

AVIATION SECURITY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 1447) to improve aviation security, and for other purposes.

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both leaders on this matter.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. REID. Madam President, what time is it?

The PRESIDING OFFICER. It is 10:18.

Mr. REID. We have 12 minutes left before the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Chairman HOLLINGS is in the Chamber.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, we have the cloture vote on the motion to proceed to the airport security bill at 10:30.

I say, in the few minutes allotted me, I wish everyone could have been at the Commerce Committee briefing we had with the El Al airline security chief and Israeli government security officials. You would immediately understand that when the plane went down over the Black Sea this past weekend, even though the plane came from Israel, the explosion had to come from somewhere else because it is veritably impossible to get a bomb aboard a plane at airports in Israel.

The United States military is now working with Ukrainian and Russian officials to verify evidence that a Ukrainian missile may have gone astray during military exercises on the Black Sea coast. I only mention this incident to emphasize the thoroughness of airport security in Israel. They call their security plan the "onion ring" perimeter defense. Their plan effectively addresses not only security during the boarding of the plane, but security surrounding the airport and on the tarmac. But we continue to talk more narrowly about security in the cockpit and the need for federal screeners and U.S. marshals on board. As inexperienced as we are on these matters, this is where our minds are focused.

However, we need to expand our work on airline security to the airport and airline personnel working on the

tarmac. At some point during pre-flight preparation, you have not only the screeners, cargo handlers, caterers, and general airport perimeter officials, but you have the individual who vacuums underneath the seats, who all have access to the airplane prior to take-off. Because of this access, all personnel need to go through an FBI check, in our opinion. That is what this bill provides.

Take the following scenario for instance. A terrorist checks in ahead of time online and the airline staff says to the person you have seat 9A. All a terrorist has to do is pick up that mobile phone and call a friend who has been working 2 years on the tarmac out there and say it is a 12 o'clock flight to Charleston, seat 9A. That is it. They tape a pistol or a weapon of some kind under seat 9A. But even there at the counter, all you have to do is get out there a little bit early, get your ticket, and then sit down and be calm. Then just give a motion up at the window because your friend has already been told that this is the flight you are going to take.

The bill itself has been released to the Senate after a full day's hearing we had at the Commerce, Science, and Transportation Committee with nearly all of the Senators in attendance. In a bipartisan fashion, Senator MCCAIN, and I, Senator KAY BAILEY HUTCHISON, who has been working on this over several years, along with the chairman of our Subcommittee on Aviation, Senator ROCKEFELLER of West Virginia, all got together with some two dozen cosponsors to develop this legislation.

We do have a managers' amendment that really takes care of some of the flexibility needs that we found out about from the FAA with respect to restrictions on parking 300 feet from the airport building—that kind of thing. As the Senator from North Dakota says, I think if you move 300 feet from the airport building in North Dakota, you will be in Senator DORGAN's cow pasture. We must be careful to maintain reasonable and flexible oversight of airline security in order to ensure the continued efficiency of the industry. Those kinds of judgments can be made from time to time by the administering agency.

These efforts will be paid for. Right now, we are studying the exact cost. Senator MCCAIN and I have tried to hold costs down—including the passenger security fee itself. What we have agreed upon at the moment, of course, is \$2.50 per ticketed passenger which would add up to \$1.5 billion. But they are saying, no, if you are going to take care of the 18,000 screeners and some 10,000 other personnel around the tarmac and out on the sidewalk, you are going to really get into about \$1.7 billion or maybe \$1.9 billion total cost. So we might have to raise the passenger fee up to \$3. I don't know. We are currently trying to obtain the best CBO figures.

The airline executives favor this bill; the airline pilots favor the bill. You go

right on down the list, all the personnel involved; the mayors have sent us resolutions. I think we made a mistake in calling it airline security. We should have used the word "stimulus," the "airline stimulus" bill, because if we had used that word, we would not have had any trouble at all in passing this measure. Everybody is around here trying to stimulate, stimulate, stimulate—these fancy words we get up here in Washington.

I know of no better measure to stimulate airline travel and get the airlines back to normal. We give the airlines \$15 billion and then guarantee they go broke by keeping the airports closed or extending the idea that there is no security, that there are no marshals on the plane, as the Senator from California told me early this morning. We are going to have marshals. We are going to have security with this airline stimulus security measure.

I yield to the distinguished Senator from Montana. He has worked closely with us on this issue, and perhaps he would have an observation.

Mr. BURNS. I thank my good friend from South Carolina. I didn't think he had to be invigorated or stimulated to make a great speech. I was going to stay out of this, but the Senator is correct; nothing will stimulate travel more than a strong sense of security. It has to be visible. People have to see the measures that are being taken to make it viable and to give them a sense of security whenever they fly. We know we are in a different kind of a confrontation now. Some have termed it a war. It really is. But it is different from anything this Nation has ever faced.

Whenever we start talking about our own security, providing security for our people in this country and abroad, we only have to look—I was interested, as was the chairman of the Commerce Committee, that when we talk to the representatives of El Al, the national airline of Israel, we talked to the people who are in charge of security. If the Senator remembers, there are 7,000 employees of El Al, both domestic and international; 1,500 of that 7,000 are in security. And there is a bright line between their security people and everybody else—the pilots, the people who operate their airports, the people who operate their reservation systems, the people who operate their ground operations and their in-flight operations. There is a bright line of authority between those people who are the security people. They know how to exercise that authority. They are accountable and responsible for that. But most importantly, they are accountable to their airline and to their country.

We have crafted this legislation without a hearing—we never had a markup—but it is as close, and I think with a couple of amendments we can perfect it, as we can come to some understanding on that bright line of accountability and responsibility for security.

