

AVIATION SECURITY ACT—  
Continued

The PRESIDING OFFICER. The Senator from Nevada, the assistant majority leader, is recognized.

Mr. REID. Mr. President, during the next 55 minutes we are under controlled time, controlled by the majority and minority leaders. So if anyone desires to speak on this very important matter which will occur, as I said, in 55 minutes—each side has an equal amount of time—I will yield to whom-ever wants to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Nevada.

Mr. REID. We have plenty of time. I ask the Senator from New York, how much time does the Senator wish to use?

The PRESIDING OFFICER. There are 25 minutes 48 seconds remaining on the Democratic side.

Mrs. CLINTON. Mr. President, I expect to consume 5 minutes or less.

Mr. REID. On behalf of the majority leader, Senator ROCKEFELLER will yield the time until the vote occurs, or if Senator HOLLINGS comes in, he will yield the time.

Mrs. CLINTON. Mr. President, I do not want to impinge upon the time of my good friend, Senator ROCKEFELLER.

Mr. REID. No. Please go ahead.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise again in support of the amendment offered by Senator CARNAHAN to provide immediate assistance to the over 100,000 airline workers and those in aviation-related industries who have been laid off and lost their jobs as a direct result of the terrorist attacks of September 11.

I just came from a very moving ceremony of commemoration at the Pentagon, where the lives of those military and civilian employees at the Pentagon, as well as the lives of the crew and passengers of the airplane that was mercilessly driven into the Pentagon, were honored.

I know we are working on other kinds of relief, and I am grateful to the President, the administration, and my colleagues for the work that is being done on the economic stimulus package and for the work that is being done with respect to unemployment insurance and dislocated workers' assistance, but I believe we have an obligation to move quickly with respect to the workers who have been laid off through no fault of their own or of their industry, and we cannot wait for the larger packages to be put together and negotiated.

Just as we must provide security to all Americans who are flying in our

skies, we also should provide economic security to those who have supported us in the hundreds of thousands and millions of flights that were a matter of course before September 11. They were doing an important job in maintaining our free travel and supporting an important economic activity, and now they are confronting the cruelest kind of questions: How will they make their next car payment? How will they be able to afford the clothes their children might need? How will they know whether to go out and look for another job or hope and wait that business picks up on our airlines? I do not think we should be leaving our workers who have already been laid off. They need our help right now. I do agree we have to address the need to help all workers.

In New York, for example, the State labor department is estimating that 285,000 workers throughout New York will lose their jobs as a result of the attack we suffered. I do not think we should leave any of these workers behind. If we are trying to build confidence—confidence in consumers, confidence in citizens—then we should address the needs of those people who have been economically harmed by these attacks. I respect the work that others are undertaking. I will support that.

I ask this Chamber to send a message by voting in favor of Senator CARNAHAN's amendment that we are not going to just bail out airlines; we are not just going to protect the traveling public. We are going to help protect economically those who we hope will be back in the skies, back behind the counters, handling the baggage.

I met yesterday with a group of executives from the travel and tourism industry. Stories from them about the low occupancy rates, the fact that people are not traveling for business or pleasure, were very disturbing to me. Everyone knows we have real economic challenges. The last thing in the world we need is people who are scared to go about their daily business, who are scared to take that long-planned trip to Disney World, who are scared to fly across the country to show off their new baby to their mother or grandmother.

Until we can get that confidence up—and I applaud our wonderful leadership of Chairman HOLLINGS and Ranking Member MCCAIN on the aviation security bill—until we can get that confidence once again moving forward so people will fly, we can't turn our backs on those men and women who were the backbone of this airline industry.

I hope every Senator will support the Carnahan amendment and do everything possible to demonstrate our concern and commitment to those who were on the front lines and lost their jobs and livelihood because of the terrorist attacks.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend the Senator from New York for her statement.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia controls the time.

Mr. ROCKEFELLER. Mr. President, I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from West Virginia for yielding time and commend my colleague from New York for her statement. What she has heard in traveling about her State and the Nation I have heard in Illinois. During the last 2 weeks I had roundtables across my State, from the city of Chicago to major cities downstate, bringing in business and economic leaders and saying, what can we do at this moment to breathe life back into this economy? They have said, restore consumer confidence. We have to get people back into the stores and making decisions for purchases.

The Carnahan amendment which we are going to consider today takes an unfortunate group of people related to the aviation industry, who have been disadvantaged by being laid off or terminated, and says we are going to try to give them a hand to get back on their feet as quickly as possible.

A few weeks ago when President Bush suggested we help the aviation industry, I was happy to do it. We have 50,000 people in the Chicagoland area who work in aviation in some way, shape, or form. We are proud to be the home of United Airlines, a major hub for American Airlines, and now the business headquarters for Boeing aircraft. With that sensitivity, I voted for that bill, understanding that unless we got the airlines back on their feet, it was unlikely the economy would respond. So we gave some \$5 billion in grants and \$10 billion in loans to the industry.

The sad part was the bill was passed in a hurry and didn't include everything that should have been included. It did not include the Carnahan amendment. Senator JEAN CARNAHAN of Missouri has rightfully stated that if we are going to help the companies, if we are going to help the airlines, don't forget the employees. She notes, in preparing for this bill, that some 140,000 people related to airlines and the aviation industry may find themselves laid off as a result of the September 11 terrorism attack against the United States.

I met with several flight attendants today who worked for Trans World Airlines, now part of American Airlines. They were concerned about the fact that 20 percent of their flight attendants have been laid off already. We have seen 20,000 employees at United and American laid off, and perhaps even more.

The heartening thing is people are flying again. I notice it in the airports. I am glad to see it. We want to encourage more and more people to take that trip, whether it is for business or for pleasure. But in the meantime, over 100,000 of our fellow Americans in jobs related to the aviation industry are struggling to survive.

Senator CARNAHAN's amendment addresses three particular areas that need to be changed in the law to help these people. First and foremost, eligibility for unemployment compensation. The 26-week eligibility certainly may be enough, but Senator CARNAHAN suggests we give them eligibility for an additional 52 weeks, if necessary. Most of them will either be back at work or find another job before that, but giving them the peace of mind that they will have unemployment compensation is appropriate.

Second, she talks about training. Some of the people in the industry may decide to go into another field—for one thing, into security. We have talked about aviation security. We will need some of the best and brightest working in our airports and all across this country to protect the people and the traveling public. She includes in her amendment a training provision. I think that makes sense as well.

The last point is one that not only makes sense for 140,000 aviation industry employees, but it makes sense for every American. Senator CARNAHAN wants to make certain that we help these laid-off employees pay for their health insurance. When I was in Chicago, I talked to some administrators of hospitals. They said if we reach a point where more and more people are out of work and lose their health insurance, these folks will turn up at the hospital sick, and they will be treated, but the cost of their treatment will have to be absorbed by the hospital and generally by everyone else paying health insurance premiums. It makes sense, under the Carnahan amendment, to be sensitive to this, to help the laid-off aviation and airline industry employees pay for their health insurance.

A lot of Members have talked about how to get the economy moving again. Believe me, by taking this group of employees and saying to them, we are going to give you a helping hand, it has to help them, their families, and our economy in general. Having said that, I will vote for the Carnahan amendment. I hope my colleagues on both sides of the aisle will join me.

I suggest further that there are many people in many other industries who are also losing their jobs. A friend of mine who has a number of hotels told me about the necessary cutbacks in employment at those hotels. Many know that the people working in hotels, whether in food service or working in room service, or trying to do the housekeeping, have startup jobs. They are low paying jobs. And these folks are being laid off. Many of them are facing very difficult times. I am glad the President has suggested extending unemployment insurance. But we as a Congress should be sensitive to this as well.

If you want to know how to stimulate America's economy, it is not by leaving our friends, neighbors, and relatives by the side of the road as we press forward. Bring them along on

this journey. Bring them along to see the economy's rebirth, which I believe will take place. It means that Congress has to do something about it.

Frankly, let me tell you, a few of my colleagues, and only a few, think the way to get the economy moving again is not to pay attention to the unemployed and the laid off but rather those who are doing well and are prosperous. They are suggesting we should, again, give tax cuts to the wealthiest people in America. That is just incredible to my mind, to suggest at this moment in our history we would show less sensitivity to those who are out of work and more generosity to those who are already doing extremely well.

I think if we are going to have tax cuts, they should be focused on those in the lower and middle-income categories, the millions who have been left behind by the original tax cut package which Congress passed a few months ago, and others who need a helping hand. It is by invigorating our economy in this way that I think we will see the restoration of consumer confidence.

I hope this Congress not only passes the Carnahan amendment to help the specific employees but goes on to pass an economic stimulus package which can be helpful as well. How can we do it? One suggestion is a moratorium on the FICA tax, a holiday on the FICA tax. It means a 7 or 8 percent increase in pay for every employee in America. That means more money to take home when it is payday, more money to spend, I hope, to get this economy moving. That is something that can be done quickly and across the board.

The one thing Congress usually fails to do is come up with a solution in a timely fashion. Sadly, we don't have time on our side. We have started the holiday buying season and purchasing season across America. We need to do something this month, in October, or early November that will tell people they are going to have more resources to deal with meeting the needs of their family and planning for the holidays. That means doing something immediately. Putting a moratorium on the FICA tax is one of those things. It will be seen in the next paycheck. People will know it instantly.

There are also suggestions of State sales tax holidays. That is something we ought to explore. Of course, the Federal Government would compensate the State and local governments for the loss of revenue from sales tax, but it would mean a reduction in price of many products which people might turn around and buy.

These are reasonable suggestions. I also think we ought to consider in the economic stimulus package tax benefits to businesses which are now making necessary investments in security. These investments are important. They are absolutely critical in light of the September 11 attack, and we ought to help these businesses—whether it is in surveillance cameras or additional se-

curity personnel. Unfortunately, those acquisitions do not add to productivity; they just take from the bottom line. If we can help businesses get through this, then they may not be forced to lay off people because of the pressures they face as a result of the recession we are currently experiencing.

So I say to my colleagues, as you consider all the possibilities of what we might do this week, don't forget the people on the front line. Don't forget the aviation and airline employees. We were good to their companies when we should have been. I was happy to cast my vote that way. But I believe we should not forget the men and women who make up the employee workforce of the aviation and airline industry. I am going to support the Carnahan amendment and recommend all my colleagues do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mrs. BOXER. May I ask my friend, would he be willing to yield me 3 minutes following completion of the remarks of my colleague? Would he yield me 3 minutes once the Senator finishes?

Mr. ROCKEFELLER. I say to the Senator from California, there are at least one, perhaps two Senators on this side of the aisle who wish to speak.

Mrs. BOXER. Would they be willing to yield me the 3 minutes?

Mrs. HUTCHISON. I will agree to that if following the 8 minutes I will have the opportunity to give Senator ALLARD 10 minutes, and then I will take the rest of my time according to—let me just ask how much time is remaining on my side?

The PRESIDING OFFICER (Mr. JOHNSON). There remains 23 minutes 48 seconds.

Mrs. HUTCHISON. If I could have some time following the Senator from California, I agree to that.

Mrs. BOXER. I thank my friend from Texas.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I can do this in less than 5 minutes because it feels as if every day, day after day after day, week after week after week, I have been on the floor to speak to the question of simple justice, which is to make sure we provide help to aviation employees.

I am starting to regret that I just didn't hold up the \$15 billion package for the industry. I want to support the industry. I think it was the right thing to do. But I knew then—I have been here long enough—that this was some leverage that we had to make sure the employees were included.

I don't think the aviation industry was exaggerating their difficulty. We were very worried about what was going to happen, but I knew we would

have some leverage for employees. But on the basis of commitments that had been made from other Senators that surely we were going to help the employees, I thought: Let's go forward and help the aviation industry. Surely there will not be any opposition to helping the employees.

We have 4,500 Northwest employees out of work. There is also Sun Country; there is Mesaba Airlines. There are other aviation employees out of work as well. I find it hard to believe that we do not have enough heart here to provide the help for them.

We have an aviation airline safety bill on the floor with Senator HOLLINGS providing great leadership. It is an important piece of legislation and must be passed. It makes all the sense in the world to support the Carnahan amendment. For people who are in a lot of economic pain, the Carnahan amendment says do three things: No. 1, extend the unemployment benefits up to a year; No. 2, since the economy is fluid and some people may want to get skills for other jobs that are available, make sure you have the workforce development; No. 3, and I argue most important of all, since it is terrifying not only to be out of work but to know in a couple of months you are not going to have any health care coverage for yourself and your loved ones, provide up to 12 months of helping these families afford health care coverage for themselves and their children.

Is this too much to support now? Instead, we have a second-degree amendment. I will not get into ANWR. Some of my colleagues are so much in a rush to help the oil industry, so much in a rush to do something that is environmentally reckless—it doesn't have a heck of a lot to do with what we need to do by way of having an independent energy policy—anything that can be done to block help for hard-pressed employees who are out of work. This doesn't make sense.

I was convinced 2 weeks ago when we passed this package for the companies that there would not be any resistance at all. I said yesterday—I will say it again—99.9 percent of the people in Minnesota believe that we should not only help the industry, but we should be helping the employees. Mr. President, 99 percent of the people in Minnesota believe it is a matter of elementary justice and fairness. Apparently too many Senators do not get it, and they are blocking this assistance.

If this is the dividing line between Democrats and Republicans, I am proud to be a Democrat. Better yet would be if we had the support of every single Senator, which would be the right thing to do, but apparently we have an all-out effort to block this package.

I wish my colleagues had such passion and had such a heart not to oppose helping people who are flat on their backs but to help them instead. And the Senator from Illinois is right. Actually the sooner we do this the better

because the fact is, we are in a recession in our country. It is a deep recession. It has cut across a broad section of the population—certainly in Minnesota, way beyond the aviation industry. There are lots of small businesses and lots of other employees—tourism, you name it—and the fact is, we need to pass an economic stimulus package. We need to pass an economic stimulus package that puts the purchasing power back into the hands of working families—whether it be tax rebates vis-a-vis payroll tax that helps them or whether it be a massive school construction program where we repair buildings that have been crumbling and create jobs; whether it be affordable housing and we create jobs; whether it be extending unemployment benefits; getting the health care benefits; whether or not we do a lot of other things that will help employees support their families and buy in this economy.

The sooner the better. We ought to be supporting the Carnahan amendment as an important first step.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mrs. BOXER. Mr. President, this country gives trade adjustment assistance to workers when they lose their jobs due to trade. I support that. We all seem to support that. But it is shocking to me that a number of people in this Senate today do not support such assistance because of terrorism, an attack on our country, on our people, on our workers. It is stunning to me.

You will hear every excuse in the book about why it doesn't belong on this bill. People cannot pay their mortgages; they have been laid off. They cannot pay their health insurance; they have been laid off.

Let me read to you simply a letter that went out from one of my airlines, American Eagle:

Unfortunately, due to the circumstances of this national emergency which are beyond our control, it may be necessary to close or reduce the size of some of our business locations. This will cause some or all American Eagle personnel at those locations to be laid off. Because American Eagle's future rests on how well we can rebound from our current situation, we cannot say at this time how long these layoffs may last.

We gave the airlines a huge package. I supported it. I still support it. But I assumed we would follow it up to help those people who make those airlines run. I am shocked, stunned, and in disbelief that we are not here as patriotic Americans, both sides of the aisle, standing up for the patriotic workers who lost their jobs because of an attack on the United States of America.

I will look at this vote very carefully. It will hurt my heart if we don't win this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 10 minutes of my remaining time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Thank you, Mr. President, I thank the Senator from Texas.

(The remarks of Mr. ALLEN pertaining to the introduction of S. 1532 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. Mr. President, I support the Carnahan amendment which addresses the issues faced by employees who have been dislocated as a result of the September 11 terrorist attacks against the United States. While we have not yet determined the full impact of the events of September 11 on our economy, the preliminary information from the Department of Labor estimates that over 200,000 U.S. jobs were eliminated in September. This includes a first-time unemployment claim increase of over 7,700 jobs in my own State of Michigan. Expectations are that the October unemployment claim numbers will be even higher. Many of these workers were individuals employed in the airline and travel related industries. The Carnahan amendment will help these workers by providing extended income support, training benefits and health care benefits.

The issue of assisting dislocated workers should have been addressed last month when we passed legislation to assist the airline industry at a price tag of \$15 billion. But over the objections of many of us, provisions to assist workers in the airline and travel industry were taken out of the airline industry assistance bill. We cannot continue to sit by idly while thousands of American workers lose their jobs because of the actions of terrorists. We now have an opportunity to assist workers who have been devastated economically by the tragic events of September 11. Senators who oppose assisting those workers should at least allow the Senate to debate the issue openly and vote quickly on the bill on its merits.

The Carnahan amendment specifically addresses the current economic situation of employees of airlines, commercial aircraft manufacturers, suppliers to airlines and airports. This bill currently has bipartisan support and over 35 cosponsors. I would like to commend Senator CARNAHAN for her tireless efforts to assist dislocated workers.

The Carnahan amendment would provide individuals who exhaust their 26-week eligibility for State unemployment insurance an additional 20 weeks of cash payments funded entirely by the Federal Government. The bill would also allow individuals who do not meet their States' requirements for unemployment insurance to receive 26 weeks of federally financed unemployment insurance.

The bill would also allow individuals who would not be expected to return to their jobs within the airline industry to become eligible for retraining benefits. Individuals who would not be expected to return to their jobs, but who

may find some alternative job within the airline industry, would be eligible for upgrade training.

Finally under the provisions of the Carnahan amendment, the Federal Government would fully reimburse eligible individuals for their COBRA premiums so they can continue to be fully insured. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid with the Federal Government covering 100 percent of the premiums. These health care benefits would last for a maximum of 12 months.

I can't stress enough the importance of assisting these dislocated workers. The tragedy of September 11 has brought American families closer together and given us all an opportunity to help those who have been directly affected by the terrorist attacks. I hope that in the Senate's newly found spirit of bipartisanship, we can agree to help those American workers who urgently need our assistance.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Two minutes.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that I be allowed to speak for 3 additional minutes, for a total of 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. CARNAHAN. Mr. President, this Senate has acted swiftly and with unity in response to the September 11 terrorist attacks. We provided \$40 billion to begin the relief effort. We authorized the President to use force in pursuing the terrorists and the nations that harbor them. And we created a \$15 billion relief package to help stabilize our Nation's airlines.

I have been very proud of the manner in which this body has acted over the last month, but we have not yet acted on behalf of the tens of thousands of Americans who have lost their jobs as a result of these attacks. Now is the time to do something for the workers.

Before we passed the airline stabilization bill, I came to this Chamber on several occasions to argue on behalf of including assistance to displaced workers as part of that package, but in an effort to pass the bill expeditiously, I was asked to withhold my amendment. So I did. That was the right thing to do.

