

[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	Voinovich
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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 cosponsored 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

what is happening in the current system.

I might add that Argenbright and other firms have changed some of the ways they are doing business. They used to pay these screeners \$6.75 an hour at O'Hare. They have now raised that wage to \$10 an hour. That is a substantial increase. But they are still not attracting the people we need to protect us and to protect everyone in America.

I am aware of a news story in Chicago that is going to come out with additional information about the breakdown of the private screening companies in terms of the preparation of their employees since September 11. I know of the story because they came to interview me last week. They told me what they found. It is shocking and it is disgraceful.

To think Members of the House of Representatives want us to take this flawed and failing system and say this is the best we can do in America is just plain wrong. The obvious question is, If there are going to be Federal employees at the airport, who is going to pay for them?

Let me suggest who is going to pay for them. The passengers on the airplanes. I don't think it is unreasonable that we would pay an additional \$5 as a security fee for a ticket so that we can have professional law enforcement at an airport not only screening passengers but protecting the perimeter around the airport, making certain that once and for all we put a system in place that we can trust.

I ask unanimous consent that these articles from the Chicago Tribune, the Chicago Sun-Times and USA Today dated today, November 5, be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. DURBIN. Mr. President, we know that private security contractors at airports can hire quickly. But we also know that with the turnover rates they have, they will have people who will come and go. That is not in the best interest of law enforcement.

In your hometown, you would never delegate the protection of your neighborhood or your city to a contract employee. We bring people on who are public servants, people who are dedicated to law enforcement, who take the job seriously and accept the challenge of that job.

Since September 11, we have seen stories of heroes and heroines across America, and so many times they have been public employees. Those firefighters who walked up the stairs in the World Trade Center, trying to rescue people, giving their lives in the process, were public employees. The men and women in law enforcement on the ground, who lost their lives as they stood at their post trying to help people evacuate, were public employees. Many of the medical rescue workers

were public employees. Sadly, the postal employees who died over the last several weeks from the anthrax bioterrorism were public employees.

It is a reminder to all of us that so many of the men and women whom we hold up in admiration and respect time and again for their dedication and courage since September 11 have been public employees.

I think the House approach to this problem is one that will not work. It will not protect America; it will not protect our airports; and it will not return people to our airlines, which we need to do so quickly.

I am going to urge Senator HOLLINGS and all the Senate conferees to stand firm and stand fast on this issue. This is a critically important issue. We need to do this and do it right. To do it in a halfhearted fashion, as the House of Representatives has suggested, is not going to restore the confidence of America's flying public.

It is important for every Member of the Senate to consider the experience at O'Hare on Saturday night, when the current system, which the House of Representatives wants to continue with some modifications and changes here and there, utterly failed and left vulnerable a lot of unsuspecting people who were just getting on an airplane for another flight from Chicago to Omaha. It is an important lesson to be learned.

Mr. President, I yield the floor.

#### EXHIBIT 1

[From the Chicago Tribune, Nov. 5, 2001]

#### AIRPORT SECURITY: 7 O'HARE SCREENERS SUSPENDED OVER LAPSE

(By Tom McCann and Sean D. Hamill)

Seven O'Hare International Airport security workers were suspended Sunday and are likely to be fired after they let a Chicago man pass through a security checkpoint with seven knives, a stun gun and a can of mace in his carry-on luggage, according to city aviation officials.

The man was eventually stopped and the weapons were found before he was able to board a plane Saturday. But the incident, coming two days after the House rejected a plan adopted by the Senate to federalize airport security workers, in certain to stoke the debate over how to safeguard the nation's airports.

Subash Gurung, 27, a native of Nepal, was arrested about 7:30 p.m. Saturday while waiting to board a United Airlines flight to Omaha, said Chicago Department of Aviation spokeswoman Monique Bond. Airport police said Gurung bought a one-way ticket.

Airline employees discovered the weapons during a final bag check at the gate, Bond said, part of new procedures that several airlines have adopted since the Sept. 11 attacks.

But that was after two folding knives were discovered in Gurung's pocket when he walked through a security checkpoint metal detector, police said. Bond said the knives were confiscated and police were summoned, but Gurung was allowed to continue to his gate.

Meanwhile, his bag went through an X-ray machine, but the security staff did not notice the knives or other weapons, Bond said. A search of the bag wasn't conducted even after the two knives were found, she said.

Bond would not say what led to the later search of Gurung's bag.

"Something obviously went seriously wrong here, and we're trying to find out if it's the employees' fault or the security company's fault," Bond said. "If weapons were confiscated, he should never have been let through security."

The Federal Aviation Administration and Chicago Department of Aviation have both launched investigations into the incident and will consider whether the employees should be fired and whether United should pay a fine.