I congratulate the Senator for his leadership. He understands where we

have to go and how to get there in order to provide the safety and security the American people demand.

I thank the Senator.

Mr. HOLLINGS. Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 166, S. 1447, a bill to improve aviation security:

Blanche Lincoln, Harry Reid, Ron Wyden, Ernest Hollings, Herb Kohl, Jeff Bingaman, Jack Reed, Hillary Clinton, Patrick Leahy, Joseph Lieberman, Jean Carnahan, Debbie Stabenow, Byron Dorgan, John Kerry, Thomas Carper, Russ Feingold.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1447, a bill to improve aviation security, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

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

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—97

| | | |
|-----------|-----------|------------|
| Akaka | Cleland | Fitzgerald |
| Allard | Clinton | Frist |
| Allen | Cochran | Graham |
| Baucus | Collins | Gramm |
| Bayh | Conrad | Grassley |
| Bennett | Corzine | Gregg |
| Biden | Craig | Hagel |
| Bingaman | Crapo | Harkin |
| Bond | Daschle | Hatch |
| Boxer | Dayton | Helms |
| Breaux | DeWine | Hollings |
| Brownback | Dodd | Hutchinson |
| Bunning | Domenici | Hutchison |
| Burns | Dorgan | Inhofe |
| Byrd | Durbin | Inouye |
| Campbell | Edwards | Johnson |
| Cantwell | Ensign | Kennedy |
| Carnahan | Enzi | Kerry |
| Carper | Feingold | Kohl |
| Chafee | Feinstein | Kyl |

| | | |
|-----------|-------------|------------|
| Landrieu | Nelson (FL) | Smith (OR) |
| Leahy | Nelson (NE) | Snowe |
| Levin | Nickles | Specter |
| Lieberman | Reed | Stabenow |
| Lincoln | Reid | Thomas |
| Lott | Roberts | Thompson |
| Lugar | Rockefeller | Thurmond |
| McCain | Santorum | Voinovich |
| McConnell | Sarbanes | Warner |
| Mikulski | Schumer | Wellstone |
| Miller | Sessions | Wyden |
| Murkowski | Shelby | |
| Murray | Smith (NH) | |

NOT VOTING—3

| | | |
|----------|---------|------------|
| Jeffords | Stevens | Torricelli |
|----------|---------|------------|

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0.

Three-fifths of the Senators duly sworn and having voted in the affirmative, the motion is agreed to.

EXTENSION OF MORNING BUSINESS

Mr. DASCHLE. Madam President, it was my hope we could move directly now to the bill, given the 97-0 vote on the motion to proceed. As I understand it, there are still objections to go to the bill itself. I hope we can work through whatever objections there may be on the other side so we can get on the bill and begin offering amendments and coming to closure of this bill quickly. We have a lot of work. All of it is being held up now as a result of our inability to get that work done.

In the interim, it would be my hope for those Senators who had come to the floor with the expectation they could speak as if in morning business on Senator Mike Mansfield and other matters, we accord Senators that opportunity. I ask for the next hour that the Senate stand as if in morning business to accommodate Senators who wish to speak in tributes to Senator Mansfield and other matters.

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

AVIATION SECURITY

Mr. KERRY. Madam President, I ask the majority leader if we could clarify something for the record. We had 97 Senators vote, publicly saying they are prepared to have a motion that allows us to at least proceed to the bill, but we are not actually able to get on the bill itself. Nobody should be mistaken that suddenly the Senate is actually making big progress on aviation security.

I ask the majority leader if he would just clarify what the procedural hurdle is now, and also, what is the substantive resistance here and how he sees the Senate proceeding.

Mr. DASCHLE. If the Senator will yield, I will simply say it is the right of any Senator to ask for his or her time allocated to postcloture debate. As everyone in this body knows, you have 30 hours of postcloture debate after cloture has been achieved. We have now voted on cloture, and Senators are entitled to a 30-hour debate.

It is my hope we can accelerate and somehow bring to closure this

postcloture period of debate so we can somehow get on the bill. I do not think it is in anybody's interests right now to be exacerbating the situation with any kind of accusations about who is at fault. We are going to try to work through that. I just hope we can work through it in a way that will accommodate debate on the bill and ultimately a successful conclusion of that debate so we can enact this legislation this week. It is critical that we get this work done. No Senator has to be reminded of that.

Again without acrimony, without pointing fingers, let's see if we can work through it in a constructive way, and that is my intention. I will be speaking to the Republican leader momentarily, as well as, again, to the ranking member of the Commerce Committee, as we try to find a way to resolve whatever outstanding problems there still are.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the majority leader.

I want to emphasize, as I know Senator MCCAIN and Senator HOLLINGS feel, nobody at this point wants the good work of the Senate to be distracted in any way by any kind of finger pointing or accusations. That is not the purpose of my question.

But we have now been discussing airport security for several weeks—several weeks. There is a very significant majority of the Senate who are poised to vote in a certain way. It is my hope my colleagues will allow the will of the Senate to be worked. The American people expect nothing less of this Congress than a prompt response in a responsible way. Frankly, I think we can do better at the job of resolving this faster than we seem to be at this moment. I hope that will happen in short order, in the course of the next 24 or 48 hours.

I thank the Chair.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Montana.

Mr. BAUCUS. I ask to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. BAUCUS. Certainly.

ORDER FOR RECESS

Mr. REID. I ask unanimous consent the Senate recess from 12:30 p.m. to 2:15 p.m. today for the party luncheon conferences and that the recess time be charged postcloture as well as a period for morning business.

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

The Senator from Montana.

THE PASSING OF MIKE MANSFIELD

Mr. BAUCUS. Mr. President, I rise today to pay tribute to a great Montanan, a great American, and a great