a board of inquiry, independent of the Congress and the Executive, has the credibility to do it.

Dealing with the issue of accountability for the past, I want to, for a moment, deal with prevention in the future. This Senate is rightfully responding to the problem of the hijackings by comprehensive legislation dealing with airline security. It is only right and proper we should do so. Our Nation is dependent on the airlines. The economic contagion from this tragedy has affected every State in our Union. Cynics will decry that we are simply closing the barn door, but indeed there is no choice but to do so lest terrorists travel through that barn door again.

What is significant is it is not adequate to respond to these terrorist at-

tacks, enhancing the security of our people, by responding in one dimension. It is unlikely these terrorists or others who would conspire with them, or act in concert with their actions, will respond again in the same manner by the same mode as the last terrorist attacks. If indeed the bin Laden organization is responsible, the history of their actions suggests each time they strike they strike in a different mode, in a different method, sometimes in a different place.

Obviously, I support this airline security legislation but it is not enough. From our reservoirs to our powerplants to other modes of transportation, we need to secure the Nation. It needs to be more comprehensive.

The PRESIDING OFFICER. The Senator's time in morning business has expired.

Mr. TORRICELLI. Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. TORRICELLI. Many of my colleagues have joined me in insisting the Airline Security Act also include rail security. We do so for the following reason: In my State alone, nearly a quarter of a million people ride railroads every day, many of them through old tunnels. The tunnels under the Hudson River were built between 1911 and 1920. As this photograph illustrates, they are largely without ventilation. This is a single fan to exhaust smoke from a fire in a two and a half mile tunnel.

Every Amtrak Metroliner, if fully loaded, under the Hudson River or the Baltimore tunnels, or even the approaches to Washington, DC, carries 2,000 passengers, more than three times the number of people on a 747. The tunnels do not have ventilation and they do not have escapes.

As this second photograph illustrates, under the East River of New York and under the Hudson River, a single spiral staircase serves to exit 500 to 2,000 passengers. The same spiral staircase would be used for firefighters getting to the train. It is obviously not adequate.

Last August, before these attacks occurred, the New York State Commission said it was a disaster waiting to happen. Those are not the only problems. We need police officers on Amtrak trains. We need to screen luggage. We need to ensure that switching mechanisms are safeguarded and secure. This Congress will do a good deed for the American people if indeed we secure our airlines, but it is unlikely we would be so fortunate that terrorists will choose this same method and mode for the next attack.

Securing Amtrak and commuter trains is essential. The legislation we will offer, \$3.2 billion, will secure the tunnels, hire police officers, assure screening, and bring our train transportation network to the same new high standards as our aircraft.

It is essential. It is timely, and I hope my colleagues around the country understand those of us in the Northeast and the great metropolitan areas of Los Angeles, Chicago, Miami, and Boston cannot yield on this point, not with hundreds of thousands of commuters having their lives depending upon it every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### AVIATION SECURITY

Mr. ROCKEFELLER. Mr. President, the day of September 11 has been eloquently described by the preceding speaker, Senator TORRICELLI. Its consequences are unknown. In fact, one of the great questions none of us can answer at this point is: What are the unintended consequences of what will follow this attack over a period of weeks and months?

However, this is not our purpose. Our purpose is to get an aviation security bill done. That is why this Senator from West Virginia chooses to speak.

I wish to make a couple of very clear points. We have not yet passed an aviation security bill. There were those who said, no, you cannot work on the aviation industry's financial condition until you have done an aviation security bill. That was an understandable argument, as well as those who talk about people who have lost their jobs. There really was not much point in doing an aviation security bill if there weren't any airplanes flying. That had to be done as a first order of business.

They are flying. They have picked up a modest amount of business. It has increased about 7 percent in the last week, but they are still in a very bad position, even with the money we gave them after forcing them to ground all of their airplanes for a period of time.

In any event, that and the loan guarantees part is done and so now we move on to aviation security, which we ought to do. One could say, well, that is a fairly easy subject. We could go ahead and do that promptly and without much fuss.

That is not quite the case. There is a lot involved, which is serious, which is complex, a lot of back and forth about which is the best agency to do this or that and how do people feel about it, what are the costs involved.

