

of Alabama, Karon Owen Bowdre. Senator SHELBY and I are pleased that President Bush chose to nominate her. Her nomination moved through the committee and will be up for a vote in just a few minutes.

Karon Bowdre is a first-rate judicial nominee. Karon Bowdre has been a student, a legal practitioner, and a professor of law. She graduated cum laude from the Cumberland School of Law, where she served as associate editor of the Cumberland Law Review. Cumberland may be the largest school in Alabama. It is an excellent law school.

After graduating from law school Mrs. Bowdre served as a law clerk for the Honorable J. Foy Guin, Jr. in the Federal District of Northern Alabama, the court to which she has been nominated. She is very familiar with the Federal district court, having clerked and practiced there.

Judge Guin, a wonderful Federal judge, has taken senior status. He was number one in his class at the University of Alabama School of Law. His father was an excellent practitioner. I had the honor of practicing in his law firm immediately after his going on the bench in Birmingham. Mrs. Bowdre has a good background. She clerked for the Federal judge in the very district that she will be serving. Prior to becoming a full-time professor, Mrs. Bowdre spent several years as associate and partner, practicing law at the well-respected law firm of Rives & Peterson in Birmingham, our State's largest city. Rives & Peterson is an outstanding firm and her serving as partner in that firm is proof of her legal ability.

During a substantial part of that practice, she litigated a number of cases in the Federal court system. For the last 11 years, Mrs. Bowdre has been teaching students about the rule of law. As a professor and director of the Legal Research and Writing Program at the Cumberland School of Law, she has authored numerous articles on insurance law and legal ethics. She has established a reputation as a professor who insists on quality work from students, and high ideals and high ethics.

In addition, she has been called to testify as a legal expert on insurance issues and has been involved in lecturing at Continuing Legal Education seminars.

Mrs. Bowdre knows how to deal with lawyers, with witnesses, and with parties. These experiences have no doubt prepared her for service on the Federal bench.

Her reputation as a lawyer and as a scholar has earned her broad support in the community. I would like to quote a letter submitted by perhaps one of the most successful plaintiff lawyers in Alabama, Jere Beasley. Even though Mrs. Bowdre, as an insurance defense attorney, was generally arguing the opposite position of Mr. Beasley, he had this to say on her behalf.

I have known Karon for a number of years and believe that she will be an outstanding

U.S. District Judge. She will have wide acceptance from lawyers . . . regardless of whether they represent plaintiffs or defendants. While my practice is one that represents plaintiffs only, I am convinced that Karon will be fair and competent to all concerned and that is all that any lawyer should ask of a judge. She is highly qualified and, in my opinion, will do an outstanding job.

Her integrity, experience, and commitment to the rule of law are outstanding.

I commend Chairman LEAHY for placing her on the Senate Judiciary Committee agenda last month and for moving the nomination. I recommend her to my colleagues in the Senate without reservation.

I served for almost 15 years—12 years as U.S. Attorney and 2½ as Assistant U.S. Attorney in the Federal court. Those 15 years of practice full-time in Federal court gave me a basis to appreciate the value of a good Federal judge. When you go to court every day and you are there before a Federal judge who has a lifetime appointment, they can afford to be irritable, if they so choose, and there is nothing you can do about it. This knowledge makes you realize the importance of good Federal judges.

I am confident that Mrs. Bowdre will be the kind of judge that will serve the litigants and lawyers well that appear before her. Day after day and hour after hour she will give her best service to the country, and she will give her honest and best rulings in case after case that comes before her. You can't ask for more than that.

She has integrity, outstanding legal ability, and broad experience. She will be an outstanding Federal judge. I am honored to have submitted her name. I am confident she will be confirmed in a few minutes.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

#### AVIATION SECURITY

Mr. DORGAN. Madam President, I congratulate the Senator from Louisiana and the ranking Senator from Ohio for their work on the District of Columbia Appropriations Act. I am pleased to support it, pleased as a member of the Appropriations Committee to support it.

I intend to support the judge my colleague from Alabama just described. That judge has a commendable record of public service. I am pleased to support the President's nomination.

I rise to comment about something that is not in the appropriations bill. Then I will speak on an amendment I intend to offer. First, on the issue of aviation security, I believe we are or probably have appointed conferees from the Commerce Committee on the issue of writing an aviation security bill in conference between the House and Senate. I will be one of those conferees.

It is a shame we have had to wait this long. We passed a bill dealing with

aviation security 100-to-0 in the Senate. It wasn't a great controversy, just judging by the margin of the vote—100-to-0—people here believing that we needed to improve security of the country's airlines.

