

agreement removed the ABM obstacle to the administration's missile defense testing plans. That would appear to be a victory, showing the critics of the treaty that the administration succeeded in clearing away the testing constraints in the ABM Treaty. That, in turn, would make it easier politically for the administration to agree with Russia to maintain a treaty so loathed by those same critics and from which those critics are pressing the President to withdraw.

If this tactic of straining to create premature conflict with the ABM Treaty and then straining to remove the conflict by deferring the tests helps the administration reach an agreement with Russia and helps assure them of political support for the agreement from the critics of the ABM Treaty, more power to them. If that is what it takes to do the right thing, so be it.

The important point is to work cooperatively with Russia to seek an agreement that will enhance our mutual security. It looks as if that is the path we are on. I hope so, and I hope we can stay on it.

Also hopefully, any new arrangement that emerges from the upcoming summit will be based on more than just the handshake of a gentleman's agreement. I hope the two leaders can agree on a new strategic framework that will include the following specific elements.

First, any agreement should include a reduction of strategic nuclear weapons—as the President has said—“to the lowest possible number consistent with our national security.” I agree with his assessment that “the premises of Cold War nuclear targeting should no longer dictate the size of our arsenals.”

I would also hope that any agreement on nuclear reductions would be transparent, predictable and difficult to reverse. There is no benefit in creating a situation where we worry that it would be easy and quick for either nation to increase its nuclear forces significantly. We would be better served with an agreement that gives each side confidence that its terms are being met by the other side, and cannot easily be reversed.

Congress should permit the President the flexibility to make these reductions. Current law prevents any reductions in our nuclear delivery systems below the needlessly high START I level. President Bush and President Putin are essentially moving toward a START IV, but Congress is keeping us at a START I, Cold War level of nuclear forces. Our senior uniformed military and civilian defense leaders have wanted Congress to remove these unnecessary restrictions for years. The Senate has already acted in this year's Defense Authorization bill to remove these restrictions, and I hope the House will accept the Senate position in the conference now underway.

Second, the framework for a new security arrangement set forth by President Bush included the issue of reducing the risk of accidental or unauthor-

ized launch of nuclear missiles. I would hope the two nations will explore a variety of steps that can move us in a more stable direction. There has already been good United States-Russian cooperation on data exchanges on missile launches, and we are improving our work on exchanging early warning data to reduce the risk of a false alert leading to a military crisis or a missile launch. We need to expand our cooperation and make sure that neither side maintains unnecessary and potentially destabilizing nuclear postures or practices. For example, both sides could agree to deactivate nuclear weapon systems that are awaiting dismantlement. As President Bush stated, “the United States should remove as many weapons as possible from high alert, hair-trigger status.”

Third, there is also a great need for enhanced and expanded cooperation on reducing the threats of proliferation. There is perhaps no more operationally effective and cost-effective means of reducing proliferation threats than assisting Russia in eliminating its nuclear and chemical weapons. Earlier this year, a task force led by former Senate Majority Leader Howard Baker and former White House Counsel Lloyd Cutler concluded that “the most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.” I hope the two nations can continue to make great progress in this area, since much remains to be done.

Finally, given the current anthrax attacks in the United States and our concerns about other potential biological terrorist attacks, we should be working much more closely with Russian scientists who have great expertise in biological warfare defense. They may be able to help us develop better defenses and vaccines, and also help us with the analysis of current biological threats. There is a unique and timely opportunity for major United States-Russian cooperation in this effort.

In short, I hope that President Bush and President Putin will be bold in their effort not just to bury the Cold War, but to forge a new alliance or a mutual security agreement against the terrorist menace that threatens both our nations and the world.

Mr. President, 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 the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 515, which the clerk will report.

The legislative clerk read the nomination of Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. Under the previous order, time will be evenly divided until 6 o'clock, and controlled between the chairman and ranking member or their designees.

The Senator from Vermont.

Mr. LEAHY. Madam President, my wife was kind enough to remind me that 27 years ago today I was first elected to this body. I am not quite sure I knew at the time I was first elected what I might be doing here today.