We cannot delay any longer. Some of my colleagues have spoken in opposition to my amendment, by arguing that we have already helped airline workers by providing assistance to airlines. That is only half right. By helping the airlines avoid bankruptcy, we saved many jobs. However, we have not done anything for the families of the 140,000 airline industry employees who are losing their jobs despite the airline stabilization package.

The \$15 billion we gave to the airlines is not helping those families pay their

mortgage. That money is not helping them put food on the dinner table. And that money certainly is not helping them pay for health insurance for their families. The modest assistance provided in this amendment will help these families deal with a tough situation.

There are hundreds of thousands of Americans who are losing their jobs. Some of my colleagues have asked why we should provide special assistance to airline workers.

First, let me say, I am eager to work with President Bush and my colleagues to provide assistance to all displaced workers as a part of the economic stimulus package. This vote is not a choice between my plan and the President's plan. We can do both. I believe we must address airline workers separately, and now.

Furthermore, current law already treats some displaced workers differently than others. The Trade Adjustment Assistance Program provides special benefits to workers who have lost their jobs as a result of increased imports. Over 1 million workers have benefitted from this program. I am glad they did. But let's be clear; they received a better benefit package than other laid off workers. If we can provide these benefits to aid workers who lost jobs due to trade, can't we do so for workers who lost their jobs due to terrorism?

The amendment we are about to vote on would provide similar benefits to airline industry workers who have lost their jobs as a result of the September 11 attacks.

The more than 140,000 airline industry employees who are being laid off have been dealt a terrible blow. I don't know how many Members of this body know what it is like to be a child in a family with a laid off worker. I do. My grandparents, with whom I lived for many years, when my parents worked, lived in this very city. I can recall a time when my grandfather, a carpenter, came home and sat in the kitchen and said to my grandmother: I have been laid off. I remember her tears, and I remember their fears, as they did not know what the future held for them.

It is time we gave to these workers of America's airlines a sense of confidence that their future is assured. This is our chance to send a message to the workers of America that we know they are facing hard times, we want to help, and this Senate stands ready to take action.

It is not enough to say, wait for the next piece of legislation, and the next after that. It is not enough to say that we have to move on to other pressing business. This measure deserves an up-or-down vote on its merits, not a filibuster.

I urge my colleagues to let the Senate vote on this amendment, and I urge a vote in favor of cloture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank Senator CARNAHAN for her amendment. I congratulate her and express my appreciation for her efforts on behalf of employees of the airlines who have suffered directly as a result of Federal action.

I am sympathetic to the needs of the displaced workers who she and so many of our colleagues want to address. I say this to the Senator: I believe this issue has to be addressed. There are people who, as a result of Federal action, were put out of work. That is a fact.

I cannot support this amendment. For one reason, Senator HOLLINGS and I made a commitment; and we made that commitment because, if we allow one amendment that is not germane to this bill, then there is no reason why we should not allow numerous others, which is the same reason why I will oppose any other amendment, including the Murkowski-Smith amendment.

But I hope we can work together. I think Senator CARNAHAN's amendment needs to be narrowed dramatically. I think it can be addressed to specific individuals who have been affected by Federal action. I believe in the Senator's amendment there are some employees who are not directly impacted who would receive help that may not be necessary.

I also submit that both the airlines and the employees needed to be helped. We did give financial assistance to the airlines, and we do need to move forward. I know the chairman shares my views that we need to move forward on that issue.

I agree that we still need to provide assistance to workers who have been laid off as a result of these attacks. The appropriate amount, nature, and recipients of Federal assistance for the unemployed is a difficult and inevitably contentious issue.

Last night Senator GRAMM criticized the Carnahan amendment for being unfairly narrow because it only helps certain industry sectors where workers have been laid off as a result of the September 11 attacks and does not address hotel workers, restaurant workers, transportation service workers, travel agents, and many others whose layoffs can be attributed to terrorist actions. I do not agree with that comment.

I understand that the benefits provided under the expanded trade adjustment assistance model are over and above traditional unemployment assistance available to other displaced employees.

In addition to concerns about the scope of the amendment—which may be overinclusive in some respects and underinclusive in others—I think there are very significant practical problems that render the amendment fundamentally unworkable.

The Carnahan amendment charges the Department of Labor with paying 100 percent of eligible workers' COBRA premiums and suggests these premiums be made directly to insurance providers. I understand, however, that

Labor simply has no mechanism in place for doing this. Determining COBRA eligibility; verifying the amounts that are owed to insurers on behalf of tens of thousands of workers; to whom it is owed; and how it is to be paid is not something that can be turned around overnight. If the intention is to provide laid off workers with benefits in the near term, the Carnahan COBRA compensation mechanism does not seem very workable to me.

But having addressed some of the concerns I have with it, let me reiterate again, however, that I agree with what Senator CARNAHAN and others are doing in trying to provide assistance to workers who have been laid off as a result of the terrorist attacks.

I look forward to working with her and others.

I say to Senator CARNAHAN, no matter how this amendment is taken care of—and I believe that the required 60 votes will not be obtained by the sponsor of the amendment—the issue is not going away. I know that Senator HOLLINGS and I are committed to working with the Senator. We have taken care of the shareholders and the airline executives and the airlines themselves. Now we need to take care of the unfortunate victims of this terrorist attack.

I hope Senator CARNAHAN recognizes that it is not out of a lack of sympathy, but we simply have to move forward because the safety and security of Americans on airliners is the most important and paramount factor, and the reason why this legislation is on the floor, as we speak—safety and security. That is why this amendment has to be rejected at this time, in my opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is there time remaining on our side?

The PRESIDING OFFICER. There are 10 minutes remaining.

Mrs. HUTCHISON. Mr. President, I agree with my colleague, Senator MCCAIN. I support much of what is in the Carnahan amendment, but this is not the right vehicle for it. It has not yet been determined how much we need to do and how we should do it. We need to work that out.

I will be working with Senator ALLEN, Senator CARNAHAN, and others to assure we have the help we need for displaced workers. Right now, if we are going to keep jobs in the aviation industry, we need to pass the Aviation Security Act. If something is going to keep the bill from having the strong support of the Senate, then we will get bogged down in that amendment.

Let's get these people back to work. The way we get them back to work is for people in America to be secure in flying again. That is what our bill will do. It is going to provide a security system that gives people confidence that they will be safe when they fly. If we can bring the people back to flying again, we will bring the jobs back on

the market. That is what these people want. They want to work for the same airline, the aircraft manufacturing company or the hotel that they left. The way to keep those jobs is to bring the public back to flying again.

We want business as usual in our country. We want the economy to stabilize. We want to get those people back on the job. They would rather work than collect unemployment benefits. We can put them to work if we can pass this aviation security bill. We are very close. If we can keep from starting a process of having extraneous amendments on this bill, we will be able to pass it because we will be able to take amendments, vote on them, and pass the bill. I hope we will be able to do that tonight.

I thank everybody who has cooperated so much on the bill. I look forward to working on passage of the bill after we have taken the stand that we will not allow extraneous amendments.

I ask the distinguished Senator from Arizona if it would be proper to yield back the time and start the vote.

Mr. MCCAIN. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. LINCOLN). All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The bill 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 Daschle amendment No. 1855 to S. 1447, the Aviation Security bill:

Harry Reid, Bob Graham, Bob Torricelli, Jean Carnahan, Jeff Bingaman, Maria Cantwell, Richard J. Durbin, John Kerry, Jay Rockefeller, Mark Dayton, Ben Nelson, Evan Bayh, Tim Johnson, Russell Feingold, Kent Conrad, Tom Daschle, Bill Nelson, Edward M. Kennedy, Barbara A. Mikulski, and Paul Wellstone.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1855 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 legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—56

Akaka	Carper	Feingold
Baucus	Chafee	Feinstein
Bayh	Cleland	Fitzgerald
Biden	Clinton	Graham
Bingaman	Conrad	Harkin
Boxer	Corzine	Hollings
Breaux	Daschle	Inouye
Brownback	Dayton	Jeffords
Byrd	Dodd	Johnson
Campbell	Dorgan	Kennedy
Cantwell	Durbin	Kerry
Carnahan	Edwards	Kohl

Landrieu	Murray	Schumer
Leahy	Nelson (FL)	Specter
Levin	Nelson (NE)	Stabenow
Lieberman	Reed	Torricelli
Lincoln	Reid	Torricelli
Mikulski	Rockefeller	Wyden
Miller	Sarbanes	

NAYS—44

Allard	Gramm	Nickles
Allen	Grassley	Roberts
Bennett	Gregg	Santorum
Bond	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Craig	Inhofe	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Ensign	McCain	Voivovich
Enzi	McConnell	Warner
Frist	Murkowski	

The PRESIDING OFFICER (Ms. CANTWELL). On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Madam President, it is clear a majority of the Senate wants to act in favor of taking some action for those directly affected by the shutdown of America's airlines after September 11. So if a majority of the Senate has expressed their will, I strongly suggest we sit down and negotiate a reasonable package. We did take care of the airlines in a very generous package. Now we need to move forward with an agreement that would get at least 60 votes so we can address the needs and plight of 100,000 employees, at least, who have been rendered unemployed by the September 11 events.

I voted to not invoke cloture on this amendment. I intend to work with my colleagues on both sides of the aisle so we can come up with a reasonable package to compensate individuals who were directly affected by an act of the Federal Government. That is what we are talking about. I always thought one of the obligations of government was to care of those who were affected by events and decisions beyond their control. It was a decision of the Federal Government, and a right one, to shut down the airlines of America, including 3 weeks at Reagan National Airport.

I want to work with my colleagues and get this legislation in a package that can be agreed to by, hopefully, all, including the administration. I believe very strongly we need to act on it. I don't want to be repetitive except to say we should have a sense of urgency about 100,000 employees who were rendered unemployed just as we did over the plight of the airlines and their shareholders and executives, as well as the American flying public.

Very shortly we will hopefully move to an amendment from Senator SMITH

and Senator MURKOWSKI. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Madam President, with the consent of the two managers of the bill, we have three people who wish to speak on the vote that just took place. I ask unanimous consent Senators DODD, CANTWELL, and REID be allowed to speak for a total of up to 15 minutes, and prior to that, Senator MURKOWSKI will introduce his amendment. As soon as we finish with the three speeches, we will move to the Smith-Murkowski amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I failed to acknowledge we still have pending the Carnahan amendment. So what I would ask in the consent is we temporarily set aside the Carnahan amendment; that we go to the Murkowski amendment, but at such time as the majority leader, who offered the amendment on behalf of Senator CARNAHAN, comes to the floor, that he be recognized to take whatever appropriate action on the underlying amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Alaska.

#### AMENDMENT NO. 1863

Mr. MURKOWSKI. Madam President, it is my intention to propose amendment No. 1863, about which I have already spoken at some length. This particular amendment allows, under the circumstances, the extension to commercial airline pilots the right to fly beyond the age of 60 to the age of 63. It is my intention to ask for a recorded vote on the amendment.

I ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1863.

Mr. MURKOWSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish age limitations for airmen)

At the appropriate place, insert the following:

#### SEC. . . . AGE AND OTHER LIMITATIONS.

(A) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term “certificate holder” means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to undergo additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

Mr. MURKOWSKI. Madam President, it is my understanding at a time agreed upon by the floor leaders, Senator SMITH will be recognized to offer a first-degree amendment for himself as well as Senator MURKOWSKI regarding cockpit security, and no second-degree amendments will be in order.

I further ask consent that there be 20 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, is this the amendment we anticipated coming up?

I have no objection.

Mr. MURKOWSKI. I thank the Chair. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### AMENDMENT NO. 1855

Mr. DODD. Madam President, if I may, I want to take a couple of minutes to express my disappointment at the Senate's failure to invoke cloture and to allow for the consideration of the Carnahan amendment. I am saddened, in the midst of this otherwise harmonious relationship we have been developing, that we would deny the opportunity to have a vote, an up-or-down vote, where 51 votes would win, 50 or fewer would cause the amendment to fail. We are not even going to have a chance for a straight vote on the amendment being offered by the Senator from Missouri.

Let me tell you why I am disappointed. First, I think the country has, with almost unanimity, watched the Congress of the United States and the President of the United States work in a fashion unprecedented for those of us who are today serving here. There are some whose service goes back many years. But I suggest even for those with the longest service in the Senate, they could not recall a

time during their service when we have been as united as a people and as united as public servants as we are today.

With that as a backdrop, it was terribly disappointing to me to see us walk away from those individuals who every day go to work and try to make our airlines work as well as they can. We all stood together here—with the exception of 1 vote—when the airline industry came up and said, we need some help. We did not get involved in filibusters or demanding 30 hours of debate. Democrats and Republicans, with the exception of one of our colleagues, raised their hands and cast their votes “aye” to help out this industry.

The suggestion was made during that debate that we could not do anything to help out the workers right away but we would do it as soon as we could. So we said: Fine, with that kind of a general assurance, we will vote to bail out the shareholders—in effect. That is what we did. I voted for that bill, and I am glad I did. I think it was necessary because not just the airlines but other industries that depend upon a healthy airline service would be adversely affected as well.

But to turn around and say to the thousands of people who have lost their jobs, whose home mortgages, car payments and health care benefits are in jeopardy—you must go find a meaningful level of employment in an economy that was already in trouble before September 11. Mr. President, I do not understand this Chamber that could find in its pockets enough money to bail out a shareholder and yet couldn't find the small change to bail out innocent people.

This has been tough enough on our country over the last month. We have seen today at the Pentagon, and elsewhere, memorial services to recognize the contribution of those who lost their lives. That is appropriate and proper.

I listened to the eloquent words of the Secretary of Defense, and the eloquent speech of the President to the employees at the Pentagon, and to the world, for that matter.

But it is our obligation as well, not only to recognize those who have given their lives but to also recognize the living and what they are going through. The idea that you cannot have a simple vote on whether or not you are going to extend unemployment insurance for an additional number of weeks; that you are not going to provide for COBRA continuation coverage for individuals—I do not understand that.

What happened to us in the last couple of weeks? When it comes to those at the very top of the income spectrum, with all due respect, they are not the ones suffering from the airline industry problems. But the idea that the majority of people who lose their jobs have little or no value is something I do not understand.

My hope is that we have a vote on this issue and those who did not vote

for cloture would cast a vote in favor of the thousands who have lost their jobs and find themselves and their families in a very precarious situation.

Individuals who do not qualify for extended health insurance under COBRA and who are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums. For a few weeks, to get people back on their feet, could we not find it in our hearts to extend to them the kind of help they need?

Mrs. BOXER. Will my friend yield for a question?

Mr. DODD. I am happy to yield.

Mrs. BOXER. I took to the floor earlier, in a brief moment that I had, and I made the connection between trade adjustment assistance and this bill.

The PRESIDING OFFICER (Mr. RED). The time of the Senator from Connecticut has expired.

Mrs. BOXER. I ask for 2 additional minutes.

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

Mrs. BOXER. I made the connection between trade adjustment assistance and this bill, which Senator CARNAHAN based on the Trade Adjustment Assistance Act. I ask my friend, doesn't he think if we can help people when they lose their job because of trade, we should help people when they lose their job because of a terrorist attack on this country? I ask him, doesn't it seem ironic that somehow, when you lose your job because of trade, you get the help, but not if it is a result of a terrorist attack?

Mr. DODD. I think the Senator from California raises a very good question, and one that she provides the answer for in her question.

Obviously, over the years, we have said to people, if you lose your job because of trade policies—which we think have a long-term beneficial effect on the country and we see something good come out of that—if you lose your job because we are trying to achieve a greater good, we will step into that breach and provide some assistance to you and your family.

How ironic that when something terrible happens and you lose your job, we can't provide benefits to help you and your family during difficult times.

I am stunned by this. I thought this was going to be a non-issue. I could see where people might want to modify this a bit. Instead of 52 weeks, make it 45 weeks; instead of 100 percent of Medicaid, we will make it 90 percent.

I can understand people making a case that we need to modify the Carnahan amendment. But not to provide for any kind of alternative is something that just gets away.

We have to finish the bill. I know the distinguished chairman of the committee has an awful burden to get this done. He has argued very persuasively that we have a responsibility to meet the security needs.

Mr. President, I ask for 1 additional minute.

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

Mr. DODD. I understand the sense of urgency to get this done. I am sure my friend from South Carolina would not argue with that coming up rather quickly as we did with the airline bailout. That didn't take long. We managed to find the time around here to come up with the time to debate it, discuss it, and work it out. Again, I voted for that bill. I would again today. I don't argue with that at all.

But I am stunned that we can't find the time somehow to say to those thousands of workers—baggage handlers, flight attendants, and mechanics—who have lost their jobs and are wondering how they are going to make ends meet—we have time for everybody but you. Everybody else got in line. But you don't. We are sending the message that we don't have enough time to take care of you.

I am terribly disappointed that our colleagues have decided to reject this cloture motion. But I tell you that people out there have lost their jobs. Millions of other Americans are watching this vote to see what we did to average people out there on this day, 1 month later. We memorialize those who lost their lives but this Chamber couldn't find in its heart to come up with a few extra dollars to help some people who have lost their work.

That is a sad day. That is not the way to commemorate those who gave so much 1 month ago. I am deeply disappointed in my colleagues.

The PRESIDING OFFICER (Mrs. BOXER). Under the previous order, the Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I also rise with a great deal of frustration over the last vote where the majority of my colleagues in the Senate want to act to help workers who have been impacted by the acts of September 11 and the emergency that has prevailed; that we do something to help those who have been most impacted by job layoffs by cutbacks in major industries related to transportation; and that we act immediately.

I am very frustrated, even though a majority of my colleagues want to see such legislation passed to help workers who are going to be laid off, who are going to have to struggle with how to pay for health insurance, who will not have the assistance for job training that might put them back in the economy sooner, that they are going to be without assistance. They are going to be without that assistance, even though a majority of my colleagues wanted to see that legislation passed, because we could not get this cloture vote in the Senate today.

I ask, if not now, when?

We were told after the events of September 11, when everybody wanted to work in a bipartisan fashion to expedite the decisionmaking in the Senate, that we needed to band together. We did. We acted quickly on legislation to

help and assist the airline industry. I think the vote was 98 to 0.

At that same time, we were told we need to act now to help the industry. We will come back to help workers. So with earnest, Senator CARNAHAN, Senator KENNEDY, myself, and Senator MURRAY from Washington have been working diligently on this proposal.

Today we are sending the wrong message to the American people. We are sending the message that this body thinks it is more important to help the corporate executives and the shareholders of the airline industry than it is to help the American workers. That is absolutely the wrong message.