The suspended workers were all employees of Atlanta-based Argenbright Security Inc., the company that runs United's screening operations at O'Hare. Three veteran employees were working the checkpoint alongside three trainees, said FAA spokeswoman Elizabeth Isham Cory. The employees' supervisor was also suspended.

"We commend all our employees who acted to apprehend this man," said United spokesman Joe Hopkins. "They did an excellent job."

Despite heightened airport security in the aftermath of the attacks, the lapse on Saturday wasn't the first. Last month, a passenger on a Southwest Airlines flight accidentally brought a gun aboard a plane in his briefcase.

Lawmakers agree steps are still needed to improve baggage and passenger screening, but the House and Senate remain divided about how best to achieve that goal.

The Senate has approved a measure that would make security screeners federal employees. The House version adopted Thursday increased federal oversight of the 28,000 screeners, but stopped short of federalizing them.

"If the system can't detect a knife and a stun gun in luggage, then you have to ask yourself whether the people are doing their job right," said U.S. Sen. Dick Durbin (D-Ill.), who supports the Senate bill that gives the Justice Department responsibility for airport security.

"I think the technology works, but you can't pay someone minimum wage and ask them to act as a law enforcement officer on the front line fighting terrorism," said Durbin at a news conference Sunday, in which he also proposed legislation to allow federal agencies to share classified information with local police.

Gurung was charged with three misdemeanor counts of unlawful use of a weapon, attempting to board an aircraft with dangerous weapons and carrying dangerous weapons. A spokeswoman for the Cook County state's attorney's office said the case was still being evaluated and more serious charges could be brought.

Gurung was released early Sunday on \$1,000 bail and is scheduled to appear in court Dec. 19. He was questioned by the FBI, who turned him over to Chicago police.

Gurung could not be reached for comment Sunday. In comments to WLS-Ch. 7, he said "It just happened out of accident, in a hurry."

He said he has worked in a warehouse but was presently unemployed.

Gurung recently moved back to Chicago with his brother, Sushil, from Minnesota, said Adam Colfax, superintendent for the apartment building in the 5700 block of North Kenmore Avenue where the Gurung brothers lived until a year ago.

Colfax said Gurung previously lived in an apartment at 1025 W. Hollywood Ave., where Ayub Ali Khan once lived. Khan has been detained by authorities as a material witness in the Sept. 11 attacks but it is unclear whether he knew Gurung.

[From USA Today, Nov. 5, 2001]

# WHY RELY ON LOW-BID AIRPORT SAFETY?

(By Paul C. Light)

Now that the House has passed its own airport-security bill, the stage is set for a showdown with the Senate over who gets the 28,000 jobs. The Senate wants federal employees at the baggage machines, while the House wants private contractors.

President Bush also favors private contractors. Only days after he expressed his appreciation to federal employees for "your dedication and integrity, your commitment to excellence and your love of our country," Bush was lobbying hard to prevent passage of a measure that would have set up a new federal workforce of airport screeners.

The Bush administration, facing a civil-service system that is slow on the hiring, weak on the firing, poor on the training and sluggish on the disciplining, believes there is no other choice. As Bush has explained, the House bill provides the "quickest, most effective way to increase aviation security," particularly by ensuring "that security managers can move aggressively to discipline or fire employees who fail to live up to the rigorous new standards."

Bush's support for a contract workforce crystallizes the problems facing the federal civil service. On the one hand, federal employees would almost certainly do a better job at airport security. According to recent surveys of federal and private employees by the Brookings Institution's Center for Public Service, a federal security service would be motivated more by the job's challenge and the public good, and less by pay. Federal employees would be more satisfied with benefits and job security, and therefore less likely to leave.

On the other hand, federal workers would be less likely than private employees to get the tools, training and technologies to do their jobs well. They would be hampered by a disciplinary process that their peers believe does little to address poor performance, and would join a workforce that is under-resourced, over-reformed and generally demoralized by a half-century of pay and hiring freezes.

New employees would be joining a federal workforce that is under duress. Three out of five federal workers told the Brookings center that their organizations only sometimes or rarely have the staff needed to perform well. Many believe the past few years of reinventing government made their jobs harder. And the vast majority say the federal hiring system is slow and confusing; a quarter refuse to call it fair.

The question is not whether federal employees often succeed against the odds; they do. Rather, the question is whether the federal government can find a private workforce that can outperform federal employees on anything other than fast hiring and firing.

The answer is mixed at best.

Private airport-security contractors can hire quickly, but they're poor at retaining. From 1998 to 1999, turnover among private contractors at the 19 largest U.S. airports averaged 126%, topped 200% at five and hit 416% at Lambert-St. Louis International.

Private contractors also have trouble complying with existing regulations. Just last year, one of the largest contractors, Argenbright Security, was fined more than \$1 million for assigning new employees to its screening check-points in Philadelphia without background checks or an audit system to detect what the U.S. attorney's office called "the astonishing and widespread criminal activities that occurred in this case."