That being said, the Department of Transportation, under President Bush's leadership, immediately after September 11, took some very strong steps with respect to our airports and our airlines. Within days, Congress sent, as I have indicated, its strong support with an emergency financial package that, in fact, included \$3 billion, still unknown to most people, for airport security. That was included to be used at the discretion of the President, which was fine. Most of that has been used for sky marshals and other items. Urgent aviation security efforts are already in place. The money is there. Now we are

talking about a bill for a broader aviation security purpose.

In the few weeks that have passed since September 11, a large group has been working around the clock through a lot of very contentious issues, not easy issues, to try to resolve what should be in an aviation security bill that would best serve the Nation, not just in the next months but in the coming years. One can say, therefore, that the Aviation Security Act is a result of these efforts. It is not finally worked out. There was to be a meeting this morning with the Secretary of Transportation. He was called to the White House. There are still details pending. That is not the point. We are on it and moving at the point, for those who come down to speak on it, because we want this done if at all possible this week, with the American people knowing that aviation security is at the top of our legislative agenda.

I am very proud to have joined Senator HOLLINGS, Senator McCAIN, Senator HUTCHINSON as original cosponsors, and I rise in strong support of the managers' amendment because we have been working closely with Senator LOTT and Senator DASCHLE. I can report there is broad bipartisan support within this body on both sides of the aisle as to what we ought to do. That has come through in meetings and compromises. That is a very important fact and bodes well for the bill.

The truth is, the horrific attacks of September 11 do reflect broad intelligence and other failures.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, if the Senator will yield, I ask unanimous consent that the morning hour be extended for 1 hour, until 12:30, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. ROCKEFELLER. I ask unanimous consent for an additional 10 minutes.

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

Mr. ROCKEFELLER. The fault of these attacks clearly lies with those who perpetrated them, but the failures are all our shared responsibilities. There is no way to get away from that.

On the other hand, they are also a shared opportunity. I have long argued and made many speeches that we have a habit in the Congress, and to some extent in our country, of taking aviation for granted, knowing very little about its details, complaining when we are delayed but not making the effort to understand what aviation entails, what happens when passenger traffic doubles—as everybody knew would happen before September 11, and which I believe will come to be true again. This is an opportunity, this horrible tragedy, to set a number of accounts straight in terms of the way we secure our airports.

We have to develop, we have to fund, we have to implement a better and changed way of providing security—particularly true after September 11. Had it never happened, we still should have been doing it. Instead, we were concentrating on air traffic control, runways, matters of this sort that are tremendously important, but we were not focused on security. That has to change. The Aviation Security Act gives us the chance to do exactly that.

First and foremost, the bill restores the basic responsibility for security to its rightful place. That is with Federal law enforcement rather than with the airlines and the airports, which can neither afford it nor do it properly. This is not a question of private security companies. There is absolutely no other segment of American life in which we need national security contracted out to the private sector. Until last month, the airports' private security companies had in fact managed to ensure that ours was the safest system in the world. Let that be said. It always has been, always will be. But there is public concern that if there is an accident, it will be of a very large nature; if there is terrorism in our future, it will be of a very large nature. We have to begin to think about all things more seriously. We want the safest system in the world. We have the safest system in the world, but it has to be a lot better.

Law enforcement has to be fulfilled by the Federal Government. Everybody agrees on that, both sides of the aisle. The Bush administration is working on that, leaning towards that. We owe it to the American people to take profitability out of aviation safety altogether.

This bill, still subject to some details that have to be worked out—but that is good, that is not bad; we are moving—creates a new Deputy Secretary for Transportation Security, with ultimate responsibility for interagency aviation security, and expands the air marshal program to provide armed, expert marshals on both domestic and international flights, and increases Federal law enforcement for airport perimeter and for air traffic control facilities—not just getting in and out of airports but the complete perimeter of the airport. Screening will also be monitored as it has never been monitored before by armed Federal law enforcement. It will be conducted in virtually all cases by a Federal screening workforce.

When you walk into a small airport, you will see uniforms, pistols, screeners who, like everybody else in this country, are going to have to be trained more or less from ground zero because the training is insufficient, the turnover is horrendous. It is a national embarrassment. The whole level of training will have to be raised very dramatically in urban and in rural airports. In rural airports there is a possibility, where there are five or six flights a day, you don't need full-time