When you think about it, consumer confidence counts for about two-thirds of our economy. In the past month of September, consumer confidence has been at its all-time low since 1996.

This is an economic issue. Just as the assistance package for the airlines was an economic issue, this assistance to the workers is an economic issue. Instead of working together in a bipartisan fashion, we showed our partisan colors today by not allowing this vote to take place. The majority of Senators wish this legislation would have passed.

In Washington State, where 20,000 to 30,000 workers could be laid off by the end of next year, the impact will be real. Some estimates are that a \$1.29 billion loss will be felt by our local economy. That is quite significant in the State of Washington where we have already been feeling the impact of the downturn in the economy.

When you think about the individual workers, yes, they will receive some unemployment benefits. What about health care? When you think about it, a typical worker in the aerospace industry might make \$40,000 to \$50,000. Yet the impact of losing that income and having unemployment insurance is not being able to pay for health care benefits. An average worker with a family might pay as much as \$850 a month for the loss of health care benefits, on top of other bills they have to pay—for their mortgage, for their food, and for their children's education.

We are sending a terrible message that it is more important to help corporate executives and shareholders than to care about the educational needs of the airline workers in our country. That is the wrong message.

We need to move ahead in a bipartisan fashion to think about the ripple effect on our economy. It is not just the airline manufacturing industry, as I said, with 20,000 to 30,000 layoffs, but the hundred-plus thousand layoffs in the airline industry overall. That impact on our economy at a time when our economy is already seeing a downturn is not the kind of message we need to be sending.

It is very important that we move ahead. If not now, when will we act to support workers in this country in their time of need?

I yield the floor.

Mr. REID. Madam President, the majority leader is now in the Chamber. I am not going to use the 5 minutes allocated to me under the previous order. I ask unanimous consent that the time be given to the majority leader.

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

Mr. DASCHLE. Madam President, I come to the floor to express my grave disappointment at what the Senate has just done.

This is the first time we have said no to any of the victims of disaster of 1 month ago. It is the first time we have said no to working families struggling to put their lives back together.

I am troubled, disappointed, and disillusioned.

I will say this: We will not give up. We will not quit. We will not allow those workers to in any way believe that this country is going to turn its back on them when they need it the most. We will help them. We will find a way to do this. We will keep the fight. We are committed, as people determined to help all of those who are hurting so badly, including those who have no job, including those who have no health insurance, including those who need training today—including all of those victims. We cannot say no to these people. We will be back. We will not give up.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, under the previous order, it is now my understanding we are going to go to the Smith-Murkowski amendment on a 20-minute time agreement; is that right?

Mr. HOLLINGS. That is right.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

#### AMENDMENT NO. 1874

Mr. SMITH of New Hampshire. Madam President, I have amendment No. 1874 at the desk, and I ask for its immediate consideration as described under the previous order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. MURKOWSKI, Mr. BURNS, and Mr. THURMOND, proposes an amendment numbered 1874.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To further provide for the safety of American aviation and the suppression of terrorism)

At the appropriate place, add the following:

#### SEC. . FLIGHT DECK SECURITY.

(a) TITLE.—This Section may be cited as the 'Flight Deck Security Act of 2001'.

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorists by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

#### (c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The FAA is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of section (c)(2) of this Act, who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary, to ensure the safety and integrity of flight.

#### (2) FEDERAL PILOT OFFICERS.—

(A) In addition to the protections provided by the section (c)(1) of this Act, the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this Act.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft."

Mr. SMITH of New Hampshire. Madam President, I say to my colleagues, I will be very brief. If there are others who wish to speak, they may want to come to the Chamber. We have only, as I understand it, 20 minutes equally divided.

This amendment, I say to my colleagues, is the one that has been

known as the gun-in-the-cockpits amendment. I am pleased to report that, to the best of my knowledge, the Senate has agreed to accept this amendment, which I think is good news for the airline industry and good news for all of us who fly across America, and all over the world, as a matter of fact.

First of all, I thank my colleagues, Senator MURKOWSKI and Senator BURNS, for their leadership, and also Senator THURMOND for working with me to put this amendment together. Also, Senator MCCAIN and Senator HOLLINGS were very helpful as we worked out the compromise so we could offer this amendment without a lot of rancor.

The motto of my legislation is that armed pilots are the first line of deterrence and the last line of defense—the first line of deterrence because terrorists will know that armed pilots will be able to defend the cockpit and defend the aircraft from a hijacking; the last line of defense because when all else fails, including the air marshals and perhaps even a reinforced cockpit door, an armed pilot will be in the cockpit to defend that cockpit from terrorist hijackers.

I think it is important for us to think and reflect back on what has happened in the past month. We all know what happened on September 11. Those terrorists got in that cockpit, and the pilots had no defense once that door was kicked in, except their bare hands. We have had another—

Mrs. BOXER. The Senate is not in order, and I am extremely interested in hearing about the content of this amendment. I hope the Senate can be in order.

The PRESIDING OFFICER. The Senator is correct. Senators will take their conversations to the back of the Chamber.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Senator from California for her courtesy.

In the last week, we have had another incident—not a terrorist incident but one where a person got into the cockpit and caused the plane to be destabilized momentarily.

I think it is important to understand, after all of the events of September 11, and all of the efforts we have made to encourage and bring people back to flying again, we still had another incident where a person actually got into the cockpit.

Now we know—and we are working on all of this—we are going to reinforce the cockpit doors; there will be armed marshals; we are going to increase security on the aircraft. All of these things are being done. But I would ask my colleagues to reflect for a moment as to what would happen if, in spite of all of that—in spite of all three of those things: The marshals, the reinforced cockpit doors, and increased security around the aircraft—somebody got into that cockpit again. They could bring that plane down.



If, in fact, a pilot had a gun, that pilot would have the opportunity to stop that hijacker or person coming into that cockpit to cause damage. If the pilot could not do it, if the pilot did not have a weapon, and that person got into the cockpit, the worst of all things could be that the hijacker would commandeer the plane and do some terrible destruction using the aircraft as a weapon of mass destruction. But what might happen, and what could have happened last time, were it not for the brave passengers on Flight 93, we could have to shoot down our own commercial aircraft with our own American citizens in that aircraft.

It is far preferable to have the pilot shoot the hijacker and maintain control of the cockpit than it is to have the hijacker get control of the cockpit and have the President of the United States have to make that god-awful, gut-wrenching decision to shoot down a commercial aircraft to save the lives of thousands, killing perhaps a couple hundred American citizens. So this is the right thing to do.

The Senator from California mentioned that she wants to know the content of the amendment. The content of the amendment, I say to the Senator, is very reasonable. It says that the FAA is authorized to permit, if the airlines and the pilots would agree to do it—if they did agree; no one is forced to carry a weapon into the cockpit. That is the pilots' and the airlines' decision.

So I think it is reasonable. I have met with dozens of pilots on this issue, many from New Hampshire and Massachusetts, some here, from most of the airlines. I know there are very few who disagree with this amendment, but the vast, overwhelming majority of the pilots, probably 95 percent of them, agree with it. It is the right thing to do, and not only for safety reasons but also, if we are going to bring back the airline industry and get those people back to work who have lost their jobs, we have to bring passengers back to the airplanes; we have to restore their confidence.

I am going to feel a lot more confident knowing that pilot is going to have the opportunity to stop that hijacker when that hijacker comes through that cockpit door, if he gets through the cockpit door in spite of all the other things we are doing.

So remember, this is not an amendment that is just hanging out there with nothing else. This is an amendment that is working in conjunction with increased airport and aircraft security, reinforced cockpit doors, and perhaps a Federal marshal—at least spot-checked on flights. It goes with all of that. And this is the final stop, so that pilot can have the assurance, with that TV camera or monitor, so he or she can see what is going on in the back of that aircraft, in the cabin. At that point, the pilot can turn and be prepared to face that hijacker who could cause unbelievable destruction.

So I am pleased and proud to offer the amendment on behalf of myself,

Senator BURNS, Senator MURKOWSKI, and Senator THURMOND. I know there are others who support it as well.

Madam President, I know other people would like to speak, so I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I support this amendment.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. SMITH of New Hampshire. I yield the Senator whatever time she wishes to consume.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend.

Madam President, as someone who for a long time has taken the opposite position on guns, I think this amendment makes sense.

We are working toward having air marshals on our airplanes. We will also be working—and I want to announce here my support of the Burns amendment—to really move security into the Department of Justice where it belongs.

Until we do all this, I think this amendment makes sense. It gives the FAA a chance to decide if they think it is prudent for a pilot, who is trained, and who wants to, and who is willing to, to be able to defend the aircraft.

I just want to remind my colleagues that every single plane that was hijacked was going to my State of California. I want you to know that every time I think about this, I think of how many people are suffering. I think we need to do everything we can to prevent any more of these hijackings from occurring.

Therefore, I believe this amendment is right. I believe it is prudent. It also was supported in front of our Commerce Committee—I see my chairman in the Chamber—by the gentleman who represented the pilots at the last hearing we had.

So I thank my friend. I am supporting this amendment, as well as the Burns amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Madam President, I yield whatever time he may consume to the Senator from Montana.

The PRESIDING OFFICER. Two minutes remain to the sponsor.

Mr. SMITH of New Hampshire. Before I yield, however, I ask unanimous consent to have three letters of support printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GUN OWNERS OF AMERICA,

Springfield, VA, October 3, 2001.

DEAR SENATOR: Senator Bob Smith will be introducing an amendment to the Aviation Security Act. I urge you to vote in favor of his amendment.

The Smith amendment will provide the opportunity for pilots to use firearms to defend their passengers and planes, as well as provide for reinforcing the cockpit doors on commercial aircraft.

I urge you to vote for the Smith amendment, as it can help save the lives of pilots, crew members, and passengers—not to mention the lives of thousands of citizens on the ground.

Sincerely,

JOHN VELLECO,  
Director of Federal Affairs.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,

Washington, DC, October 3, 2001.

DEAR SENATOR: In the aftermath of the tragedy that occurred on September 11th, various proposals have been offered to deal with airline security. As the United States Senate begins debate on the Aviation Security Act, S. 1147, amendments may be offered relating to pilot and passenger security.

One proposal, sponsored by Senators Bob Smith and Conrad Burns, addresses pilot safety by allowing—not requiring—properly trained commercial pilots, co-pilots, and flight engineers to carry firearms. On behalf of the 4 million members of the National Rifle Association, I urge you to support this common sense and well-balanced measure.

Armed pilots with proper training and suitable equipment will be the last line of defense against hijackers and terrorists in providing cockpit and aircraft security. Obviously, proper training is an essential component of this legislation. Along with the possibility of U.S. Air Marshals accompanying commercial flights, this measure would send a strong message to potential attackers that self-defense exists in the air as well as on our land.

The National Rifle Association stands with the Air Line Pilots Association and the Allied Pilots Association in supporting this amendment. This measure will provide both deterrence to hijackers and terrorists and safety to airline employees and the traveling public. Please vote "yes" on the Smith/Burns amendment to S. 1147.

Sincerely,

CHARLES H. CUNNINGHAM,  
Director, NRA Federal Affairs.

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL,  
Washington, DC, October 3, 2001.

Hon. ROBERT C. SMITH,  
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: On behalf of the 67,000 members of the Air Line Pilots Association, International, I want to offer our most sincere thanks and our support for your amendment to S. 1447, which would provide for armed federal pilot officers.

The Administration, Congress, and the industry are all heavily involved in activities and discussions aimed at improving security. Many of the proposed security initiatives and proposals will take months, even years to implement; some of them are also very expensive.

We have learned, in a most tragic fashion, that the occupants of the cockpit must be protected in the event of a cockpit door breach in order to prevent further loss of life to passengers, crew, and those on the ground. Provision of armed air marshals and enhanced cockpit doors will help. However, not all flights will have the protection of air marshals, and new, more secure cockpit doors will not be installed overnight.

For those reasons, it is our strong belief that the last line of defense must be a method of training, deputizing and arming those pilots who both volunteer and qualify to carry a means of lethal self-defense. Not all pilots will want to carry a weapon, and some who do may not qualify under the FBI's strict screening and training criteria, but there will be thousands of our members who

can meet both criteria. Once the cost of training these pilots is complete, there would be virtually no other expense for providing an FBI-trained federal officer in the cockpit who is capable of administering lethal force.

In addition to adding a genuine security enhancement in the very near term, the creation of a federal pilot officer program would also generate a tremendous amount of confidence among pilots to protect themselves and, thereby, their passengers. We believe that your proposal, if implemented, should also translate into greater confidence in air travel security by the traveling public and help the airlines return to profitability much sooner than they could otherwise.

In summary, we believe that your proposed federal pilot officer program is a most reasonable, practical, cost-effective, and efficient means of enhancing airline security. ALPA supports it and we urge its enactment.

Sincerely,

DUANE E. WOERTH,  
*President.*

Mr. SMITH of New Hampshire. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my friend from New Hampshire.

Madam President, I want to say to all those folks who would be critical, this does not make it mandatory for a weapon to be on the flight deck. This says they are able to take one if they are comfortable with one.

I point to American Airlines Flight 11, which was the first plane to hit the north tower. The pilot was a Vietnam veteran and the copilot was a Navy Top Gun pilot. On American Airlines Flight 77, Charlie Burlingame was a graduate of the U.S. Naval Academy and a Top Gun pilot. On United Airlines 175, which was the second plane to hit the south tower, both the pilot and copilot were veterans, one a Navy pilot, one a Marine Corps veteran.

What we are saying is, if these men and women who operate the flight deck are comfortable with a weapon, they should be allowed to have a weapon. That is what this amendment says.

I thank the Senator from New Hampshire for his leadership and the Senator from California for her support.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the following letter from the Allied Pilots Association be printed in the RECORD in support of amendment No. 1874.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALLIED PILOTS ASSOCIATION,  
*Fort Worth, TX, October 7, 2001.*

Hon. ROBERT SMITH,  
*United States Senate,*  
*Washington, DC.*

DEAR SENATOR SMITH: On behalf of the Allied Pilots Association, which represents the 11,500 pilots of American Airlines, I wish to express our strong support for the "Flight Deck Security Act of 2001."

We must take immediate action to enhance our nation's aviation security. We believe the "Flight Deck Security Act," S. 1463, will help ensure the safety of both airline flight crews and the flying public.

APA supports allowing qualified pilots to carry firearms. The majority of our pilots

have served in the military, where they received weapons training, and many are already qualified to handle small arms. Armed pilots will help deter terrorists from attempting to hijack an aircraft. Furthermore, they would provide a last line of defense to resist the hijacking of commercial aircraft.

The Allied Pilots Association urges the Senate to pass the "Flight Deck Security Act." We believe S. 1463's voluntary firearm program should be enacted immediately.

Sincerely,

Captain JOHN DARRAH,  
*President.*

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Madam President, how many minutes would the Senator want?

Ms. MIKULSKI. I know there is an amendment. I want to make some general comments about the bill. What would be the appropriate way?

Mr. MCCAIN. I ask unanimous consent that we temporarily set aside the amendment and the Senator from Maryland be allowed to speak for 5 minutes on the legislation.

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

Ms. MIKULSKI. I thank the Senator from Arizona, the national leader on this topic.

Madam President, we just came from the Pentagon memorial for all of those who died at the Pentagon on the fateful day, 9/11, one month ago.

We have been going to several memorials. They have been heartfelt. Whether it was at Emmitsburg for the National Fallen Firefighters Memorial, today at the Pentagon, joining with Senators LOTT and DASCHLE, having the resolution on a national day of remembrance, all of these are very special to me because on that fateful day, I lost 60 Maryland constituents: 54 at the Pentagon, those who were working at the Pentagon and who were on that fateful flight. Six others, who we currently know of, lost their lives at other sites.

I know the Chair knows we feel a great debt of gratitude to the gallant people on Flight 93 who probably saved our lives. I support the memorials. I was honored to be there.

I am pleased to join in a resolution for a national day of remembrance. I think we need a permanent way of remembering those people who died on that very fateful, grim, horrific day. The way we honor their memory is to make sure it never, ever can happen again.

This is why I am so passionate about our moving our aviation security bill, why I am very firm in terms of trying to make our railroads safe and also ensuring that those people who work in the field of transportation and in airports and airlines are not doubly victimized, first by the terrorists and then by an economic compensation system that leaves them without jobs, without incomes, without future training, and a bleak future. We should not doubly punish them by leaving them without an economic security safety net.

I plead to my colleagues today: Let us put aside our ideologies on how we think Government should be this size or Government should be that size. We need to think about what is the right thing to do for the American people. I want to get America moving again. I want them to be on the rails. I want them to be in planes. I want them to feel free to travel. This is why I am so passionate about the need to have an aviation security bill that also federalizes our security operations.

It ensures that we have the best to guard us. We have the best to guard us at the military; God bless them. We have the best to help rescue us in our fire and police departments; God bless them. Let's have the very best and the best trained at our airports.

While we are making our airports safe, let us look at other areas of vulnerability, and then that goes to our railroads. We need, again, passenger screening. We need baggage screening. We need to assure the safety of our tunnels, of which we have many in the Northeast corridor. I know the Chair is from a railroad corridor State. Last but not at all least, I am concerned about those 528,000 people who filed for unemployment last week. That is just a little bit less than the size of my great city of Baltimore. A half million people are on unemployment, not because they were laggards, not because they don't want to work, not because they don't want to show up for duty, but because of circumstances outside of their control.

We have it within our control to make an economic safety net for them. I say to my colleagues, we have cloaked this; we have bargained that; we have negotiated that. Let us get back to the spirit we had a few weeks ago when we were not a Republican Party or a Democratic Party. We were the red, white, and blue party. Let's do right for airline security. Let's do right for railroad security. Let's do right for the people who have lost their jobs because of terrorist attacks. That will be the best permanent memorial we could make to those who have fallen because of this horrific deed.

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

Security is a high skill job. Yet airport screeners in this country are low paid—\$6.00 an hour or less. Fast food restaurant employees are paid better.

They are poorly trained. The FAA requires 12 hours of classroom training. Other countries do a better job. France requires 60 hours of training. Belgium requires at least 40 hours. Often, those who perform the training have had

only a few hours of training themselves.

They are inexperienced. Turnover rates are alarming: 126 percent from May 1998 through April 1999 at our nation's 19 largest airports; as high as 416 percent in some instances.

They have low morale which leads to poor performance.

FAA inspection reports reveal significant weaknesses in the performance of our airport screeners. Security inspectors showed that BWI ranked fifth among major airports in the number of bombs, grenades or other weapons that went undetected in federal inspections.

This is not a new problem. The GAO reports that in 1987 airport screeners missed 20 percent of the potentially dangerous objects used in tests and it's been getting worse over the past few years.