In the best of all worlds, private contractors would hire and supervise federal employees, avoiding an awful civil-service hir-

ing and firing system that hasn't been reformed in decades. But given a choice between the two workforces, federal employees should get the job. No matter how stringent the oversight, airport security is too important to consign to the lowest bidder. That is how the security function fell into disrepair in the first place.

[From the Chicago Sun-Times, Nov. 5, 2001]

## COPING WITH NEW TENSIONS

### O'HARE ARREST TIED TO TERROR?

(By Susan Dodge)

A Nepalese man arrested at O'Hare Airport over the weekend with several knives, a stun gun and a can of Mace gave police the same home address that belonged to a suspect questioned in the Sept. 11 terrorist hijacking investigation.

But authorities were vague on whether there was any connection between Subash Gurung, who was arrested Saturday night at O'Hare, and Ayub Ali Khan, who is being held as a material witness to the attacks. Khan was one of two men with box cutters taken into federal custody Sept. 12 on a San Antonio-bound Amtrak train.

ABC-7 reported Sunday night that Gurung was being questioned for a second time by FBI officials.

He listed 1025 W. Hollywood, a Chicago apartment building, as his home address. Khan is believed to have lived at the same address for a time, authorities said. Khan, 34, is being held in a federal detention center in New York City.

Seven O'Hare Airport security workers—including a supervisor—who allegedly let Gurung pass through their checkpoint were fired Sunday, Chicago Aviation Department spokeswoman Monique Bond said.

Gurung was within minutes of boarding a United flight to Omaha, Neb., Saturday night when the stunning security breach was detected by airline employees who searched his carry-on bag, where the weapons were located, officials said.

Security officials confiscated two knives at a security check-point, but Gurung made it to the boarding gate with seven other knives, a stun gun and Mace in his carry-on, said Bond.

Police Supt. Terry Hillard and Thomas J. Kneir, head of the local FBI office, spoke about Gurung's arrest but decided they could not charge him with a federal crime "because he didn't board an airplane," said Chicago police spokesman David Bayless.

Gurung was arrested Saturday and charged with three misdemeanors: unlawful use of a weapon, attempting to board an aircraft with a weapon and carrying a dangerous weapon, said Chicago Police Officer Matthew Jackson, a department spokesman.

Exactly how did the 27-year-old Edgewater resident make it through the terminal checkpoint, which supposedly is more secure since the terrorist attacks?

"That's the million-dollar question," Bond said Sunday.

Equally uncertain was why Gurung was allegedly carrying the items.

The Federal Aviation Administration, the city's aviation department and United Airlines all were investigating the security breach.

United gate employees checked Gurung's carry-on bag as a random bag search, part of the airline's enhanced security measures, said United spokesman Joe Hopkins.

Gurung was questioned by the FBI and then released on bond early Sunday, police said. The FBI declined to comment Sunday, referring all questions to police.

Gurung 27, told police that he's unemployed and originally from Nepal. He is scheduled to appear in court Dec. 19.

The breach was the latest by Argenbright Security Inc., which operates the checkpoint for United and has been roundly criticized for lax security and hiring workers with criminal backgrounds.

It came as Congress debated how to tighten airport security. The security lapse bolsters the case for making airport security workers federal employees, who would be higher paid and better trained, Illinois Sen. Dick Durbin said, adding, "You can't do it on the cheap."

But House Republican leaders argue that federalizing the security would expand bureaucracy and make it tougher to fire bad workers. House and Senate officials are expected to come up with compromise legislation on airport security.

The PRESIDING OFFICER. The Senator from Nevada.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

## VISA ENTRY REFORM ACT

Mr. THURMOND. Mr. President, I rise today to express my strong support for S. 1267, the Visa Entry Reform Act of 2001. I am pleased to be an original cosponsor and to have contributed to the drafting of this important immigration control measure.

This bill will help America get back control of our borders. Illegal immigration has long been a serious problem in our country. Census data indicates that there are now about 7 or 8 million illegal aliens in the United States, and the problem is getting worse. This is at least double the number of illegals that were here in 1990.

The terrorist attacks of September 11 have demonstrated how dangerous it can be for us to fail to know who is coming into our country. Of the 19 men who apparently hijacked the commercial airliners on September 11, the Director of Immigration and Naturalization Service last month testified that his agency had no record of how some of them came to the United States.

The legislation would create one centralized database of all noncitizens. It would be updated as aliens entered and left the United States through a modern system of quickly swiping a card at border crossings.

Also, the database would be integrated with law enforcement and intelligence information so that all relevant agencies could share and have access to critical data. Moreover, all airlines, cruise ships, and cross-border bus lines would have to submit passenger manifests prior to departure so that foreigners could be pre-screened on the database before their arrival.

This bill would help address the rampant problem of document fraud, especially for immigration documents. It would require that all Federal identification and immigration papers, including visas and social security cards,