We need to give people a feeling of security that when they board an airplane their fellow passengers have been properly screened, that we have made certain there is not a risk that we are going to have additional hijackings. The airport security bill was very important. We passed it 100-to-0. The House of Representatives dragged their feet and waited and waited and didn't act.

Finally, they acted. They passed a piece of legislation that is deficient. Their concern was that the Senate bill would have "federalized" workers at airports who are screening baggage and other related activities dealing with security.

Let me describe a couple of things about security. Yesterday I was in Chicago. I came back by commercial air from Chicago to Washington, DC. As I picked up the newspaper in the Chicago airport, I read about the events of the previous day, Sunday, at O'Hare Airport. Most people have now heard of that circumstance on Sunday, but let me describe it for a moment. It is not an isolated instance.

A fellow named Subash Bahadar Gurung, age 27, was arrested Sunday in Chicago on charges that the night before he tried to bring knives, chemical spray, and a stun gun onto an airplane.

Here is the frightening part of all this: This fellow, who according to news reports is in this country illegally, got through the initial screening with the X-ray machine and reached the gate to board his airplane. At the screening they discovered he had two knives. They confiscated the knives, then let him go to the gate.

At the gate, he went through an expanded screening and they opened everything he had and discovered he had seven additional knives, a can of mace, and a stun gun. I don't know if the guy is a terrorist, but I do know he is stupid. Nine knives, mace, and a stun gun, showing up at the airport?

There is something else that is wrong: He got all the way to the gate with seven of his knives, a stun gun, and a can of mace.

The Secretary of Transportation had a lot to say about that yesterday. But the point is this: We don't have a security system in place that gives people confidence. Just ask yourself: If someone can get through O'Hare Airport, one of our largest airports, can get through the screening process with seven knives and a stun gun and a can of mace, what kind of confidence does that give people who are traveling?

Let me give you a couple of other suggested incidents that ought to give us cause for concern. In Westchester County Airport in New York last Friday, a woman was arrested on charges of criminal possession of a weapon

when she had a palm-size .22-caliber handgun that showed up on an x-ray of her luggage. So they caught her at the screen.

She said: Well, this gun belonged to a boyfriend and besides, it hadn't shown up on an earlier flight.

That gives you a lot of security, doesn't it, a real feeling of security?

She said: It is my boyfriend's gun, but it didn't show up on the previous flight when I went through.

We can go to Tuesday, a Mississippi man in New Orleans was able to get through the security checkpoint with a loaded gun in his carry-on bag, and he was allowed to board a plane at Louis Armstrong International Airport. He got on the plane with this loaded gun. He said he didn't realize the handgun was in his briefcase. He discovered it in the middle of the flight and immediately handed it over to a flight attendant. He said it was a pure accident.

The question is, How do you get through a checkpoint, a screening process, with a loaded handgun in your briefcase?

Let me describe the company that was screening at O'Hare Airport in Chicago this past weekend. Argenbright apparently is the largest company that employs screeners around the country. They employ screeners at more than 33 airports in the United States. In fact, I believe they are an international company that provides services around the world.

They were fined \$1.5 million in October of last year and placed on 3 years probation for making false statements to the FAA concerning training, testing, and background checks. In other words, they were hiring people with criminal backgrounds, not training them properly, doing a lot of things, and lying to the FAA about it, certifying that in fact things were just great, when in fact they were not. They were fined \$1.5 million and put on probation.

Then last month, they were found in violation of their probation for continued violations regarding their screening services.

Last weekend, they were still on the job, the same company. Filing fraudulent statements with the FAA, fined \$1.5 million, put on probation, found in violation of probation, and still working? Would that happen to people, real people, do you think? I don't think so. They would lose their job. But not big companies.

Last weekend, this company and its employees allowed a guy to get through a screening with nine knives—caught two of them, missed seven—a stun gun and a can of mace. Talk about incompetence; talk about a story that once again undermines people's confidence in flying on commercial airlines, this is it.

The question is, Is there an emergency in this Congress to do the right thing: to pass an aviation security bill and do it the right way, and do the right thing? You bet your life there is.

What happened was, we saw that process get hijacked in the House of Representatives by two Congressmen from Texas. Why? Because they said they didn't want these people to be Federal employees. I don't care whose employees they are. All I care about is accountability. I care about making something work. I care about getting something done the right way.

I say to those people who always denigrate public employees: Why don't you say that to the families of the firemen who were climbing up on the 25th and the 35th and the 45th floors as the World Trade Center was burning and about to come tumbling down on these brave men and women who served on the firefighters force and the law enforcement forces who were in those buildings and lost their lives, say to them that public service doesn't count. Say to them that somehow being a public employee is a second class citizen. Say it to them or their families.