Part of the solution is to federalize our airport security workforce. We have Federal officials protecting our borders and protecting our President. We also need Federal officials protecting our flying public. Why federal workers? They can be fully trained and monitored. Their primary goal would be safety, not the economic bottom line. The Hollings bill does this by Federalizing airport security operations, by requiring extensive training—40 hours of classroom training, 60 hours of on-the-job instruction—by deploying law enforcement personnel at each airport, including armed personnel at airport security screening locations.

The safety of our pilots is critical to ensuring the safety of the passengers. The tragedies of September 11 showed that we need to strengthen the cockpit door and locks to prevent entry by non-flight deck crewmembers.

In a hijacking situation, we've always focused on deterrence, that pilots and copilots should negotiate with hijackers until the aircraft is safely on the ground. September 11 shattered that idea.

This bill prohibits access to the flight deck cockpit by any person other than a flight deck crew member. It requires the strengthening of the cockpit door and locks to prevent entry by non-flight deck crew members and requires commuter aircraft that do not have doors to get doors.

On September 11, some heroic Americans on United Airlines flight 93 lost their lives as they confronted the terrorists. They prevented the plane from flying into the Capitol or the White House. These brave citizens lost their lives, yet they saved many others—perhaps even those of us in this chamber.

Yet we can't ask American citizens to risk or lose their lives. We need Federal air marshals on our airplanes to protect our citizens.

The Sky Marshal Program dates back to the Kennedy Administration when the concern of hijackings to Cuba was prevalent. In 1970, the program was greatly expanded to include 1,500 U.S. Customs officers, 800 military personnel. Two years later, the U.S. Cus-

toms Sky Marshal Program was phased out.

Then, in 1985, a 727 TWA flight from Athens was diverted to Beirut where terrorists murdered Robert Dean Stetham of Maryland. The highjackings of 1985 prompted Congress to reinstate the Air Marshal program, but it is spartan and skimpy.

This legislation would require a marshal on every flight. That's about 25,000 flights a day, pre-September 11, on all domestic flights and on all international flights originating in the U.S.

The events of September 11 were an attack against America and against humanity. We are a nation that is grief stricken, but we are not paralyzed in our determination to rid the world of terrorism. In the mean time, we must act to make transportation safer in the United States. We must have a sense of urgency and pass this legislation immediately.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Madam President, unless the Senator from New Hampshire would like to speak again, we yield back the remainder of our time and urge adoption of the amendment.

The PRESIDING OFFICER. If all time is yielded back, without objection, the amendment is agreed to.

The amendment (No. 1874) was agreed to.

Mr. MCCAIN. Madam President, I move to reconsider the vote.

Mr. SMITH of New Hampshire. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1875

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I have an amendment and I send it to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. McConnell, Mr. DEWINE, and Mrs. BOXER, proposes an amendment numbered 1875.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make the Attorney General responsible for aviation safety and security)

On page 4, strike lines 10, 11, and 12.

On page 4, line 13, strike "(B)" and insert "(A)".

On page 4, line 18, strike "(C)" and insert "(B)".

On page 4, line 22, insert "and" after the semicolon.

On page 4, beginning with line 23, strike through line 5 on page 5.

On page 5, line 6, strike "(E)" and insert "(C)".

On page 5, between lines 13 and 14, insert the following:

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council. On page 5, line 14, strike "(b)" and insert "(c)".

On page 6, line 4, strike "(c)" and insert "(d)".

On page 10, between lines 6 and 7, insert the following:

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

On page 10, line 7, strike "(a) IN GENERAL.—" and insert "(b) DEPLOYMENT.—".

On page 10, line 23, strike "(b) DEPLOYMENT.—" and insert "(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—".

On page 11, line 14, strike "(c)" and insert "(d)".

On page 11, line 20, strike "(d)" and insert "(e)".

On page 12, line 3, strike "(e)" and insert "(f)".

On page 12, line 4, before "Secretary" insert "Attorney General and the".

On page 12, line 22, before "Secretary" insert "Attorney General and the".

On page 12, line 24, strike "the Secretary" and insert "they".

On page 13, line 3, strike "(f)" and insert "(g)".

On page 18, beginning in line 2, strike "Secretary of Transportation, in consultation with the Attorney General," and insert "Attorney General, in consultation with the Secretary of Transportation,".

On page 18, line 11, strike "Secretary" and insert "Attorney General".

On page 18, beginning in line 17, strike "Secretary of Transportation, in consultation with the Attorney General" and insert "Attorney General".

On page 18, line 25, strike "Secretary" and insert "Attorney General".

On page 19, line 4, strike "Secretary" and insert "Attorney General".

On page 19, line 7, strike "Secretary" and insert "Attorney General".

On page 19, beginning in line 12, strike "Secretary of Transportation, with the approval of the Attorney General," and insert "Attorney General".

On page 20, line 9, strike "Secretary" and insert "Attorney General".

On page 20, beginning in line 12, strike "Secretary, in consultation with the Attorney General," and insert "Attorney General,

in consultation with the Secretary of Transportation.”

On page 20, beginning in line 14, strike “Secretary” and insert “Attorney General”.

On page 21, beginning in line 3, strike “Secretary and”.

On page 21, line 12, strike “Administrator” and insert “Attorney General”.

On page 21, line 19, strike “Administrator” and insert “Attorney General”.

On page 21, line 23, strike “Administrator” and insert “Attorney General or the Secretary of Transportation”.

On page 22, line 4, strike “Administrator” and insert “Attorney General”.

On page 22, beginning in line 7, strike “Secretary of Transportation” and insert “Attorney General”.

On page 22, line 9, strike “the Attorney General or”.

On page 22, strike lines 13 through 22.

On page 22, line 23, strike “(c) TRANSITION.—The Secretary of Transportation” and insert “(b) TRANSITION.—The Attorney General”.

On page 23, line 3, strike “Secretary” and insert “Attorney General”.

On page 23, line 6, strike “Secretary” and insert “Attorney General”.

On page 23, beginning in line 18, strike “Secretary of Transportation, in consultation with the Attorney General,” and insert “Attorney General, in consultation with the Secretary of Transportation.”

On page 23, line 23, strike “Secretary” and insert “Attorney General”.

On page 24, line 20, strike “Secretary” and insert “Attorney General”.

On page 24, beginning in line 21, strike “Secretary” and insert “Attorney General”.

On page 25, line 3, strike “Secretary” and insert “Attorney General”.

On page 25, line 11, strike “Secretary” and insert “Attorney General”.

On page 25, beginning in line 14, strike “Secretary” and insert “Attorney General”.

On page 26, line 3, strike “Secretary” and insert “Attorney General”.

On page 26, line 15, strike “Secretary” and insert “Attorney General”.

On page 29, beginning in line 1, strike “Secretary” and insert “Attorney General”.

On page 29, line 20, strike “Secretary” and insert “Attorney General”.

On page 29, beginning in line 23, strike “Secretary of Transportation” and insert “Attorney General”.

On page 29, beginning in line 25, strike “the Attorney General, or”.

On page 30, line 6, strike “Secretary” and insert “Attorney General”.

On page 30, line 14, strike “Secretary” and insert “Attorney General”.

On page 30, beginning in line 21, strike “Secretary” and insert “Attorney General”.

On page 31, beginning in line 5, strike “Secretary of Transportation” and insert “Attorney General”.

On page 31, line 9, strike “Secretary” and insert “Attorney General”.

On page 31, line 22, strike “Secretary” and insert “Attorney General”.

On page 31, line 25, strike “Secretary” and insert “Attorney General”.

On page 32, line 1, strike “Secretary of Transportation” and insert “Attorney General”.

On page 32, beginning in line 4, strike “Secretary” and insert “Attorney General”.

On page 32, line 7, strike “Secretary” and insert “Attorney General”.

On page 32, line 11, strike “Secretary of Transportation” and insert “Attorney General”.

On page 33, line 3, strike “Secretary of Transportation” and insert “Attorney General”.

On page 33, beginning in line 5, strike “Secretary” and insert “Attorney General”.

On page 33, line 9, strike “Secretary” and insert “Attorney General”.

On page 33, line 13, strike “Secretary” and insert “Attorney General”.

On page 33, line 16, strike “Secretary” and insert “Attorney General”.

On page 33, line 19, strike “Secretary” and insert “Attorney General”.

On page 33, line 22, strike “Secretary” and insert “Attorney General”.

On page 34, line 15, strike “Transportation” and insert “Justice”.

On page 34, line 17, strike “Secretary” and insert “Attorney General”.

On page 34, line 21, strike “Secretary” and insert “Attorney General”.

On page 34, line 22, strike “Secretary” and insert “Attorney General”.

On page 35, line 4, insert “(a) IN GENERAL.—” before “Section”.

On page 35, between lines 19 and 20, insert the following:

(b) COORDINATION WITH ATTORNEY GENERAL.—Section 4491(b) of title 49, United States Code, is amended by adding at the end the following:

“(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.”.

Mr. BURNS. Madam President, Senator DEWINE of Ohio and Senator MCCONNELL of Kentucky are cosponsors of this amendment. It has been a subject of conversation for the last week. The events of September 11 changed a lot of things—where we place emphasis and how we do business in this town. We are changing who is directly responsible and directly accountable for airport security.

When I first looked at the legislation as it was being drafted, there was one glaring fault. That was that the enforcement of security and safety of America’s traveling air passengers was still in the Department of Transportation. I have believed since September 11 that something had to be changed. In other words, we had to do something that would give the flying public a sense of security and safety and the rules would be made outside of the Department of Transportation. I believe it should be in the Department of Justice.

If you look at what we have to do and the areas in which we have to do it, the argument that the chairman of the full committee made, which is when you take those areas of intelligence and passengers lists, which we are going to have to scrutinize a little bit better and more in the future than we have in the past, when we take a look at the outside of the airport or the peripherals and the security of the airport security itself, when you look at security in the check-in area and also the area known as the departure gate, then we shift our emphasis to cargo, that which is shipped on regularly scheduled flights and also among the people who are in the air freight business, also the area in which we park our aircraft overnight or aircraft that has been parked for some length of time, and the aircraft itself—those are distinct areas where we have responsibilities for security and safety—no other agency in the

Government is better equipped to do the job in all those areas than the Department of Justice.

So what my amendment says is that we give a bright line of authority to the Attorney General, who is accountable and responsible for the security and safety of air traffic. That does not say that the Department of Transportation, or even the FAA, doesn’t have a little say about what goes on in their business. They should be able to set some of the rules and make sure aircraft are certified to fly and pilots are certified to fly, and those things. But on the security end of it, America is telling me they want law enforcement powers just for the sense of security when they travel.

I have often used this analogy with folks who like football and those folks who like baseball and basketball: they are great sports, but you never see the teams refereeing or umpiring themselves. It has to be done by an entity that understands the rules or the mission of safety, and security. So that is where we are.

That is what this amendment is all about. It allows a setting of standards. It allows the checking of employees, if they work in sensitive areas, such as bag handling, and they are near the aircraft. Those employees are going to have to stand the scrutiny of the Justice Department in order to get a job on the ramp, so to speak.

When I came out of the Marine Corps, I worked for the airlines for about 3 years. I understand what goes on out there. They are not doing many things differently today than they did 35 or 40 years ago. They have better equipment. They don’t have to lift as much as we used to in the old days, but there is more security.

What this amendment does is it says the Department of Justice, the Attorney General of the United States of America, will be responsible for setting up the apparatus through the Justice Department to make sure that our areas are secure and people are safe when they fly.

So I offer this amendment. I ask for your support as we move forward. I think we have worked out just about all of the kinks. We have people who want to make statements. I say to my ranking member and my boss on the Commerce Committee that they want to speak a little bit on this amendment. Then I will turn it over to him. I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I say to my friend from Montana, who I have had the privilege of working with for many years on the Commerce Committee, I think this is a good amendment. One of the reasons I think it is a good amendment is because we are trying to address a major issue with this legislation, and that is to restore confidence on the part of the American people in the belief that they can fly on

airliners and be in airports with a sense of security.

I think the Senator's amendment, by putting these responsibilities into the Department of Justice, will increase that confidence factor rather dramatically. I don't think right now that most Americans know who is in charge of the airport screening procedures. I have often asked that question myself. I don't think Americans believe that one agency that is in charge has done a very good job, whoever is responsible for it. We see continued breaches of airport security—even after September 11. So I think the amendment of the Senator from Montana is a good one. I think it will move the process in the direction we are seeking for this legislation.

I thank Senator BURNS for his active participation and involvement in this issue. I know Mr. MCCONNELL, the Senator from Kentucky, wants to speak on this amendment as well. If the chairman wants to speak, perhaps we can wait a few minutes for Senator MCCONNELL after he finishes.

I yield the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Arizona has pointed out the main concern that we have, and that is that airline travelers have complete confidence in the security, safety, and normalcy of our airlines—as we are all pleading with the people of the country to get back to normal travel. The best way to do that is to have law enforcement immediately connected to personnel in and around the facility, and out on the tarmac, that they are all aware of security threats—specifically, to be on the lookout for people on a watch list.

The overall security effort would be developed, no question, by the FBI domestic homefront security office. They are the ones that would have immediate knowledge of anyone on a watch list, communicating immediately, of course, with their screeners and others working in the airport and its facility.

I think it is a well-considered measure. The Senator from Montana recommended this when we approached this subject 3 or 4 weeks ago. We talked back and forth. We are trying to get things done. In order to get things done, sometimes your own personal choice is subjugated to the good of the body generally. The good of the body and the White House, for that matter, was to put responsibility for airport security under the Department of Transportation's purview.

But there is no question, as the Senator from Arizona says, this amendment would facilitate the enactment and passage of this legislation. I support it.

Mr. BURNS. Mr. President, the bill we are discussing today would help to ensure the safety of flying for passengers on the planes as well as innocent civilians on the ground.

However, I am concerned that the bill will broadly expand the law enforcement authority of the Department

of Transportation and the Federal Aviation Administration. I believe we should let experienced law enforcers set the standards to protect the safety of commercial air operations.

The mission of the DOT is to:

serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future.

The mission of the U.S. Marshall Service under the oversight of the Attorney General is to:

enforce federal laws and provide support to virtually all elements of the federal justice system by providing for the security of federal court facilities and the safety of judges and other court personnel; apprehending criminals; exercising custody of federal prisoners and providing for their security and transportation to correctional facilities; executing federal court orders; seizing assets gained by illegal means and providing for the custody, management and disposal of forfeited assets; assuring the safety of endangered government witnesses and their families; and collecting and disbursing funds.

The key phrase is to "enforce Federal laws." The Justice Department is a law enforcement body. That agency is tasked to protect the American people through the enforcement of laws set by Congress.

Prior to 9/11, the primary responsibility for aviation security was shared by the FAA, airports and the carriers.

The FAA set the standards and regulations that were followed by the airports and carriers. The FAA was responsible to provide threat information obtained from the intelligence community to the security apparatus protecting our airports and carriers.

The Air Marshall program, although active, was relatively non-existent as there were fewer than 50 security personnel enlisted to secure our passenger airplanes.

Airports remain responsible for the physical security of airport facilities, law enforcement and security personnel. In Montana, our Governor has temporarily deployed the Montana National Guard to protect our airports while a threat remains significant. I have discussed airport security with Montana's airport managers and they have informed me of their current practices.

Airlines and cargo carriers are responsible for implementing those security activities that directly affect the flow of passengers, baggage and cargo aboard aircraft.

Since 9/11 we have entered a new era. The last hijacking of a U.S. airline using a weapon was in 1989, when a passenger used a starter pistol and two folding knives to hijack an American Airlines plane.

Prior to that, a Pacific Southwest Airline jet crashed in 1987 after a former ticket agent for the airline smuggled a gun aboard and broke into the cockpit, killing the flight crew. All 43 people aboard were killed.

But it was the bombing of Pan Am flight 103 on Dec. 21, 1988 over

Lockerbie, Scotland that turned the attention of security officials from guns to bombs, which can be relatively small and made of plastic.

While we have upgraded our equipment to detect bombs, we have not addressed concerns about uniform standards used to detect potential human threats in a plane.

At airport security checkpoints, walk-through metal detectors currently screen passengers. If the detector alarms, screeners use metal-detecting hand wands. Nonmetallic objects, including plastic and ceramic weapons, will generally not be found by either procedure.

At the same checkpoints, carry-on bags are screened by equipment that displays an x-ray image of bag contents. An operator who sees a suspicious object in the image, or whose view is blocked by a concealing object, may hand search a bag as a backup procedure. Nonmetallic objects may be visible in the checkpoint x-ray image, but less clearly than metal items, and operator training has, up to now, been focused on identifying metal items.

The checkpoint screeners who work for these private security companies have rapid turnover, more than 100 percent per year at many airports. The pay is low and is largely attributed to this high rate of turnover.

Until directed otherwise by the Secretary of Transportation on September 12, 2001, many small knives, such as pocketknives, were permitted on board aircraft, even if detected by security personnel.

I have concerns about unsecured access to the plane. There were several reports about finding box cutters and other potential weapons on planes that had landed on 9/11/01. These findings could lead one to believe there were other planned attacks during that fateful day.

Prior to 9/11, several people had access to an aircraft and could, perhaps, leave a weapon in a hidden location for use by someone else. These people include the flight crew, maintenance personnel, cleaners, caterers, and baggage handlers.

The DOT Inspector General reported his office was able to gain unauthorized access to secure areas of airports 68% of the time in tests during 1998 and 1999 and has found in audits that background checks of airport personnel are ineffective and are frequently not conducted as required.

I encourage my colleagues to support this amendment. We need to establish a national standard that protects American citizens. I believe the Justice Department is the proper authority to set that standard.

I thank the chairman, and I yield the floor.

AMENDMENT NO. 1855, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator DASCHLE, that the Carnahan amendment be withdrawn.

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

The Senator from Ohio is recognized.

AMENDMENT NO. 1875

Mr. DEWINE. Mr. President, I rise to support the Burns amendment. First, I congratulate my colleague for his work on this amendment. He has been very diligent in explaining in meeting after meeting off the floor of the Senate for the last week or 10 days why his amendment should pass. I congratulate him on his amendment. I congratulate him on his diligence and his perception of what we should be doing.

This is a simple amendment, one that I believe makes a very big statement. The statement says we believe our Justice Department is best suited to manage particular aspects of security at our airports. The reality is we need accountability. We need to know there is an agency in charge that knows how to manage security. That agency, I believe, is the Justice Department of the United States.

I say that because the Justice Department is in the business of law enforcement, and it is in the business of security in the Marshal Service. Protecting our airports and protecting the traveling public is a law enforcement and a security function. It is a function, I believe, best handled by the Department of Justice.