I say to the distinguished Presiding Officer, when I took office, the Senate was comprised of 99 men, with one seat vacant because of a tied race in New Hampshire. Madam President, I must say, both on my feelings as a Vermonter and as a Senator with some seniority, I am delighted to see the changing face of the Senate that the distinguished Presiding Officer, and many others, have brought to it.

We should, of course, have a far better balance of both men and women in this body, just as we have those who range across the political spectrum.

Today we will confirm another judicial nominee—actually our 13th since July 20. Since becoming chairman of the Judiciary Committee, after the delay in Senate reorganization and assignment of Committee members, I have taken seriously the responsibility to fill these vacancies on the federal courts around the country with consensus nominees.

Larry Hicks is another candidate strongly supported by both of his home State Senators. One of his home State Senators is the deputy leader among Democrats, the other a well-respected, strong Republican.

We have confirmed as many court of appeals judges as were confirmed in the entire first year of the Clinton administration in 1993—actually four more than the zero total confirmed by the Senate under other control in all of the 1996 session. We are moving forward.

I think we have hearings on five more judicial nominees this week. Of these nominees, the ABA peer reviews on several were only completed and received last week.

I remind the White House that we still have at least 10 or so nominees who do not have their ABA ratings here, having been nominated on September 10 or thereafter. The consequences of the unilateral changes that the Administration made in March to the procedures that had governed the judicial confirmation process for more than 50 years are still being felt.

Others have not finished their paperwork. We are happy to help the White House with that.

In spite of the special circumstances that have arisen this year, we remain well ahead of the pace for the confirmation of judges during the first year of the first Bush administration and the first year of the Clinton administration.

I wanted to take the floor to thank both Senator REID and Senator ENSIGN for working so closely together to bring us someone with such strong bipartisan support. I also thank Larry Hicks. I think the White House is well intentioned, but he was given poor advice on his paperwork and how to answer the written follow up questions after his hearing. After a quick phone call from Senator REID to him, he immediately faxed a letter to help complete his paperwork—the only thing holding up the nomination. I hope that will be an example to others. It took about a 3-minute phone call and a fax, and we are done. I applaud both Senators for working this out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN, is recognized.

Mr. ENSIGN. Madam President, let me start by thanking the chairman of the committee for moving this nomination forward. I also thank my fellow Senator, the distinguished Senator from the State of Nevada, for his support in helping to move this nomination forward. This was my first chance as a brand new Senator to have input on one of the most important things we do as Senators, and that is give recommendations to the President on who the Federal judges should be in our home States.

It is my pleasure this day to lend my support to a man of the highest legal and personal distinction, Larry Hicks. A virtually lifelong northern Nevada resident, Mr. Hicks studied business administration at the University of Nevada, Reno. While he left Nevada for a few years to receive his legal education, Nevadans won't hold that against him, as we did not yet have our law school. However, I am proud to say that today Nevadans no longer have to leave their home State to receive a distinguished legal education, for the University of Nevada Las Vegas Boyd School of Law has rapidly become a recognized law school. He has used his legal aptitude to serve his community, his State, and the Nation.

Immediately following graduation from law school, Mr. Hicks went to

work for one of Nevada's premier legal minds in the Washoe County District Attorney's Office. Soon, Mr. Hicks was working full time to keep northern Nevada streets safe in his capacity as the chief criminal deputy DA, a position he filled for 3 years before being elected by a substantial margin to the office of district attorney. He held this position for 4 years before entering private practice.

Mr. Hicks has been a partner in one of Nevada's largest law firms for over 20 years and has been chairman of its litigation section for the past 15. He is a fellow in the American College of Trial Lawyers, an organization which admits members by invitation only and is limited to no more than 1 percent of the lawyers in each State.

Mr. Hicks was on the Board of Governors for the State Bar of Nevada for the better part of a decade, during which time he served in many roles, most notably as president during 1993–94. In the legal community, to receive the Presidential nomination to a Federal judgeship is one of the highest honors. Mr. Hicks now has the honor of receiving such a nomination twice. President George H.W. Bush nominated Mr. Hicks to the Federal bench in 1992. Unfortunately, because of things that happened in that political year, his nomination was never acted upon. But today, Larry has the historical distinction of being nominated by that President's son, President George W. Bush.