The fact is, we have an obligation to do this right. Security is a responsibility—in this case, at our airports—of ours, of the Government.

We passed a piece of legislation here that was Hollings-McCain, Democrat and Republican, a bipartisan piece of legislation that was supported by 100 Senators and passed 100-to-0. Then we run into this brick wall—people who object to everything all of their lives. They get up in the morning cranky and can't find anything right about anything, and they come up with legislation that doesn't solve a problem. It is just the same old approach that will put us back in the same old rut.

So as we tackle this question of airport security, aviation security, as one member of the conference, I will insist on doing the right thing right now, not next week or the week after. The American people have a right to expect we will do the right thing, the responsible thing, that will improve security at this country's airports.

Madam President, I will mention one other issue, and it deals with aviation security. Every day, we have aircraft coming into this country from overseas, commercial airliners that are landing as I speak at some airport in the United States, carrying passengers who are guests of ours. They are given a visa to visit our country. They are guests of our country. We have allowed them to become guests through the visa process. We have said: You are given a visa and you may come to the United States.

On most of those flights, the carrier—the airline sending these guests to the United States—sends us an advance list of their names. It is called the APIS, advance passenger information system. Do you know why they do that? Since 1988, they have been doing that in order that we might check a list of the foreigners coming to the United States against our list at the FBI, Customs Bureau, and 21 other Federal agencies, to determine, are these people known or suspected ter-

rorists, violent criminals, and others who should not be allowed into our country? Are they? Well, we get the list and we check it against all of these data bases. It has been a very successful thing to do.

The problem is we don't get all of the names. We get 85 percent of the names; 15 percent of the names we don't get. We don't get the names from airlines from Pakistan and Saudi Arabia, and we didn't get them from Kuwait until last week. From Egypt we don't get names, and from Jordan, and I could go on.

The result is that since the day the President signed the counterterrorism bill on October 26, 178,000 people have landed in this country without having their names submitted for preclearance to our database at the FBI, Customs, and other law enforcement agencies. That is an approach that would allow us to weed out suspected terrorists and others.

The Customs Commissioner testified before a committee I chair, and he said this should be made mandatory. I said: I agree, it should be; let's ask the airlines not complying to do so. So I offered an amendment during the counterterrorism bill when it was debated in the Senate, and the Senate agreed to it unanimously. That was that. That bill then went to conference, and some people in conference from the other side said: Gee, I don't know, this is about our committee jurisdiction; it didn't go through our committee, therefore we reject it.

They kicked it out of conference. So when President Bush signed that bill, this provision wasn't there. It means that the counterterrorism bill, where this was when it left the Senate, did not have a central provision that is necessary for us to prescreen passengers coming into this country, especially from countries such as, yes, Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Somebody said: When you raise these issues about certain countries, aren't you profiling? The answer clearly is no. We are only interested in profiling terrorists or suspected terrorists, or those who associate with them, because we don't want them to come in as guests of our country. So we do profile people who are either known terrorists or who associate with terrorists because we want to keep them out of this country.

Is that selfish? No. That is self-protection. We have every right to decide we don't want a guest in this country who is going to try to injure this country. So I included that amendment in the counterterrorism bill. It got knocked out in conference. I don't like to use this language, but I said: Of all the boneheaded things for people to do—to assert committee jurisdiction on an issue of national importance such as this.

But on the last appropriation bill we passed, earlier today, I offered this amendment last week. The Senate just passed it again. I intend to put it on

this appropriations bill. I am going to offer it on every piece of legislation until we get people to think more about national security on the other side than they are thinking about committee jurisdiction, and until they understand airplanes should not land in this country unless they have complied with the APIS system, which has been in place since 1988.

Since September 11, we ought to understand the obligation we have to be careful about screening those who are guests in our country. You cannot provide security in this country unless you provide security for our borders. Part of our border security is to deal with those roughly 70 million, 80 million people a year who come into this country on commercial airlines as guests, coming from foreign countries. So I intend to offer that amendment again today. I will offer it to any other legislation we have on the floor. I know people will say that is blue slip, or it is this, or it is that. It is none of that. That is all nonsense.

Mr. BURNS. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BURNS. I ask the Senator, we passed the airport security law in this body and we changed the authority—moving the authority from the Department of Transportation to the Department of Justice. That was my amendment. I contended at that time that we really don't have a problem with the laws; we have trouble with enforcing the law. I would be interested in seeing what the Senator's thoughts are on keeping the bright line of authority to the Attorney General rather than leaving it with the Department of Transportation.