The fact is, those in charge of law enforcement have a different way of looking at things. I first understood that when I became an assistant county prosecuting attorney at the age of 25. I could not believe how the police officers in Xenia, OH, or the sheriff's office in Fairborn, OH, saw things differently than I saw them.

They saw things through the eyes of a trained officer. They saw things from the law enforcement point of view. They saw things from a security point of view. We would go to crime scenes, and they would explain what they saw. We would look at situations where we were worried about security, and they would see things that I would never see.

It is not just training. It is not just experience. It also is a culture. I guess we use the word "culture" when we do not know another word to explain it, but it is a fundamental way of approaching things.

I believe it makes eminent sense to take an agency that is concerned every single day about the security of Americans—that is what they get paid to do—and say we are going to put you in charge of the flying public's security while they are on the ground. We are going to leave it up to the FAA, the experts, about how to fly, when those planes fly, when they do not fly, and things that go on in the air. But when we are talking about ground security, we are going to leave that up to other experts, and those experts are in the Justice Department.

We have an example of how this is done. Justice really does two things: They do law enforcement, but they also do security. The Marshal Service does security every single day. They break

it down. They make a distinction between the sworn officers and the contract employees. Later on in this debate, before final passage, I am going to have a little more to say about that.

When you go in, for example, to a Federal courthouse, or when you go into a Federal building, it is the U.S. Marshal Service that is in charge of that security. So there is precedent for doing this. There is an experience level that exists in the Justice Department.

I do not want to take a lot of the time of my colleagues, but I again congratulate my colleague, Senator BURNS, for this idea. I think it is the right idea. It basically says the whole issue of security on the ground—not just the checking of the baggage, not just the checking of the passengers, but the whole view and concept of what should be done in regard to each individual airport in this country—should be in the hands of the experts. And I believe those experts are in the Justice Department.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment in order to address some amendments that have been agreed to on both sides.

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

AMENDMENT NO. 1876

Mr. MCCAIN. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. DOMENICI, proposes an amendment numbered 1876.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To further enhance research and development regarding aviation security)

At the appropriate place, insert the following:

( ) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.— Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

“(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

“(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

“(i) progress made in engineering, research, and development with respect to security technology;

“(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

“(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.”.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

“(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

“(ii) the disruption of civil aviation service, including by cyber attack;”.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

“(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

“(i) the development and testing of effective explosive detection systems;

“(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

“(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

“(iv) other scientific and technical areas the Administrator considers appropriate.

“(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

“(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

“(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.”.

Mr. MCCAIN. Mr. President, for the information of my colleagues, this

amendment provides for the appointment of an advisory board which would make recommendations concerning the best way to ensure the best technology is available to increase security, especially at airports, but also at other vital installations around the country. It is a good amendment. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 1876) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1877

Mr. MCCAIN. Mr. President, on behalf of the Senator from Georgia, Mr. CLELAND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. CLELAND, proposes an amendment numbered 1877.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To expand the registration requirements with respect to airmen)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “pilots” and inserting “airmen”; and

(B) by striking the period and inserting “and related to combating acts of terrorism.”; and

(2) by adding at the end, the following new paragraphs:

“(3) For purposes of this section, the term ‘acts of terrorism’ means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

“(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.”.

Mr. MCCAIN. Mr. President, this amendment by the Senator from Georgia has been agreed to on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1877) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Will the Senator from Arizona yield for a very brief statement?

Mr. MCCAIN. It will be my pleasure.

Mr. REID. Mr. President, I withdrew the Carnahan amendment. One reason it was withdrawn is because of the statements made by the Senator from Arizona that on the next vehicle moving through here, we can look to help the employees we are trying to help, and he said he would help us. He has been very good on this legislation, and his statements regarding these displaced workers and people who need help so badly is very much appreciated.

Mr. MCCAIN. I thank the Senator from Nevada. We are in the process of continuing negotiations. I think we are very close to an agreement between myself and the principals.

AMENDMENT NO. 1878

Mr. MCCAIN. Mr. President, on behalf of Senator THOMPSON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. THOMPSON, proposes an amendment numbered 1878.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Aviation Security Act to ensure that those responsible for security meet performance standards, and for other purposes)

Insert at the appropriate place the following:

**SEC. \_\_\_\_ . RESULTS-BASED MANAGEMENT.**

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end of the following:

**§ Performance Goals and Objectives**

(a) SHORT TERM TRANSITION.—

(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

(1) PERFORMANCE PLAN AND REPORT.—

(A) PERFORMANCE PLAN.—

(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan

for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

(B) PERFORMANCE REPORT.—

(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

**§ Performance Management System.**

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization’s effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(i) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

(ii) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

(i) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary’s evaluation of the Deputy Secretary’s performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary’s salary.

(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

(i) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than

the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement this act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

Mr. THOMPSON. Mr. President. The attacks of September 11 demonstrated that we had not done all we could to prevent or mitigate them. But even these events weren't necessary to show us that. We have known for some time that airport security was less than acceptable, and we all agree that the system used to screen airline passengers and baggage needs to be overhauled. However, in the rush to fix the problem by "federalizing" the security workforce, I am concerned that not enough attention is being given to a critical flaw in existing security operations, that is, the failure to set and insist on performance standards. It doesn't matter who does this work, if we continue to fail to hold those responsible for security, from top to bottom, accountable. In the past, some fines were levied, but no one was held accountable for improvement.

Passenger and baggage screeners and their employers, whether civil servants or contractors, must be required to meet performance standards, and then must be subject to meaningful sanctions if those standards are not met. This has not occurred in the past. The General Accounting Office has issued several reports that document the Federal Aviation Administration's failure to hold airlines accountable for the declining performance of their baggage screeners over the last decade. Note that I said detection rates have declined virtually every year over the last decade.

It's important to note that we have been trying to implement performance-based management in the Federal Government for some time. Since 1994, agencies of the Federal Government have been required to set goals for what they do and report to Congress and the American people on whether agencies are meeting those goals. Oddly, the Department of Transportation has been a leader in setting goals. It's just that in the area of aviation security, they haven't been meeting them.

In 1997, we asked the Department of Transportation Inspector General to

identify the Department's worst management challenges. Since that time, the Inspector General has routinely identified aviation security as the Department's greatest management challenge. And since 1999, I've been asking the Department of Transportation to set goals to address and improve aviation security. The Department did set a goal for the rate at which screeners detect dangerous objects, and it reported as recently as April of this year that it failed to meet its goal.

Let me read to you from the Department of Transportation's Performance Report, which it issued this spring:

DOT did not meet this year's performance target [for aviation security, which specifically measures the detection rate for explosives and weapons that may be brought aboard aircraft.] The technology is functioning well and provides superior security protection, but screener performance has not improved enough.

The report states further: FAA may face a greater challenge than expected to meet the FY 2001 performance targets in some areas of screening.

Like so many things in Washington, we have known this was a problem for some time. Detection rates at the Nation's airports have been declining steadily since 1993. But clearly, we weren't holding those responsible for aviation security accountable for their performance. So, I have to ask, what assurances do we have that the Department of Transportation will hold new screeners, under this bill, more accountable?

Lax enforcement of standards inevitably leads to lax security, regardless of who hires those screeners. This amendment will ensure that results-oriented management is a key component of whatever changes are made to our airport security system. We can not afford more business as usual. We have to insist that the traveling public is safe from those who would perpetrate evil deeds like those of September 11.

First, my amendment requires the Federal Government to set and enforce goals for aviation security. It requires the head of aviation security, within 60 days of enactment, to establish acceptable levels of performance and provide Congress with an action plan to achieve that performance. Over the long-term, the head of aviation security must establish a process for performance planning and reporting that informs Congress and the American people about how the Government is meeting its goals. By creating this process, we will be constantly assessing the threats we face and ensuring that we have the means to measure our progress in preparing for those threats. This is a new, detailed method for ensuring that performance management is in place specifically in the Government's aviation security programs.

I firmly believe that good people, well managed, can substantially improve our aviation security. So this amendment gives those responsible for

aviation security enhanced tools to regain the confidence of America's flying public. We employ a good mix of carrots and sticks to drive performance. For instance: This amendment establishes an annual staff performance management system that includes setting individual, group, and organizational performance goals consistent with an annual performance plan. Managers and employees would be eligible for bonuses for good performance. The amendment allows management to hold employees, whether public, private, or a mix thereof, accountable for meeting their performance standards.

This approach is not new. Agencies like IRS, the Patent and Trademark Office, and the Office of Student and Financial Assistance, have performance-based management systems. But this will be the first time that performance-based management has been used to better government performance at every level of a government agency.

I've been trying for many years to get agencies to set goals and strive to meet them. It seems so commonsensical, but for so many years, the Federal Government did not do that. And we in the Congress, admittedly, have not really held agencies' feet to the fire as far as performance goes.

There has never been, in my opinion, a clearer example of good goals, but poor performance, as in the area of aviation security. This amendment will restore confidence in air travel. With my amendment, we will say, if you are not meeting your goals, whether it be detecting dangerous objects that people try to get on planes or preventing access to secure areas of an airport or airplane, you can be held accountable. And those who meet their goals can be rewarded.

This amendment makes sense. I hope we can assure the American people that we are doing all we can, remaining vigilant, by strictly enforcing standards for the safety and security of the Nation's airports and airplanes. I urge the adoption of this simple, but critical, performance-based amendment.

Mr. McCAIN. Mr. President, this is an important amendment. It deserves a couple minutes of explanation.

One of the difficulties we have had in the past is we passed legislation and authorized certain activities, and then we forgot about them as a Congress. We do not pay enough attention to the performance of the bureaucracies that we either create or designate to carry out certain programs.

Senator THOMPSON's amendment is basically results-based management. It is going to require reporting. It is going to require performance reports. It is going to require performance plans. It is going to establish a system for measuring staff performance, management accountability for meeting performance goals, compensation, the Deputy Secretary for Transportation Security, et cetera.

It is comprehensive performance-based management and results-based



management. I believe it is an important amendment in making sure this legislation is accountable to the American people as well as the Congress. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1878) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1879

(Purpose: To require expanded utilization of current security technologies, establish short-term assessment and deployment of emergency security technologies, and for other purposes)

Mr. McCAIN. Mr. President, finally, on behalf of Senator LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. LIEBERMAN, for himself, and Mr. DURBIN, proposes an amendment numbered 1879.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senator DURBIN to offer an amendment to S. 1447, the Aviation Security Act, to improve airport and aircraft safety through heightened screening of passengers, carry-on luggage, checked baggage, and those entering secure areas of airports. The overriding purpose of my amendment is to put our superior technological knowledge to better, more accurate, more widespread, and, therefore, more effective use.

In the wake of the horrific attacks of September 11, the Nation's confidence in the safety of our skies has been deeply shaken. Apart from the thousands of lives lost, public trust in airport security has suffered a severe blow, which in turn has had a devastating impact on the fortunes of the airline sector as well as the general economy. Three weeks ago, Congress approved a \$15 billion bailout plan for the airline industry, which we all hope will keep the nation's carriers financially and operationally viable for at least the immediate future. Ultimately, however, the long-term recovery of air commerce will require nothing less than developing ironclad confidence in the safety of our airports and air carriers. My amendment and the bill now under discussion are first steps toward achieving that goal.

On September 25, the Governmental Affairs Committee, which I chair, held a joint hearing with the Subcommittee

on Oversight of Government Management, chaired by Senator DURBIN, to explore the adequacy of airline and airport screening. Witnesses from the airline industry, the aviation security industry, major airports, the Federal Aviation Administration, the Department of Transportation Inspector General's Office, and the General Accounting Office provided sobering testimony on shortcomings in our current airport security system. The amendment I am offering today is derived in large part from the expert advice and recommendations the Committee received at the hearing.

The amendment has three general aims: First, to expand the use of current security technologies and procedures; second, to improve upon and upgrade those existing technologies and procedures; and, third, to fund development of newer, better, and more cost-effective technologies and procedures.

The very first step that must be taken in order to accomplish these ends must be to ensure that those working in and around airports are beyond reproach, because the best technologies and procedures are, frankly, useless if the people employing them cannot be trusted. My amendment, therefore, would require completion of intensive background checks on all airport personnel who have access to secure areas at commercial airports. This includes FBI criminal checks for all workers, not just for new hires but for current employees as well.

Next, the amendment would require the Federal Aviation Administration to expand the use of bulk explosive detection technology already being deployed at most major airports. We would require the technology to be used more precisely, more cost effectively, and more often than is currently the case. To ensure that every link in the chain of security is strong, the FAA would also be asked to establish goals for the purchase of additional detection machines for certain mid-sized airports.

Carriers would be required to increase the number of checked bags that are positively matched with a boarded passenger, until airports are scanning 100 percent of checked baggage with explosive detection technology. The purpose here is to prevent a situation in which a terrorist loads explosives onto a plane in his baggage, without actually boarding the plane himself.

The measure would require carriers to build upon the Computer-Assisted Passenger Pre-Screening System, (CAPPS), which now uses a range of criteria to identify passengers who may present a threat. The way it works now, baggage checked by selected passengers is subjected to scanning for possible explosives. Under this amendment I am offering, passengers identified under this system would be subject to additional security checks of their persons and their carry-on luggage, whether or not they had checked baggage.

Additionally, to improve and upgrade existing procedures, the amendment focuses on the ease with which people may obtain unauthorized access to restricted areas within airports. This is a widespread and potentially lethal problem that can be easily remedied. In 1998 and 1999, undercover investigators working for the Department of Transportation Inspector General's office were able to access secure areas in airports a whopping 68 percent of the time. Once the investigators entered the secure areas, they were able to board aircraft in 117 cases, an astonishing number.

The amendment calls on the Department of Transportation to recommend ways to prevent unauthorized access to restricted areas—for example, by employing so-called biometrics systems, systems that employ retinal, facial, and hand identification technologies or similar scanning methods, that are currently in use at several U.S. airports; or by increasing surveillance at access points; upgrading card- or keypad-based access systems; improving airport emergency exit systems; and eliminating the practice commonly referred to as "piggy-backing," where an unauthorized person follows an authorized person through a security access point.

Further, the amendment calls for better coordinating the distribution of information about passengers on law enforcement "watch lists." And, it requests a review of options for improving the positive identification of passengers, through biometrics and smart cards.

Finally, the amendment would set aside \$50 million for researching and developing new technologies to improve aviation safety in the future; and, \$20 million for research and development of longer-term security improvements, including further advances in biometrics, advanced weapons detection, and improved systems for the sharing of information among law enforcement entities.

I believe that these provisions together represent a substantial improvement on the present state of passenger and baggage screening and other elements of the aviation security system. In conjunction with the larger changes contemplated in the underlying bill, I am confident that the measures I call for in this amendment will take us along the path toward real and measurable safety and security for our airways. Like all Americans, I look forward to the day when each of us can once again enter an airport, and board an airplane, knowing that terror has been banished from our skies.

Mr. President, I urge my colleagues to support this amendment.

Mr. McCAIN. Mr. President, on behalf of Senator LIEBERMAN, this amendment requires expanded utilization of current security technologies, establishes short-term assessment and deployment of emergency security technologies, and for other purposes.

This has been agreed to by both sides. I think it is a good amendment and, again, along with the amendment on the part of Senator THOMPSON, I think it would give an efficient reporting and accountability aspect to this amendment which was lacking in its original form.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1879) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1880

Mr. HOLLINGS. Mr. President, on behalf of Senator MURRAY, Senator SHELBY, Senator BYRD, myself, and the managers, I send an amendment to the desk with respect to the language clarification subjecting, of course, the fees and amounts under this particular measure to the appropriations process. I think it is clear in the bill but we wanted to make it absolutely clear, and on behalf of Senator MURRAY, Senator BYRD, and Senator SHELBY, we are pleased to present the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mrs. MURRAY, for herself, Mr. BYRD, and Mr. SHELBY, proposes an amendment numbered 1880.

Mr. HOLLINGS. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the user fee funding mechanism)

On page 43, line 19, add the words "annual appropriations for" after the word "offset";

On page 43, line 20, strike the sentence beginning with the word "The" and ending with the word "expended," on line 23;

On page 43, at the end of line 25, insert the following new subsection:

(c) USER OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

Mr. McCAIN. Mr. President, I ask for a voice vote on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1880) was agreed to.

Mr. HOLLINGS. I move to reconsider.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1881

Mr. McCAIN. Mr. President, on behalf of myself, I send a technical amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1881.

The amendment is as follows:

(Purpose: To authorize the employment, suspension, and termination of airport passenger security screeners without regard to the provisions of title 5, United States Code, otherwise applicable to such employees)

On page 32, beginning with line 9, strike through line 2 on page 35 and insert the following:

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Secretary of Transportation may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of such a number of individuals as the Secretary determines to be necessary to carry out the passenger security screening functions of the Secretary under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

Mr. McCAIN. Mr. President, this amendment has to do with the management of the programs and the terms of employment. It has been discussed by both sides. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1881) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

Mr. McCAIN. Mr. President, I understand the Senator from Kentucky, Mr. McCONNELL, is on his way over to speak on the pending amendment. I ask that we return to the pending amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, I announce on behalf of Senator HOLLINGS and myself we are now down to just a couple or three amendments. If there are Senators who have amendments, we would like for them to come to the Chamber and offer them because I think we are about ready to wrap up. I understand there may be at least two amendments on this side but we would like to get them considered and disposed of.

It would be very helpful if we could move from this legislation to the antiterrorism legislation.

Mr. REID. Will the Senator yield?

Mr. McCAIN. I am glad to yield.

Mr. REID. As I announced today on behalf of Senator DASCHLE, there are some really important things to do. This bill is extremely important. The two managers of this bill have been talking about its importance for 1 week. It seems at least people with amendments could come and offer them. If they do not, the majority leader and the minority leader are going to move from this legislation, finish it, because we have waiting in the wings the very important antiterrorism legislation which the Attorney General and the President of the United States and all of us think is vitally important. So people do not have the luxury of finishing their appointments or whatever else they are doing. The business of the Senate is proceeding and we are going to move to third reading.

Mr. McCAIN. I thank the Senator from Nevada. If it is agreeable, in about 20 minutes—it is now 25 after 3—we will move that no further amendments be considered. That gives Senators 20 minutes to come over and propose their amendments.

Mr. HOLLINGS. Very good.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1875

Mr. McCONNELL. Mr. President, it is my understanding the amendment of my good friend from Montana, Senator BURNS, has been agreed to on both sides. It is that amendment to which I want to speak for a few moments prior to its adoption.

Immediately after the terrorist attacks of September 11, airline security suddenly became a national law enforcement priority, shedding its former status as a routine administrative function of the airlines. Once this occurred, it became imperative that we enlist the expertise of our Nation's top law enforcement agencies to prevent further attacks on America through our aviation system.