Mr. Hicks not only takes pride in his work as a fine legal mind but also in his role as a husband and father. His three children have carried on their father's Nevada tradition and received their degrees from his alma mater, the University of Nevada, Reno. In fact, Larry's son Christopher carried on in his father's legal footsteps and attended the University of Nevada's Boyd School of Law.

Madam President, I know his wife Marianne and their children are proud of Larry, and I know Nevada is proud of Larry. Along with the senior Senator from the State of Nevada, HARRY REID, I believe Larry Hicks is someone who will make an outstanding judge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield such time to Senator REID as he may need.

The PRESIDING OFFICER. The senior Senator from Nevada.

Mr. REID. Madam President, first of all, I express my appreciation to my friend from Nevada. Senator ENSIGN is a doctor, not a lawyer but he could have not have picked anyone better than Larry Hicks. Larry Hicks is a fine lawyer. His brother is a lawyer. His brother Bud was my lawyer for a number of years when I was chairman of the Nevada Gaming Commission. He was an outstanding lawyer. They both have great personalities. He will have a fine demeanor from the bench.

Larry Hicks has wanted this job for a long time. He was almost confirmed be-

fore, but there was a change in administrations and a change in the makeup of the Senate. Even though he had been cleared by the White House, his name did not come forward. He has waited almost an additional 10 years to be a judge. He will be an outstanding judge. He now works for an outstanding firm. Some of the best lawyers in Nevada are part of the firm to which he belongs—McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks. The State of Nevada and the country will be better for having him serve.

I also appreciate my friend, Senator ENSIGN, running these names past me. I appreciate that very much. He and I have a relationship on judges that I think works well. He has reached out to me. With somebody such as Larry Hicks, it is easy. I could not have chosen anyone better than Larry Hicks myself.

Again, I applaud and commend Senator ENSIGN for this choice.

I ask unanimous consent that all time be yielded back and the vote begin now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), the Senator from New Jersey (Mr. TORRCELLI), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Tennessee (Mr. FRIST), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. HATCH), would vote "yea."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 322 Ex.]

YEAS—83

Akaka	Domenici	Lott
Allard	Dorgan	Lugar
Allen	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Murkowski
Bingaman	Enzi	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Fitzgerald	Nickles
Bunning	Graham	Reed
Burns	Gramm	Reid
Byrd	Grassley	Roberts
Campbell	Gregg	Rockefeller
Cantwell	Hagel	Santorum
Carnahan	Harkin	Sarbanes
Carper	Helms	Schumer
Chafee	Hollings	Sessions
Cleland	Hutchinson	Shelby
Clinton	Hutchison	Smith (NH)
Cochran	Inhofe	Snowe
Collins	Inouye	Specter
Conrad	Johnson	Stabenow
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Leahy	Thompson
Dayton	Levin	Thurmond
DeWine	Lieberman	Warner
Dodd	Lincoln	

NOT VOTING—17

Baucus	Jeffords	Smith (OR)
Biden	Kennedy	Torricelli
Brownback	Kerry	Voivovich
Corzine	Landrieu	Wellstone
Frist	McCain	Wyden
Hatch	Miller	

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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

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

AIRPORT SECURITY

Mr. DURBIN. Mr. President, I rise as if in morning business to address an issue which has been debated at length on Capitol Hill since September 11.

Since September 11, Americans have been focused on the issue of aviation security. There is no question that the system we used to cross America to that date was deficient. Whether stronger aviation security in our airports and around them might have averted that crisis is frankly unknown. But we all know that if we are going to be serious about limiting the opportunities for violence and terrorism on America's airlines we have to change the system in our airports.

Knowing that, we have taken a close look at the system of screening at our airports and the security that is available. Historically, the airlines were responsible for security in the airports. They would hire the people who

screened the passengers and the baggage. Of course, that system broke down. It broke down to the point that the General Accounting Office did a study and found there was a massive turnover of employees working at screening stations in the airports.