Mr. DORGAN. This particular issue happens to be the Department of Customs with respect to advance passenger information. They run all of these names against the Justice Department list, the FBI list, and 21 different Federal agencies that keep lists of undesirable people coming into the country. That is a separate issue in conference. I think the Senator from Montana is probably one of the conferees on the aviation security bill. I am going to be one as well. We can talk about all of those issues.

All I really care about—going back to the issue of aviation security—is that we get the job done. The one thing that is clear to me is companies that have been fined for defrauding the Government—in effect, companies that have been put on probation and violate their probation, that hire screeners who leave the company to fry hamburgers because they get more money to do it, and to let somebody come through with nine knives, a stun gun, and a can of mace—those are companies I don't want screening baggage. I want somebody on whom I can rely. All I care about is accountability and results.

Mr. BURNS. We know there are areas of responsibility. Who best can have access and be a model for us, without expending a lot of money or building a

new bureaucracy? We know we have to have passenger lists and we need intelligence. Who best to do that other than the Department of Justice? We need security at the check-in area and also the gate area. Who best, other than the Justice Department, knows how to secure Federal buildings, Federal courts, moving Federal prisoners—all of these things they already do? Some they do themselves and some they contract out to companies that have a very good reputation with them.

I think the conference ought to get underway right away. I am supportive of the Senator's views on that and say we ought to be in the business of protecting the American public as best we know how, instead of writing a law and putting it into the hands of the administrative rule writers, who sometimes write rules for their own benefit and not for the protection of the people.

Mr. DORGAN. In closing, the issue is not so much the jurisdiction of which agency. In fact, we do have a law enforcement function and security functions at DOT. Some say maybe it should be the FAA. But the fact is, the big dispute, the thing that held up forever was that the House of Representatives didn't want to have people who were public employees, Federal employees. So that was the big thing over in the House of Representatives.

I do not think it was in the Senate. We passed the bill in the Senate 100-0 largely because we believed if we had good training and accountability, if we hired good people and had guidelines for them to follow, then we would be able to provide security in our country's airports.

One thing is very clear from all of these reports: We do not have good security with the current system. This system needs changing. This system does not work, and all we need to do is look at O'Hare in Chicago last Saturday and look at the papers on Sunday and Monday and understand how bad the system is and why we have to get at this job now, this week, and get it done.

I yield the floor.

#### EXECUTIVE SESSION

#### NOMINATIONS OF KARON O. BOWDRE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA AND STEPHEN P. FRIOT TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. The hour of 5:30 p.m. having arrived, under the previous order, the Senate will now proceed to executive session to consider two nominations, which the clerk will report.

The legislative clerk read the nominations of Karon O. Bowdre, of Alabama, to be United States District, and Stephen P. Friot, of Oklahoma, to be

United States District Judge for the Western District of Oklahoma.

The PRESIDING OFFICER. There are now 5 minutes evenly divided between the chairman and the ranking member. Who yields time? If no one yields time, time will be charged equally to both sides.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

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

The 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, what is the matter now before the Senate?

The PRESIDING OFFICER. The nomination of Karon O. Bowdre is before the Senate.

Mr. REID. Madam President, I ask unanimous consent that all time that has not been used be yielded back and that we vote on the nomination.

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

The question is, Will the Senate advise and consent to the nomination of Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 326 Ex.]

#### YEAS—98

Akaka	DeWine	Kohl
Allard	Dodd	Kyl
Baucus	Domenici	Landrieu
Bayh	Dorgan	Leahy
Bennett	Durbin	Levin
Biden	Edwards	Lieberman
Bingaman	Ensign	Lincoln
Bond	Enzi	Lott
Boxer	Feingold	Lugar
Breaux	Feinstein	McCain
Brownback	Fitzgerald	McConnell
Bunning	Frist	Mikulski
Burns	Graham	Miller
Byrd	Gramm	Murkowski
Campbell	Grassley	Murray
Cantwell	Gregg	Nelson (FL)
Carnahan	Hagel	Nelson (NE)
Carper	Harkin	Nickles
Chafee	Hatch	Reed
Cleland	Helms	Reid
Clinton	Hollings	Roberts
Cochran	Hutchinson	Rockefeller
Collins	Hutchison	Santorum
Conrad	Inhofe	Sarbanes
Corzine	Inouye	Schumer
Craig	Jeffords	Sessions
Crapo	Johnson	Shelby
Daschle	Kennedy	Smith (NH)
Dayton	Kerry	Smith (OR)