Three weeks ago, and before Senators HOLLINGS and McCAIN introduced their first comprehensive airline security bill, I also introduced S. 1444, the Federal Air Marshal and Safe Sky Act. My bill had two important objectives that I felt strongly about. One, to make airport security a national priority by having Federal standards, Federal training, and Federal oversight of all airport security functions and, two, to make airport security a law enforcement responsibility in the hands of the Attorney General, our Nation's top law enforcement official.

Since I introduced my bill, which was cosponsored by Senators BROWNBACK, GREGG, THURMOND, and HELMS, we have worked closely with both the chairman

and ranking member of the Commerce Committee, as well as Senator BURNS and Senator DEWINE, on these important issues. That is why I am proud to be a cosponsor of Senator BURNS' amendment, which would transfer airport screening and armed personnel to the Department of Justice and allow the Department of Justice to set standards of training for Federal air marshals.

For a comprehensive air marshal program to be most effective, we need to relieve the obligations of airport security from the FAA and the airlines, where the primary purpose is to facilitate the managed air travel, and entrust that responsibility to the Department of Justice, whose primary mission is to enforce Federal law and, most importantly, to safeguard and protect us from further acts of terrorism.

The Justice Department already has a model in place for Federal security. That model is our Federal courthouses which are currently secured by the U.S. marshals who employ court security officers, commonly referred to as CSOs, to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These court security officers are themselves retired Federal, State, and local law enforcement personnel.

Part of the reason our courthouses enjoy such security today is that this unified system provides for layers of security far before when one enters the actual courtroom. Our democracy demands, in the interests of our national security, that we make sure our airports are every bit as secure as our courthouses.

Finally, I would add that it is important both substantively and symbolically for the American people to know that one of our nation's top law enforcement priorities will now be handled by our nation's top law enforcement agency.

Mr. President, I thank the Senator from Montana, Mr. BURNS, for his leadership and hard work on this amendment. I also thank the chairman and ranking member for their hard work on this important piece of legislation and express my enthusiastic support for the Burns amendment and indicate my pride in being added as a cosponsor. I enjoyed working with the Senator from Montana on this matter and am glad the amendment will be accepted. It is an outstanding amendment and will add substantially to the goal of ensuring we have airports that are as safe as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend, the Senator from Kentucky. I also thank him for his legislation issuing war bonds to pay for this operation, this antiterrorism effort, and to bring fugitives to justice and to fulfill this operation.

Since he introduced that legislation—and I was a cosponsor of it—I

have been getting mail from all over the State of Montana wanting to know where to buy a war bond because they want to participate in the security of this country. Since September 11, we as a society have changed a lot of our priorities and agenda.

Mr. MCCONNELL. As Senator BURNS pointed out, this legislation has now passed the Senate and was added as an amendment to the Treasury-Postal appropriations bill. We are optimistic that the conferees will keep that amendment since it was not in the House version and it could be on the way, hopefully, for the President's signature downtown. We are optimistic that the Treasury Department will pick up this device which gives Americans a great opportunity.

One hears the question, What can I do? As the Senator from Montana pointed out, this is the answer to that.

Mr. BURNS. It was a great amendment. Americans want to participate. They want to do their share. Knowing we are in a crisis in this country, this is a way to help.

The operations we have going on are very expensive. This is a way we ask Americans to help us get the job done, help this President who has dedicated himself to getting this job done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. I don't believe there is further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1875) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. I thank the leadership for their courtesy and their staffs who worked with my staff closely in passing this amendment. It does enhance the legislation. We hope what we have done gives a bright line of accountability. I appreciate the leadership of the chairman of the Commerce Committee, the ranking member, and their staffs.

Mr. HOLLINGS. I thank the Senator from Montana for his leadership and help in enhancing security with respect to airline travel.

Mr. BURNS. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I know the manager and the Senator MCCAIN are working very hard to resolve the final issues on this legislation. I take the floor again to say thank them for their hard work on this legislation. It has been a long, tortured trail to get this aviation security bill to the floor of the Senate; and, second, to begin to resolve all of the difficulties and hopefully get it passed as quickly as possible.

I mention one issue that will not hang up the bill for me. I will strongly support this bill because of the work they have done. The one issue I talked to both Senator HOLLINGS and Senator MCCAIN about is something that they have agreed to discuss in conference to see if we can make some adjustments.

Here is the situation with respect to the enplanement fee of \$2.50. If you are flying in this country from one of the spokes in the system and fly from the spoke to a hub and to another hub—for example, from Bismark you go to Minneapolis, get on another plane, fly to Washington, DC, and then you fly back—you are going to pay four enplanement fees totaling \$10.

The problem with respect to that enplanement fee is one in which if you start at a spoke in this system and fly to a hub and then to another hub, which many people do, they are going to always pay \$10, because they will have taken four segments at \$2.50 per segment.

Those who live in the big cities that fly to another major city will pay \$5. If you are from a small airport and go to a hub and then another big city, which most travelers do—I do for every trip to North Dakota; I fly from here to Minneapolis, and either from there to Minot, or Grand Forks, or Fargo—for every one of those tickets, my constituents will always pay four \$2.50 enplanement fees. Someone who lives in Chicago or Minneapolis and flies to Washington, DC will always pay a \$5 fee. They will pay a fee when they leave Chicago, then a fee when they leave Washington, DC because they do not have to change planes. They only have two segments, not four. We have a circumstance where the current fee will double for those who are on the spokes part of the hub in the spoke system. That is just not fair.

So I visited just in this Chamber today with Senator HOLLINGS and Senator MCCAIN and described that circumstance. They have agreed to take a look at that in conference. I understand we cannot modify that at this moment, but they have said, yes, they understand that circumstance, and they would be willing to take a look at that in conference. I appreciate that.

It is just a circumstance where, in one more situation, those at the end of the line, those in the smaller airports who have to fly to a hub and then change planes to go someplace are going to end up paying more. They already pay too much, in my judgment.

Those who have the satisfaction of flying between pairs of the largest cities in the country have the wonderful treat of being able to see multiple carriers competing around price for those seats; and they get a pretty good deal under deregulation. That has not been the case for a lot of other consumers.

When we add to the airline tickets some fee to recover the charge for aviation security, we must do it in a manner that is fair. I submit, as I have indicated to Senator HOLLINGS and Senator MCCAIN, it is not, in my judgment, good policy for us to say to all of those who live out on the end of a spoke in the hub-and-spoke system pay twice as much as those who live in the hub. That is not something that would make sense, not something that would be fair to a lot of folks around this country who fly from the smaller airports.

So let me again say, I wanted to call this to the attention of my colleagues today. I did today, with a discussion with Senator HOLLINGS and Senator MCCAIN. They have agreed to take a good look at that in conference. That is all I can ask at this point.

Let me conclude, as I started, by saying this bill has an urgency to it. It has been frustrating that it has taken so long to get to the floor, but it is here. I will take great satisfaction in the work that my colleague from South Carolina, Senator HOLLINGS, has done; my colleague from Arizona, Senator MCCAIN, has done; along with many others—Senator ROCKEFELLER, Senator HUTCHISON, myself, and so many others who worked on this bill in the Commerce Committee. Thanks to their good work, we will pass an aviation security bill now—I hope today—and get to conference, make the changes necessary, and get this bill to the President's desk.

This country needs this bill. The airline industry needs it. This economy needs it. It is much more than just this piece of legislation. It is about confidence. This economy and this country, and especially the airline industry at this point, desperately need that cushion of confidence that a number of steps, including this piece of legislation, will offer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1863

Mr. MURKOWSKI. Mr. President, I now offer the amendment that I spoke of earlier in the afternoon, which would allow pilots under Part 121—who are now required to retire at the age of 60—to continue to pilot commercial airlines until the age of 63.

It is my intention, at the end of my statement, to ask for the yeas and nays on the amendment. My understanding is that the floor managers are reviewing the amendment.

If procedure allows, I would like to speak on the amendment at this time.

The PRESIDING OFFICER. The Senator's amendment is currently pending.

Mr. MURKOWSKI. I am sorry; I did not hear the Presiding Officer.

The PRESIDING OFFICER. The Senator's amendment is currently pending.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, earlier today I spoke of an amendment that I planned to offer that would repeal the Federal Aviation Administration's rule which requires pilots who fly under Part 121 to retire at the age of 60. This is a mandatory retirement.

It is kind of interesting to note that foreign airlines—Lufthansa, and others—allow pilots to fly beyond age 60; in some cases 65, in some cases longer.

Under the amendment, pilots in excellent health—and I mean subject to not just the regular physical exams which they have to undergo now to fly under age 60—but, as a consequence of extending this to age 63, would be allowed to continue to pilot commercial airlines. It would allow the FAA to require those pilots to undergo additional medical and cognitive testing for certification as well as establish standards for crew pairings.

I live in Alaska. I fly a great deal. To suggest that suddenly, when an experienced pilot reaches age 60, he or she is no longer fit to fly, flies in the face of age discrimination certainly. It flies in the face of the value that an experienced pilot has.

Some might suggest that this is not germane to aviation safety. Well, if anything is germane to aviation safety, it is an experienced pilot. How do you get experience? You get experience in aviation by flying, you gain experience in what to do during mechanical difficulties, you gain experience in what to do during weather difficulties. It is experience, Mr. President. And it is germane to this legislation, which is airline safety.

I do not want to fly, necessarily, in adverse weather, under IFR conditions, in an unpressurized aircraft in my State of Alaska without an experienced pilot.

The former Speaker of the House of Representatives, Hale Boggs, and the Representative for the State of Alaska in the House of Representatives, Nick Begich, were flying in adverse weather in an unpressurized aircraft. It was the largest aerial search ever undertaken. They have never found any remains, any evidence of where the aircraft crashed.

My point is, experience counts. This particular amendment is germane. This particular amendment has had a hearing in the Commerce Committee. The protections that we provide, by requiring commercial airline pilots to undergo additional medical and cognitive testing for certification covers the exposure.

As I look around this Chamber, with the exception of a few of our colleagues who happen to be in the candy drawer right now, virtually everyone is over 60 years old. Suddenly, at their 60th birthday, are they no longer fit to represent their constituents? They are

certainly experienced. And this measure is applicable here.

There is an objection from the unions, and I recognize their objection, but it is a matter of retirement. That is an agreement between the unions and the airlines. What we are talking about is airline safety. We are talking about experience. You have a legitimate complaint about the unions wanting to move these pilots out, to make room for others.

But what we are doing in this country today is, we are calling our pilots back to the military because we have a crisis. We need them. For all practical purposes, we have a pilot shortage in this country.

The European airlines recognize reality. Experience counts. Experience counts in my State. This measure was subject to a full Commerce Committee hearing. It was voted out of committee by a majority in March of this year. We have had numerous studies sponsored by the FAA. None have ever produced concrete evidence that pilots over 60 years of age are a threat to the flying public. In fact, the studies have not even included pilots over 60. So where is this coming from?

Experience does count. If you are in good physical condition—you live longer; you take better care of yourself; you have a better health provider—what is wrong here? We have age discrimination against pilots who are 60 years old; you do not let them fly anymore. That is discrimination of the worst kind. If they can pass a physical, why not?

Advanced psychological and neurobehavioral testing methods do exist to test pilots of any age. More importantly, we have simulator training that can estimate the risk of any number of things—such as cardiac complaints as evidence shows that there is one event in more than 20 million hours of flight time. Sudden flight incapacitation is clearly less a threat to aviation safety than are mishaps due to inexperienced pilot error.

Let's go through the list of accidents. We recognize that most accidents associated with aviation in the area of qualifications under pilot error are due to inexperienced pilots, not experienced pilots. That can only come with time and age. That is why it is so important to recognize that when a pilot becomes 60 years of age, he or she should not be simply eliminated from commercial aviation.

The European countries recognize this and take experience into consideration and allow pilots to fly until the age of 65. My amendment would allow them to fly until age 63.

Medical science has vastly improved since 1959—improvements in diagnosis, which include early detection, prevention, health awareness, and diet. All of these factors have increased life expectancy since 1959.

Our airline pilots consistently demonstrate superior task performances across all age groups when compared to

age-matched non-pilots. Pilots are subjected to comprehensive medical examinations every 6 months. In the 42 years since the rule was promulgated, there has not been any evidence that pilots over age 60 are not fully capable of handling their flight responsibilities.

As an example, pilots who flew in commuter operations were allowed to fly past the age of 60 until the end of 1999. This practice ended with the 1995 commuter rule. It mandated that any airline company which offered scheduled service using aircraft with nine or more seats had to fly under part 121 operations. However, this rule made special provisions to allow pilots who were then flying over 60 to continue to fly for 4 more years as pilots in command and allowed companies to continue to hire pilots 60 and older for 15 months. There were over 100 pilots over 60 years of age flying at that time. A study of 31 determined that they flew without a single accident or a single incident.

In 1999, 69 current and former airline captains organized and underwent extensive medical testing and petitioned the FAA to drop this antiquated mandatory retirement. They were tested by a panel of nationally and internationally recognized experts in the field of aerospace medicine, cardiology, internal medicine, geriatrics, and neuropsychological medicine. The panel determined that they were all qualified to perform airline captain and command duties beyond 60. Do you know what happened? The FAA denied their exemption request.

In supporting documents to their petition, they showed that the FAA had relaxed its medical requirements to allow pilots to fly with various medical problems, including hypertension, diabetes, alcoholism, spinal cord injury, defective vision, liberalized height and weight restrictions. They allowed that. It was an exemption. They were under 60. But if you were 60 and in good health, you couldn't fly the next day.

In the area of cardiovascular special issuances, the American Medical Association applauded the FAA as having demonstrated an understanding of the advances in diagnostic treatment and rehabilitation. So we have the American Medical Association applauding the FAA for allowing exemptions for those under 60, but if you are in perfect health and you are over 60, you can't fly.

In 1999, the FAA granted medical certificates to 6,072 airline pilots under the age of 60 who had sufficient medical pathology permitting them to operate as airline crewmen.

How does the FAA derive its medical consensus that it is safe for those pilots to continue to fly and not those who have been flying for 41 years without such medical pathology who happen to just arrive at the age of 60? It is rather interesting. You can go down to the FAA and see who is flying, who is giving check rides. Most of them are over 60 because they are exempt. Where

is the logic in this, if the FAA can keep its pilots on over 60, have them checked out, then you have a regulation here that is absolutely inconsistent with reality?

Twenty-five countries belonging to the European Joint Aviation Authority raised the mandatory retirement age to 65, joining many Asian countries that increased the age to 63 or 65. I know of no evidence that those foreign pilots have a worse safety record than pilots under the age of 60.

The time has come for Congress to repeal the age restriction on commercial pilots. This is age discrimination. Years of medical and safety data have failed to support the position that the chronological age of 60 represents a passenger safety concern. Therefore, as long as a pilot can pass the rigorous medical exam, he or she should be allowed to fly.

We must, as a legislative body, eliminate age discrimination against pilots who can and should be flying our commercial aircraft.

To suggest that somehow this is not germane to this bill flies in the face of reality. This is an aviation safety bill. What is more basic to aviation safety than having experience? And how do you get experience? It comes with age, whether you like it or not.

I think it is time we end this age discrimination once and for all. We need experience in the cockpit. I know that I appreciate it when I am flying with a pilot who has seen more than a few thousand hours in the air as well as simulator time. We value the aspects certainly associated with life and maturing, but we should not be hypocritical in how we treat pilots.

I urge my colleagues to support the amendment and ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER (Mrs. CLINTON). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, only a month ago, our Nation faced a terrible tragedy. We learned loud and clear that we need to improve aviation security and safety, not decrease it, which is what this amendment would do. At a time that we need to protect the American public, Congress should not be decreasing safety standards. Even the FAA opposes this amendment because of safety concerns.

This amendment would eliminate the current rule that commercial pilot must retire at age 60. It was put into place to help ensure safety in the air. It should only be changed if research can prove the effects of aging do not impact a pilot's ability to fly a commercial jet at age 60.

The "Age 60 Rule" for retirement of airline pilots was implemented by the Federal Aviation Administration, FAA, based on safety concerns that medical evidence showed that as a group pilots begin to demonstrate the affects of aging around age 60.

Here is what the medical evidence of aging shows: there is a progressive deterioration of physiological and psychological functions and this increases more rapidly as people age; sudden incapacity from heart attacks or strokes become more frequent in any group reaching age 60; there is a loss in ability to perform highly skilled tasks rapidly; it becomes harder to maintain physical stamina; it is more difficult to perform effectively in a complex and stressful environment and to apply experience, judgment and reasoning rapidly in new, changing and emergency situations; and, there is an increased difficulty to learn new techniques, skills and procedures.

While it is recognized that such losses generally start well before age 60, it determined that beyond age 59, the risks associated with these losses become unacceptable for pilots in airline operations.

Additionally, the Airline Pilots Association, the largest pilot union, does not support raising the mandatory retirement age. In fact, they oppose it.

Also, older pilots with seniority fly the largest, highest performance aircraft that carry the greatest number of passengers with the longest nonstop flights into the highest density air traffic. These are concerns as pilots age.

Additionally, a mandatory retirement age is not unique in the airline field. For example, air traffic controllers have a congressionally mandated retirement age of 56 years old.

Yes, I am sure that there are a few pilots who can fly past 60. But, our decision should be made to protect the safety of the American flying public.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I know the good intentions of the Senator from Alaska. I have spoken to him on many occasions about this issue. There likely is a time and place for this amendment. It is not on this bill.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, I ask unanimous consent for the consideration of several amendments that have been agreed to prior to the vote.

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

AMENDMENT NO. 1886

Mr. MCCAIN. On behalf of Senators ENZI and DORGAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ENZI and Mr. DORGAN, proposes an amendment numbered 1886.

Mr. MCCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, line 2, after the period insert the following:

“The Federal Aviation Administration, in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.”

Mr. MCCAIN. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1886) was agreed to.

AMENDMENTS NOS. 1887 AND 1888, EN BLOC

Mr. MCCAIN. Madam President, I send two amendments on behalf of Senator HUTCHISON of Texas to the desk, en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mrs. HUTCHISON, proposes amendments numbered 1887 and 1888, en bloc.

Mr. MCCAIN. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1887

(Purpose: To apply present law background and fingerprinting requirements to existing, as well as new, airport employees with access to security-sensitive areas)

On page 35, between lines 2 and 3, insert the following:

(e) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code is amended—

(A) by inserting “is or” before “will” in subsection (a)(1)(B)(i); and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

AMENDMENT NO. 1888

(Purpose: To require screening of all airport and airport concessionaire employees)

On page 18, line 1, strike “passengers” and insert “passengers, individuals with access to secure areas.”