The worst case on record was at St. Louis Lambert Airport. In 1 year, there was over a 400-percent turnover in screening employees. We learned that the people who were working in those positions were being paid slightly more than a minimum wage. They were looking out of the corner of their eye for an opportunity at the local bakery or restaurant in the airport where help might be wanted so they could move up in their career with limited training and limited pay.

As a consequence, we didn't have the kind of security in law enforcement which we should expect, particularly in light of September 11.

In my hometown of Springfield and at many airports that I have gone through in Illinois, some of the people working in the current system could not be more conscientious. They really take their jobs seriously. I want to give them credit where it is due.

But let's be honest. In the major airports and major cities, the people who are attracted to these jobs are not the kind of people you would hire off the street for a law enforcement responsibility. This is clearly law enforcement.

I was happy when the Senate debated this issue and came forward with a bill. That was led by Senator FRITZ HOLLINGS, chairman of the Commerce Committee. It was also supported and co-sponsored by his colleague and ranking member, Senator JOHN MCCAIN of Arizona. In a bipartisan fashion, it came to the Senate floor and passed by 100-0. That is rather unprecedented in this Chamber.

It was a unanimous vote to take this workforce in our airports and to say once and for all that we will hire them and train them as law enforcement professionals. They will be under the Federal Government's jurisdiction just as air traffic controllers are today. They will go through background checks. They will be subjected to training that is meaningful. They will be closely supervised by law enforcement experts. They will be held to national standards. That is what the Senate bill did, 100-0.

More than 3 weeks ago, we sent that bill to the House of Representatives, asking them to respond in a timely fashion because of the terrible problems in this industry and because of the fact that some business travelers and families didn't want to get back on airplanes.

Three weeks later, the House finally brought it to a vote at the end of last week.

In the meantime, the House majority whip, Mr. DELAY of Texas, and Mr. ARMEY, the majority leader in the House of Representatives, said they were opposed to the Senate approach.

In the words of Mr. ARMEY: Using the Senate approach will create 30,000 more union members who will work for the Federal Government.

I think that clearly told the story. That vote and that debate wasn't about the merits of the issue. It was, sadly, about politics, and it should not have been.

As a result, when it came up for a vote last week, the Senate version that passed unanimously on a bipartisan fashion was rejected by the House of Representatives by four votes. The alternative that was brought up for passage passed with a substantial margin. Now we are headed to conference.

The difference between the two bills is substantial. The Senate would take this workforce in the airports and hold them to Federal standards and Federal employment and hold them to supervision and training that is uniform across the Nation. The House makes it an option for any administration to decide what they would choose in any given airport.

I believe that was a terrible decision by the House of Representatives. It is one that doesn't reflect the reality of what families are thinking when they go to an airport and go to get on an airplane.

As one clear illustration of why the House approach to aviation security is so bad, I want to tell you what happened at O'Hare International Airport in Chicago on Saturday evening.

A gentleman from Nepal came to the airport. His name is Subash Gurung. He bought a ticket to fly from Chicago to Omaha. He went to board a United Airlines flight and went through the screening station. When he walked through the metal detector, it went off. They searched him and found that he was carrying two knives on his person. They took the knives away, and he left the screening station—after they found him with two knives. He took his bag and went to the gate.

At the gate, United Airlines employees, on a random basis, chose him to look at his bag. When they opened the bag, let me tell you what they found. At the boarding gate, the man who had two knives on his person when he went through the screening vision had in his bag seven other knives, a stun gun, and a can of mace.

This man had gone through security and had been found to be armed with dangerous weapons. His bag had gone through the screening device of the Argenbright firm that is in charge of the security at the airport. All of this was ignored. All of this slipped through. It was only because of that last search at the gate that they found those weapons on this man.

There are those who believe that while looking at this situation we can patch up the security system at American airports. I am not one of them. I don't believe law enforcement should go to the low bidder. I don't think the first line of defense against terrorism should be taken on the cheek. That is