On page 18, line 10, after the period, insert “The Secretary, in consultation with the Attorney General, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Secretary.

The screening of airport, air carrier, foreign air carrier, and airport concessionaire

employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Secretary may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport.”

Mr. MCCAIN. Madam President, the first amendment requires background checks for existing aviation security employees over a time certain. The other one requires screening of all employees prior to entering the secure areas.

I want to take a moment to thank Senator HUTCHISON for her wonderful work on this bill and on these amendments.

I urge adoption of the amendments.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 1887 and 1888) were agreed to, en bloc.

AMENDMENTS NOS. 1889 THROUGH 1893 AND 1873 AS MODIFIED, EN BLOC

Mr. MCCAIN. Madam President, I ask unanimous consent that it be in order for me to send to the desk a couple more amendments; that they be agreed to, en bloc, the motions to reconsider be laid upon the table, and that any modifications of the filed amendments be in order with respect to these amendments.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments en bloc numbered 1889 through 1893 and 1873, as modified.

Mr. MCCAIN. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1889

(Purpose: To require the Assistant Administrator for Civil Aviation Security to establish an employment register)

At the end of the bill, insert the following:

**SEC. . USE OF FACILITIES.**

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration’s training facilities to design, develop, or conduct training of security screening personnel.

AMENDMENT NO. 1890

(Purpose: To require a report on any air space restrictions put in place as a result of the September 11, 2001, terrorist attacks that remain in place)

Strike the section heading for section 14 and insert the following:

**SEC. 14. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.**

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit

to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 15. DEFINITIONS.**

AMENDMENT NO. 1891

(Purpose: To facilitate the voluntary provision of emergency services during commercial air flights)

Strike the section heading for section 14 and insert the following:

**SEC. 14. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.**

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

**“§ 44939. Exemption of volunteers from liability**

“(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

“(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“44939. Exemption of volunteers from liability.”.

(C) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

#### SEC. 15. DEFINITIONS.

##### AMENDMENT NO. 1892

(Purpose: To make minor and technical corrections in the managers' amendment)

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike “hiring and training” and insert “hiring, training, and evaluating”.

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(A) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after “(1)” the second place it appears.

On page 10, line 20, insert opening quotation marks before “(3)”.

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike “EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—” and insert “AIRPORT SECURITY PILOT PROGRAM.—”.

On page 18, line 9, strike “an” and insert “a”.

On page 18, line 10, strike “215” and insert “2105”.

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking “purpose of” in subsection (b)(1)(A) and inserting “purposes of (i)”;

(2) by striking “transportation;” in subsection (b)(1)(A) and inserting “transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;”;

(3) by striking “NOT FEDERAL RESPONSIBILITY” in the heading of subsection (b)(3)(b);

(4) by striking “shall not be responsible for providing” in subsection (b)(3)(B) and inserting “may provide”;

(5) by striking “flight.” in subsection (c)(2) and inserting “flight and security screening functions under section 44901(c) of title 49, United States Code.”;

(6) by striking “General” in subsection (e) and inserting “General, in consultation with the Secretary of Transportation.”; and

(7) by striking subsection (f).

On page 31, line 20, strike “(2)Section” and “(2) Section”.

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert “under section 44901 of title 49, United States Code,” after “screener”.

On page 32, strike line 23, and insert “5, United States Code.”.

On page 33, line 2, insert “any other” before “provision”.

On page 36, line 8, after “alien” insert “or other individual”.

On page 38, line 25, strike “Congress” and insert “Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure”.

On page 39, line 6, strike “Congress” and insert “Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure”.

On page 41, between lines 8 and 9, insert the following:

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert “to the maximum extent practicable” before “the best”.

On page 43, line 9, strike “to certify” and insert “on”.

In amendment No. 1881, on page 1, line 5, insert “Federal service for” after “of”.

##### AMENDMENT NO. 1893

(Purpose: To require the Assistant Administrator for Civil Aviation Security to have certain detection technologies in place by September 30, 2002)

At the appropriate place, insert the following new section:

#### SEC. \_\_\_\_ . IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(A) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(B) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

##### AMENDMENT NO. 1873 AS MODIFIED

At the appropriate place, insert:

#### SEC. \_\_\_\_ . ENHANCED SECURITY FOR AIRCRAFT.

##### (A) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

##### (2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

##### (b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

##### (c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 13 of this Act.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term “alien” has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

Mr. MCCAIN. These amendments have been agreed to on both sides. I urge their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1889 through 1893 and 1873, as modified) were agreed to en bloc.

Mr. MCCAIN. Madam President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to table was agreed to.

VOTE ON AMENDMENT NO. 1863

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Murkowski amendment No. 1863.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—53

Akaka	Dorgan	Lugar
Baucus	Durbin	McCain
Bayh	Edwards	Mikulski
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Boxer	Gramm	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Shelby
Cochran	Kohl	Smith (OR)
Conrad	Landrieu	Stabenow
Corzine	Leahy	Torricelli
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—47

Allard	Enzi	Miller
Allen	Feingold	Murkowski
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Breaux	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Smith (NH)
Burns	Hatch	Snowe
Campbell	Helms	Specter
Carper	Hutchinson	Stevens
Collins	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Jeffords	Thurmond
DeWine	Kyl	Voivovich
Domenici	Lott	Warner
Ensign	McConnell	

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. I yield to my friend from Alaska for 1 minute without losing my right to the floor.

Mr. MURKOWSKI. Madam President, I share with Members the transcribed words of our President from a few moments ago in an open Cabinet meeting.

He urges the Senate to “move a bill that will help Americans find work and also make it easier for all of us around this table to protect the security of this country. The less dependent we are on foreign sources of crude oil, the more secure we are at home.

“We spend a lot of time talking about homeland security. An integral piece of homeland security is energy independence. I ask the Senate to respond to the call to get an energy bill moving.”

Mr. BIDEN. Madam President, I was about to introduce, along with the Presiding Officer in the chair, the Senator from New York, as well as about 12 other colleagues, an amendment to this legislation for security needs for Amtrak. They are at a minimum of \$1.8 billion. Just the six tunnels that go into New York City carry 350,000 people per day. They are antiquated, built around 1910, and need significant upgrading to protect the safety and security of the people traveling on those rails. I could go down the list. I will not, in the interest of time.

The managers of the bill have made an agreement with me and with the Presiding Officer and many others to do the following: We will withhold that amendment on this aviation safety bill. The chair and the ranking member of the Commerce Committee are going to attempt to mark up an Amtrak security bill and possibly a port security bill in their committee as early as next Tuesday. God willing and the creek not rising, as my grandfather would say, there is a possibility they will be able to report that to the floor sometime next week. I have spoken to the leadership on our side and have not had a chance to speak with the leadership on the Republican side. It is our hope to bring that bill up and vote on that piece of legislation.

In addition to that, I have had an opportunity to speak with the chairman of the Appropriations Committee and others who have indicated there would be an attempt as we deal with the appropriated money for this legislation we are about to pass, as well as other security needs, that Amtrak would be

considered in that process. I particularly thank my friend from Arizona who is all for safety but not so much all for Amtrak. He has been very helpful here and has indicated if we are not able to get—I ask him to correct me if I am wrong—if for some reason we are prevented from getting the authorizing legislation up before the appropriators do their job, he will not object to the appropriators going forward, notwithstanding his long-held view, as I have as chairman of the Foreign Relations Committee, of not wanting the appropriators to do the work of the authorization committee.

I ask my friend, is that basically correct?

Mr. MCCAIN. No.

The Senator from Delaware is correct, but I would like to emphasize that we do have a safety and security problem with the railway system in America. It isn't just Amtrak; it is railway, railroad stations, it is railway centers and hubs all over America. So we need to take care of security and safety requirements so that people can ride on railroads just as we are attempting with this aviation legislation so that people can ride on airplanes in safety and security.

Yes, I am sorry to say, the Senator from Delaware is correct. I would support an appropriation for safety and security, but I certainly would, as usually has been my custom, resist the appropriations that would have to do with other matters, including additional track, rail, salary, pay, union, and almost anything that can ever be imagined is usually proposed on one of these bills.

I thank the Senator. I thank my dear friend from Delaware.

Mr. BIDEN. I think it is more appropriate to refer to this as rail safety. To give an example, the 350,000 people who go through the tunnels are not all on Amtrak trains. They are on the Long Island Railroad, they are on the New Jersey transit, using the Baltimore tunnel, for example, the Maryland transit, et cetera. It is rail safety. It is not just Amtrak. But Amtrak is responsible for the rail safety provisions of that. That is the reason I refer to it as Amtrak.

I thank Members on behalf of my 11 other colleagues. I see my colleague from Delaware, a former board member of Amtrak. I am delighted to yield to him for a few moments if he would like to make comments on why we are not moving forward.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I thank the senior Senator for yielding. To Senator BIDEN, to Senator MCCAIN, to Senator HOLLINGS, and others who have been part of getting us to this rather extraordinary compromise and position to go forward on the authorizing track and on the appropriations track as well: Well done.



Mario Cuomo, when he was Governor of New York, would talk about campaigning and governing. He used to say:

We campaign in poetry, we govern in prose.

Here in the Senate, here in Congress, we authorize in poetry, but we appropriate in prose.

As important as this authorization is, and it is important that we get the authorization for work on the tunnels, for work on having more security on-board our trains and in our stations, and I think some help in refurbishing some of the older rolling stock, locomotives and cars that are needed to carry the extra people who are riding the trains now, as important as the authorizing is, the appropriations is where the rubber hits the road.

I pledge to work with Senator BIDEN and Senator HOLLINGS and Senator MCCAIN and Senator HUTCHISON and others to make sure we get the work done, not just on the poetry side but the hard work on the prose side as well.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me affirm the exchange between the distinguished Senator from Delaware and our ranking member, the Senator from Arizona. The fact is, a railroad infrastructure enhancement bill was introduced today, with some 10 cosponsors. The reason I mention that is because we have been working long before September 11 on that need of the Nation.

With respect to stimulus, there is no better stimulus than construction, and there is no more needed construction than to refurbish the Amtrak line itself. Extend that: America needs high-speed rail.

Of course my distinguished colleague from Arizona, our ranking member, is disposed at the moment only for safety. We will call up the bill and we will mark up what we can, facilitate, if necessary, and try to separate perhaps a bill. But I hope to move next week in committee on this matter, as was indicated in our previous conversations, on Tuesday morning at 10 o'clock when we can get a quorum and mark that bill up and report authorization out here so we will not be confronted later on with obstacles. I think long before any passage of an authorization bill we are going to be hitting appropriations on the stimulus bill or some other bill because we need to immediately take care of safety and rail transportation.

The frustration of both Senators from Delaware is well understood. When we adjourned last year, we had everybody running around—Republican, Democrat, leader and plebeians like myself—saying: Oh, the first thing we are going to do next year, the first thing we are going to do is take up Amtrak. It is now October.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I hope my distinguished friend and colleague from South Carolina did not include me in that group.

Mr. HOLLINGS. No.

Mr. MCCAIN. I again thank the Senator from Delaware. I believe we can mark up a bill on Tuesday with the chairman's leadership. I think we also need to address seaport security as well. I believe seaport security is a very serious issue as well as rail security. I hope we will understand those are priority items that need to be addressed.

Senator HOLLINGS is far more knowledgeable than I am. But some of the information we have about the amount of cargo, the amount of shipping, the people and trafficking that goes in and out of the seaports in America is also a very important issue that we need to address.

Mr. HOLLINGS. I appreciate the Senator's leadership and support. Arizona obviously doesn't have very many seaports. But Senator GRAHAM of Florida and myself have been on this issue for at least 2 years. We have had all kinds of hearings long before September 11, and we have produced a seaport security bill that we have been trying to fashion because it is a many-splendored thing. You have to get the entities, namely the Port Authorities, to connect with the Customs, Drug Enforcement Administration, the Coast Guard, and the captain of the port, who really has legal authority and responsibility. We have to get them all working together rather than just moving, moving, moving cargo but actually having as a primary concern, safety and security.

We will be moving that.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I will just take another second. I note the Senator from South Carolina said the distinguished Senator from Arizona doesn't have a port.

I am reminded when I first got here as a young Senator, I went to Senator Eastland, who I served under on the Judiciary Committee. Sitting in his office one day, as I often did, with Senator THURMOND, asking him anything a young kid, a 30-year-old Senator would ask, I asked: Who is the most powerful man you ever served with?

He said: Senator Kerr.

I said: Senator Kerr, Senator Kerr of Oklahoma?

He said: Yeah—in his southern drawl which I will not attempt to imitate on the floor as I often do off the floor.

He said: Who in the heck else could bring up the Gulf of Mexico in the middle of his State if he wasn't powerful?

I think, as the Senator's power continues to increase, he may bring the Pacific Ocean to Arizona, but I am not sure how he will do it.

Mr. MCCAIN. The most entertaining man I ever knew was Morris Udall, who often was heard saying: We in Arizona eagerly await the next earthquake so Arizona would be a coastal State.

That is not as amusing as it was once, since there was one out there.

But perhaps the Port of Yuma will still be a place the Senator from Delaware can help us with.

In case our colleagues are wondering what we are doing, we are hoping to resolve one remaining issue before final passage. Negotiations are going on as we speak so we would be able to move to final passage. We hope within minutes that we will have that issue resolved.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1894

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Vermont, the chairman of the Judiciary Committee, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. LEAHY, proposes an amendment numbered 1894.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 49, United States Code)

At the appropriate place, insert the following:

**SEC. .REPORT.**

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this Act.

Mr. HOLLINGS. Mr. President, it has been cleared on both sides. This is just to conform to the Burns amendment relative to the Department of Justice having certain authorities. This is to conform, then to report back to the Judiciary Committees of both Houses.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1894) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1895

Mr. HOLLINGS. Mr. President, on behalf of myself and the distinguished Senator, Mr. MCCAIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. MCCAIN, proposes an amendment numbered 1895.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike "hiring and training" and insert "hiring, training, and evaluating".

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after "(1)" the second place it appears.

On page 10, line 20, insert opening quotation marks before "(3)".

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike "EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—" and insert "AIRPORT SECURITY PILOT PROGRAM.—".

On page 18, line 9, strike "an" and insert "a".

On page 18, line 10, strike "215" and insert "2105".

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purpose of (1)";

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)(b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code."; and

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert "under section 44901 of title 49, United States Code," after "screeener".

On page 32, strike line 23, and insert "5, United States Code.".

On page 33, line 2, insert "any other" before "provision".

On page 36, line 8, after "alien" insert "or other individual".

On page 38, line 25, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 39, line 6, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 41, between lines 8 and 9, insert the following:

(5) the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert "to the maximum extent practicable" before "the best".

On page 43, line 9, strike "to certify" and insert "on".

In amendment no. 1881, on page 1, line 5, insert "Federal service for" after "of".

Mr. HOLLINGS. This amendment is a technical amendment, a final wrapup, change of the ands and ifs and buts and what have you. It has nothing to do with the substance but to conform various technicalities in the other amendments that we agreed upon in the course of consideration of this particular bill.

I urge its adoption.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 1895) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that following disposition of the Warner amendment no further amendments be considered, and that we go to third reading and final passage.

Mr. REID. Mr. President, I have to object. I know how hard the Senator worked on this, but I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent, on this bill now before the Senate, that there be three amendments in order, one by the Senator from Virginia, Mr. WARNER, and two by the Senator from Vermont, Mr. JEFFORDS, and that no other amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. And that then the Senate will move to third reading and final passage.

Mr. REID. Yes. That goes without saying, Mr. President. As soon as we finish these, we move to third reading and final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1896

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of myself and Senator ALLEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. ALLEN, proposes an amendment numbered 1896.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide payment for losses incurred by the Metropolitan Washington Airports Authority and businesses at Ronald Reagan Washington National Airport for limitations on the use of the airport after the September 11, 2001, terrorist attacks)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PAYMENT FOR LOSSES RESULTING FROM LIMITATIONS ON USE OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOLLOWING TERRORIST ATTACKS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available immediately by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) that are available for obligation, \$65,648,183 shall be available to the Secretary of Transportation for payment to the Metropolitan Washington Airports Authority (MWAA) and concessionaires at Ronald Reagan Washington National Airport for losses resulting from the closure, and subsequent limitations on use, of the airport following the September 11, 2001, terrorist attacks and subsequent reopening of other United States airports after September 13, 2001.

(b) ALLOCATION OF FUNDS.—The amount available under subsection (a) shall be allocated as follows:

(1) \$37,816,093 shall be available for payment for losses of the Metropolitan Washington Airports Authority that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(2) \$27,832,090 shall be available for payment for losses of concessionaires at Ronald Reagan Washington National Airport that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(c) APPLICATION.—A concessionaire at Ronald Reagan Washington National Airport seeking payment under this section for losses described in subsection (a) shall submit to the Secretary an application for payment in such form and containing such information as the Secretary shall require. The application shall, at a minimum, substantiate the losses incurred by the concessionaire described in subsection (a).

Mr. WARNER. Mr. President, my colleague from the State of Virginia and I do this on behalf of the Metropolitan Washington Airports Authority. It is all very clear to each and every one of us in the Senate that for reasons which are justifiable—because of security considerations—this airport had to be closed the longest of all. As a consequence, the Airports Authority has an extensive financial package that has been in place for several years. The ability to gain revenue to service that package has been taken away from it.

We have a number of small businesses and others associated with conducting, in the physical plant, the airport itself, their business activities; they have suffered just irreparable injury. We all know that. And we all want to help. There are various ways by which this can be done.

I am prepared to hear from the distinguished manager, who I believe will be speaking on behalf of the leadership, about how this serious financial situation at this particular airport—mind you, all other airports were able to open shortly afterwards. I am not quarreling at all with the justification for closing it, but this one remained closed, and also it is functioning at somewhere between 15 and 25 percent of flight capacity as of now. The projections are, as we go to additional phases, that capacity will be increased, but we have no assurance at what point we reach 50 percent, 60 percent, and are able to gain the revenue to service the necessary financial requirements.

So if I might, for the moment, yield the floor in hopes that the managers, who have been very helpful to me and to others on this question, will address this issue. I would be happy to consider that before proceeding.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to the Senator from Virginia, I appreciate his cooperation on this issue, particularly his appreciation of the fact that this is an airport/airline security bill, and the issue, as compelling as it is, that the Senator from Virginia raises is related to the compensation—well-deserved compensation—of the people who live and work at National Airport

and who, because of an order of the Federal Government, have been deeply harmed economically and, unfortunately, in other ways as well.

So I appreciate the sensitivity of the Senator from Virginia to the parameters of this bill. The distinguished chairman and I have had to turn back a number of amendments because they were not related—liability, and a number of others—to airport security.

But that does not change the fact that there is still a compelling problem out there. It is an issue that must be addressed. I believe the stimulus package is a place where it would be very appropriate. I do not think anyone who is aware of what happened at National Airport—a 3-week shutdown by direct order of the Federal Government—does not realize that we have some responsibility. The size of that responsibility, and how, I think can be the subject of negotiations and discussion with the administration, the Finance Committee, members of the Appropriations Committee, et cetera.

But I do not know of a Member of this body who isn't totally sympathetic and appreciative of the leadership of the Senator from Virginia—in fact, both Senators from Virginia—in their commitment on this issue. Since this has happened, I know both Senators have made it their highest priority to address this issue, so that these people who are innocent—innocent of any wrongdoing, and are victims in a very real way of a terrorist attack on America, and who need to receive compensation—receive compensation and help.

I am very grateful for your leadership, as I am sure the people in the northern part of Virginia are very appreciative of the Senators' efforts.

So I would like to join with all of my colleagues in saying we want to help, we want to assist, and we think there are ways that must be implemented—not later, but sooner rather than later—to address this compelling problem.

I thank the Senator from Virginia and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from Virginia will yield, not only as chairman of the Commerce Committee but also as a former member of the Metropolitan Washington Airports Authority, I was vitally interested in the whys and wherefores of holding back Reagan National Airport.

We had the Secretary of Transportation 2 days after this particular tragic event. We were allowing, say, Dulles, and other airports, to function. There was no reason, once we secured the cockpit—I realize you had the general security problems—but once you secured that cockpit—and Boeing said they could retrofit immediately sufficient planes to be landing and taking off at Reagan National—that we at least ought to start back the shuttles to New York and then on to Boston.

So I have been down the path of the Senator from Virginia on this particular score. I endorse his idea 100 percent. It is just that kind of situation on airport security. As you know, the junior Senator, Mr. ALLEN, has been vitally interested in it. He is a member of our committee. He and I have been working on this particular bill, moving as much as we possibly can.

So in any way I can possibly promise you that you will have my support on the amounts, and everything else of that kind, I would be glad to help.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, those are very reassuring comments from my two long-time friends and associates here in the Senate, colleagues I trust and colleagues who, when they make commitments, follow through.

Given that, and the fact that you have entertained the petitions of other Senators with respect to facilities in their States—

Mr. HOLLINGS. Right.

Mr. WARNER. And that there has been a uniform practice here between the chairman and the distinguished ranking member as to how to deal with those amendments, I am prepared, at this time, to withdraw the amendment, with those assurances that at the stimulus package juncture, this body will study that.

Mr. HOLLINGS. Very definitely we will be supporting that on the stimulus package, or some other bill that comes up that is appropriate and germane.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 1896 WITHDRAWN

Mr. President, at this time I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Arizona.

AMENDMENT NO. 1897

Mr. MCCAIN. Mr. President, I believe we have one Jeffords amendment to which we have agreed. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. JEFFORDS, proposes an amendment numbered 1897.

Mr. HOLLINGS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To give retired pilots the same preference as law enforcement officers to be air marshals)

In amendment No. 1858, on page 1, line 8, insert "or an individual discharged or furloughed from commercial airline cockpit crew position" after "age,".

Mr. MCCAIN. Mr. President, the amendment is going to give pilots the same preference as law enforcement officers to be air marshals. I think it is

a good amendment. I think many of our pilots, including those who are required to retire at age 60, would make excellent air marshals. This amendment would give them the same preference as law enforcement officers. I think it is a good amendment.

I urge adoption of the amendment.

Mr. HOLLINGS. Mr. President, we support the amendment on this side. It has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 1897) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AIR MARSHALS FUNDING

Mrs. FEINSTEIN. Mr. President, I am concerned that the \$2.50 user fee in this bill is not sufficient to provide all of the air marshals we need. The \$2.50 user fee would only provide between \$1.3 billion and \$1.7 billion annually, in my opinion, enough to fund Federal security screeners at our airports, but not enough to provide additional air marshals.

Today, I intended to offer an amendment to give the Secretary of Transportation discretion to raise this fee to \$5, which would raise over \$3 billion annually to devote to aviation safety.

To ensure that the bill on the Floor passes quickly and we provide increased aviation security as soon as possible, I have decided not to proceed with my amendment. I still believe, however, that people are willing to pay more to feel safe on airplanes and the more air marshals we have, the better.

I want to thank the Members of the Commerce Committee for their hard work on this bill, and especially the Chairman and Ranking Member of the Committee, Senator HOLLINGS and Senator MCCAIN.

Mr. MCCAIN. Thank you Senator FEINSTEIN. I too am concerned about airline safety and want to be sure we have provided enough funding for marshals. The Senator from California has my full assurance that if more air marshals are needed, I will support providing more funding to the Department of Transportation and the Federal Aviation Administration to accomplish that goal.

Mr. HOLLINGS. I too am in agreement with the Senator from Arizona and stand with him in support of funding the needed air marshal program.

#### AIRLINES HONORING AIRLINE TICKETS

Mr. BAYH. Mr. President, because of the events of September 11, tens of thousands of airline passengers who bought airline tickets before and after that date will find that the flight they wanted is unavailable. How do these ticket holders get another flight or get their money back?

If they paid cash for their tickets, then, they are out of luck if the airline goes bankrupt. There is no guarantee

that another airline will honor the ticket.

If they bought their ticket using a credit card, then as I understand it, Federal law protects them, but at a tremendous cost to those few banks who process airline tickets. The ticket holder has the right under Federal law, the Truth in Lending Act and Regulation Z, to seek a refund from their credit card issuing bank. If the airline is unable to cover such charge-backs, the loss is borne by the acquiring or processing bank. The burden on the banking system as a result of the events of September 11, and the requirements of Regulation Z, is not small. About \$5 billion of advanced ticket sales by credit card exist at any given time. I doubt that anyone anticipated that Regulation Z would be used in this manner after an act of war shut down the entire air transportation system and caused the failure of perhaps several airlines.

There is a simple and equitable way to protect these passengers who paid cash and have no recourse. It can also relieve some of the burden that the law puts on a very few banks. I have a letter from Consumers Union that proposes the solution. It says, "Consumers Union believes that carriers that receive federal funds under H.R. 2926 should be obligated to honor the tickets of other carriers, where due to service changes or discontinuation, the issuing carrier is unable to provide the contracted service."

In short, if an airline has empty seats, then let the passengers who would otherwise be denied service use those seats.

I intended to offer an amendment to this effect. Instead, I would ask the distinguished floor manager a question. Does he agree that in light of the aid this Congress has provided to the airlines, it is not too much to ask them to honor, to the extent practicable, the tickets of other carriers that are unable to provide the contracted service?

Mr. HOLLINGS. I think that is entirely reasonable. This could be done by regulation or even by an explicit gentleman's agreement from the airlines. I do not think it is too much to ask.

Mr. INOUE. Mr. President, I am pleased that the Administration has taken the first step toward an important safety initiative by limiting carry-on bags to one bag plus one personal item such as a purse or a briefcase.

In this context, I would like to mention a special issue that has arisen concerning the safety procedures we promulgate, and the impact they might have on the practice of many musicians and musical artists carrying their instruments with them. I know that many of us have heard from the American Federation of Musicians, ASCAP, the Music Educators National Conference, the National Association of Music Education, and the Recording Industry Association of America,

among others, about this issue. These organizations have expressed concerns, in light of recent security enhancements, about the ability of their members to continue carrying musical instruments aboard airplanes.

Rules promulgated by the Federal Government or by air carriers that would prohibit musicians from traveling with instruments in-cabin would, among other things, severely limit the ability of orchestras to present guest artists, audition musicians, and tour within the United States and internationally, and put at risk valuable, historical musical instruments. Limitations on carry-on bags should not put an undue burden on musicians, consistent with the requirements of safety. I am certain we can make it clear to those charged with the detailed administration of air safety policies that there is obviously a rule of reason and practicality to be observed.

Mr. BAUCUS. Mr. President, I rise today to commend Senators HOLLINGS and MCCAIN for this much awaited, much needed piece of legislation and to urge my colleagues to help pass it.

It is critical to our Nation's economy that we restore the flying public's confidence in the safety of the aviation system. We need to get more planes in the air and we need to make sure they are full. Legislation that improves and expands security at our airports and on planes is essential to getting citizens back in the air.

While it is safer to fly today than it ever has been before, this package, which improves our Nation's aviation security, shows that the Senate is making an aggressive and firm commitment to America's aviation security and America's economy.

Two weeks ago I was on a flight from Montana back to Washington. By chance, I sat next to a gentleman who I appointed to the Air Force Academy in Colorado Springs 20 years ago. He was an F-16 fighter pilot. And is now a commercial airline pilot.

In the wake of the tragic events of September 11, he had a bunch of ideas to increase security on airplanes and airports. I asked him to write his ideas down. He found a scrap of paper and jotted them down. This is the paper he gave me. I am so pleased to see many of his ideas in S. 1447.

From Federal marshals on domestic flights to protecting our pilots in the cockpit. From vastly improving airport security measures to better screening of airport employees, this legislation takes a giant step forward in securing our flying public.

And securing our flying public is a giant step closer to securing our economy.

I would like to specifically address three items in the bill that I believe are of vital importance:

First, as chairman of the Finance Committee, I am pleased to say that there is no ticket tax levied on airline passengers. I don't believe that this is the time to raise taxes. In my State of

Montana, people believe they pay enough to fly around the country. Since we are relieving the airlines of their security responsibilities, it makes perfect sense that the \$2.50 per passenger user fee be assessed to the airlines, not the passengers.

Second, I am pleased to see a temporary expansion of the Airport Improvement Program and Passenger Facility Charge funds for use on security operations. This flexibility will surely help defray some of the costs for smaller airports.

I have been hearing from many airports back home. They are desperate for financial relief. These small, rural airports are faced with significant increased costs in order to comply with new FAA security standards. These new costs alone would be enough to tap their already paltry resources. However, like all airports around the country they are also facing declining revenues including landing fees, parking lot fees, car rental fees, bars and restaurants and gift shop fees. We need to help them, just like we helped the airlines.

I enthusiastically supported the airline relief package Congress passed 2 weeks ago. We needed to assist the airlines for the good of our traveling public and the good of our economy.

But relief to the airlines won't do anyone any good, if they don't have airports to land in. We are in danger of many of our airports closing their doors and their gates and their runways because they are out of money.

The flexibility provided in this bill will make a real dent in the airport's economic situation.

Third, I am also pleased to see a reimbursement program for these airports for completed security-related projects. This program, along with the AIP/PFC flexibility are extremely helpful, but are only a temporary life preserver for the airports. Discussions need to continue about how we can really save them from drowning.

I would like to close by once again commending the work done on this bill by both staff and Senators and to urge my colleagues to vote in favor of S. 1447. The public needs it and our economy needs it. Folks at home will thank you for it.

Ms. SNOWE. Mr. President, I rise today in support of the legislation before the Senate which is designed to overhaul aviation security in this Nation.

This is an issue of vital national importance during these dark days in America's history, and as a member of the Senate Committee on Commerce, Science, and Transportation, I believe it is critical that we pass the strongest possible enhancements to our existing system and do so as soon as possible.

The fact of the matter is, the images of the unspeakable horrors of September 11, 2001, will be etched in our minds forever. When the "devil incarnate" hit the United States, he attacked not only America, but freedom-

loving nations everywhere. We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage this fight against terrorism. For it is a fight we must win, and will win.

But there should be no mistake, victory will not come overnight. We are here today debating this bill because, as we mourn the tremendous loss of life both of those in the air and on the ground, we also know that our transportation system must endure and must be secure if we are to move the Nation forward.

We must leave no stone unturned in the effort to preserve this Nation's transportation infrastructure, so that we might both carry on the business of the Nation and ensure our continued economic viability, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism. And, we cannot remain strong if we cannot remain mobile.

Specifically, we are here today to improve our aviation security infrastructure and policies, to instill the kind of confidence that is vital to the health of our country's commercial airline industry. Clearly, our way of life, our freedom to travel and do so with relatively minimal encroachment, was used against us in the most horrific way imaginable. And it is vital that we take the necessary steps now to prevent such catastrophes from recurring.

The debate on this legislation is so critical because aviation security will only be addressed with a comprehensive, exhaustive approach that recognizes we are dealing with interlocking rings of issues, from perimeter security to on-site airport security to on-board aircraft security to a range of other issues, and that the entire aviation security system is only as strong as the weakest ring.

That is why I have cosponsored Senator HOLLINGS's comprehensive legislation to improve aviation security. This bipartisan legislation takes critical steps to safeguard the security of our airports and aircraft. It includes provisions to strengthen cockpit doors, increase the number of sky marshals, which is a critical issue also addressed in Senator HUTCHISON's bill, S. 1421, of which I am a cosponsor, to increase the number of sky marshals, federalize security, and improve training and testing for screening personnel.

Federalizing security, in particular, is an issue I feel very strongly about. The fact of the matter is, if the flying public does not have confidence in airport security, they will remain reluctant to fly, and this will have severe long-term repercussions in the aviation sector and in our economy. Imposing stringent Federal control and oversight over airport security will go a long way to helping instill confidence in the flying public, and will enable the government to exercise much greater control over the quality of screening.

This is a problem that was identified long ago. In September 1996, the White House Commission on Aviation Safety and Security recommended that FAA was, in fact, poised, at the time of the terrorist attacks, to issue a final rule, as directed by Congress last year in the Airport Security Improvement Act of 2000, establishing training requirements for screeners and requiring screening companies to be certified.

And in its January 18, 2001, Top DOT Management Challenges Report, the Department of Transportation Inspector General noted that, to close this critical gap in security, the Government "... needs to have a means to measure screener performance, and methods of providing initial and recurrent screener training as well as ensuring that the screeners maintain their proficiency through actual experience with the machines in the airport environment." The IG also concluded that the "... FAA must complete deployment of equipment that will help in the testing and training of screeners."

Quite frankly, I am not convinced that we can ever have full confidence in our airport security without stringent Federal controls, which is why it is vital we resolve the issue of federalization once and for all.

In addition to addressing the issue of airport security, the Hollings legislation:

- Establishes a Deputy Administrator within the U.S. DOT for Transportation Security;

- Establishes an Aviation Security Council, comprised of representatives from FAA, DOJ, DOD, and the CIA to coordinate national security, intelligence, and aviation security information and make recommendations;

- Stipulates hijack training for flight crews;

- Requires background checks on students at flight schools; and

- Increases perimeter security.

I would note I am particularly pleased that the legislation before us includes my amendment directing a new Deputy Secretary for Transportation Security within U.S. DOT, which is established in the underlying bill, to focus on the critical mission of better coordinating all modes of transportation nationwide during a national emergency, such as the tragic events that unfolded on September 11. And I thank Senators HOLLINGS and MCCAIN, in particular, for working with me and for their support on this important issue.

I am also very pleased that the Hollings bill addresses the issue of background checks on students at flight schools. On September 21, I introduced legislation, S. 1455, to regulate the training of aliens to operate certain aircraft. Under S. 1455, background checks would be required before any alien would be permitted to receive jet flight training.

I also commend the President for his leadership. The President's proposal addresses many of the same core

issues. His air travel security plan would expand the sky marshal program. It urges Governors to deploy the National Guard at Federal expense at all commercial airports. It would provide oversight and control of airport screening by the Federal Government. And it would provide \$500 million to help airlines fortify cockpit doors, install surveillance cameras and install aircraft tracking devices that cannot be turned off.

Under the President's plan, contractors would continue to perform screening. The Federal Government would set standards, supervise operations, conduct background checks and training, purchase and maintain equipment, and oversee airport access control.

I believe the administration's proposal would be a major step in the right direction. And I understand that some have concerns that federalizing the screener workforce could make it difficult to remove employees who are not performing their important duties.

It is my hope and my expectation that we will find common ground on

this point while coming together to ensure that Americans have complete confidence in the men and women who form the last line of defense when it comes to preventing weapons from getting on our aircraft. And I am very pleased that S. 1447 includes provisions to exert federal control over security screening once and for all.

One way or the other, this issue must be worked out so there is no doubt about the quality of this critical workforce, this has got to happen if we are to restore the American public's confidence in flying and, by extension, the health of America's commercial airline industry. At the end of the day, we must have a screening system with stringent Federal controls and oversight, so that the government will control hiring standards, compensation, training, and re-training. We need a reliable, professional force of screeners.

We must move heaven and earth to make flying safe. That is our mission here today. One national poll, CNN/USA Today/Gallup, found that 43 percent of Americans are less willing to

fly, with the majority of their concerns centering on the adequacy of airport security. They are also willing to sacrifice convenience for safety, with the same poll finding widespread support for new measures, even if it means checking in two to three hours before a flight, or paying more to cover the increased security costs.

The failure to correct the existing deficiencies in the aviation security system has already cost us dearly, and we no longer have the luxury to postpone action. Accordingly, we must pass this bill now.

It is critical that we come together, as we did on a resolution supporting the use of force to combat terrorism, as we did on legislation providing emergency funding for the recovery and relief effort after the tragic attacks of September 11, as we did on a financial relief package for the airline industry, and pass legislation promptly to address the gaps in aviation security and restore the confidence of the American people in our aviation system.

### NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

#### ORDERS FOR MONDAY, OCTOBER 15, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3:30 p.m., Monday, October 15; that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be deemed approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each, and that at 4:30 p.m., the Senate resume consideration on the motion to proceed to the foreign operations appropriations bill, with the time until 5:30 p.m. equally divided and controlled in the usual form.

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

#### ADJOURNMENT UNTIL 3:30 P.M. MONDAY, OCTOBER 15, 2001

Mr. REID. Mr. President, if there is no further business to come before the

Senate this morning, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:09 a.m., adjourned until Monday, October 15, 2001, at 3:30 p.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2001:

#### THE JUDICIARY

BARRINGTON D. PARKER, JR., OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

THE FOLLOWING CONFIRMATIONS OCCURRED AFTER 12:00 A.M.

#### DEPARTMENT OF STATE

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### DEPARTMENT OF JUSTICE

JOHN L. BROWNLEE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

TIMOTHY MARK BURGESS, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

ROBERT GARNER MCCAMPBELL, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

MATTHEW HANSEN MEAD, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

JOHN W. SUTHERS, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

SUSAN W. BROOKS, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

TODD PETERSON GRAVES, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

TERRELL LEE HARRIS, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

DAVID CLAUDIO IGLESIAS, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

CHARLES W. LARSON, SR., OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

GREGORY GORDON LOCKHART, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.