

these agencies in their fight against criminal elements at home and abroad.

AMENDMENT NO. 1570

Mr. DORGAN. Mr. President, I send a substitute amendment to the desk on behalf of myself and Mr. CAMPBELL, which is the text of the Senate committee-reported bill. I ask unanimous consent that the amendment be agreed to, that the motion to reconsider be laid upon the table, that the amendment be considered as original text for the purpose of further amendment, and that no points of order be considered waived by virtue of this agreement.

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

The amendment (No. 1570) was agreed to.

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

Mr. DORGAN. 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. WYDEN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. WYDEN. Mr. President, I ask unanimous consent to speak in morning business.

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

#### AVIATION SECURITY

Mr. WYDEN. Mr. President, I come to the floor today to discuss the issue of aviation security. The Senate Commerce Committee, on which I serve, had hearings this week on this issue. I want to take a few minutes this morning to discuss the history of this issue, the history of the debate in Congress about aviation security. I do that with one overriding concern. I do not want to be back on the floor of the Senate in 6 months or a year taking my turn once again in the procession of somber floor speeches about how sorry and upset and how sad the Senate is that another air tragedy has occurred. I think it is important for the Senate to step back and take a look at this issue now so we are not dealing with it again in another 6 months or a year.

Beginning my discussion this morning, I want to talk about the pattern of the past with respect to aviation security. Let's make no mistake about it. There is a very clear pattern. Again and again, there has been an air tragedy. Again and again, there is outrage in the Congress and in the country. Again and again, task forces are established and commissions are assigned to make reports and recommendations. Again and again, there has been incremental and ultimately ineffective implementation of changes that simply

don't get the job done when it comes to aviation security.

It would be an enormous disservice to those lives that have been lost and to the many who love them if the only response of this Congress is again to issue more reports, let more commissions go forward, and once again fail to act with respect to putting in place the actual provisions that are going to protect our citizens with respect to terrorism.

The American people deserve quick, decisive, and sweeping aviation security reforms. It is time now to get the job done right.

For a variety of reasons, for more than 20 years, plans to improve aviation security have not been put into practice. What I intend to do this morning is to outline specifically some of those specific proposals, to describe what happened to them, and why they didn't seem to be acted on.

After the Pan Am Flight 103 bombing over Lockerbie in 1988, and again after the TWA Flight 800 crashed near Long Island in 1996, there was enormous support for tightening aviation security. In each case, the Presidential commission was established and reforms were initiated. In each case, studies by the GAO or the Department of Transportation inspector general made clear that there were vulnerabilities. And in each case, by the time the reports came out, the momentum was lost. Action was slow. It was incomplete and incremental at best.

I am not interested this morning in talking about whose fault that was. Clearly, part of the problem stems from what Presidential administrations of both political parties did in allowing the process to bog down in red-tape and regulations. Part of the responsibility lies with airlines that, indeed, did fight tougher security measures by claiming costs would cripple their operations. But we should be very clear. Part of the responsibility lies right in this Chamber, right where the Congress did not insist on action, and did not insist on safety for our constituents.

For example, in 1998, the GAO warned that vigilant congressional oversight was essential. They made clear that momentum for reform would stall otherwise. But while there were spasms of interest on Capitol Hill, Congress didn't do the job with respect to oversight.

I am going to make clear as a member of the Senate Subcommittee on Aviation that this time is going to be different. This time the argument between those in the various agencies and the airline executives over cost, inconvenience, and control of the system aren't going to be allowed to be used as an argument for delay. We are not going to sit by again and reap the grim harvest of congressional inaction.

This is just a bit of the history on this issue. In 1987, the GAO rec-

ommended that the FAA establish a certification program setting performance standards for screening companies that operate the airport security x rays. After the 1996 TWA Flight 800 crash, a White House commission said the same thing, and Congress passed legislation calling on the Federal Aviation Administration to get it done. But the Federal Aviation Administration's rulemaking process dragged on for years with multiple rounds of public comment. In June of 2000, the GAO reported that the Federal Aviation Administration was then 2 years behind schedule. As of this morning, the certification process for screening these companies still has not gone into effect.

In 1988, the GAO reviewed FAA's progress in implementing a variety of key improvements, including passenger profiling, bag-matching action, and a variety of other initiatives.

Their conclusion was:

Based on FAA's current schedule and milestones, this whole process for enhancing the Nation's aviation security system will take years to fully implement.

To ensure followthrough on it, the same White House commission recommended an annual report from the Secretary of Transportation on the implementation of new security measures. That report happened exactly once: on the first anniversary of the TWA crash. Once again, the response was nothing.

Under legislation passed in 1990 and 1996, anyone with access to a secured area in an airport is subject to a background check. The White House commission established after the 1996 TWA crash went further, recommending a full criminal background check and the FBI fingerprint check. However, the inspector general of the Department of Transportation recorded in 2000 that existing background check procedures were, in his view, ineffective.

First, Federal Aviation Administration regulations required a criminal background check for some employees but not for others. Second, and more incredibly, some serious crimes, such as assault with a deadly weapon, were not on the list of offenses that would disqualify an employee.

Many airports were not complying with the FAA's rules anyway. For 35 percent of the employee files reviewed by the inspector general, there was no evidence that a complete background check was ever performed.

Let's reflect on that. In 35 percent of the instances, the inspector general found no evidence that a complete background check was ever performed.

Last year, one screening company pled guilty and paid a \$1.2 million fine

for doing inadequate background checks and for hiring at least 14 airport workers who had criminal convictions.

Congress passed legislation in 2000 directing the FAA to implement criminal fingerprint checks and expanding the list of disqualifying offenses. New requirements, however, apply only to large airports. And there still is no requirement to repeat fingerprint checks periodically.

In 1993, the Department of Transportation inspector general reported weaknesses in airport measures to keep unauthorized persons out of restricted areas. A followup review in 1996 found no significant improvement.

In 1999, the inspector general reported that in a test of eight major airports, undercover agents were able to penetrate secure areas in 117 of 173 attempts—a 68-percent success rate. In many of those cases, the test intruder, an individual who was testing the system, was able to actually board an aircraft. Now, the list goes on.

I want to mention just several more in terms of laying out this chronology.

Following the 1988 Pan Am Flight 103 bombing, there was a major effort to develop baggage-screening equipment in order to detect explosives. Technology was developed, but it was still not widely deployed at the time of the 1996 TWA crash.

The White House commission created in response to that tragedy recommended the widespread deployment of such equipment. Congress provided funding, and machines were deployed in a variety of locations.

But last year—just last year—the Department of Transportation inspector general found that these machines were significantly underutilized. The inspector general found that more than 50 percent of the machines were being used to screen fewer than 225 bags per day, even though their capacity is 225 bags per hour.

According to a 1999 report by the National Research Council, at some locations “the throughput rate has been so low that operators could even lose their skills for operating the equipment.”

The reason I am going through this 15-year chronology is that on September 11, 2001, known vulnerabilities in America’s aviation system remained unaddressed.

Last week’s hijackers knew there were holes. The General Accounting Office, that serves the U.S. Congress, had documented these significant gaps in our system. The terrorists took advantage of those gaps, and the price paid by our country has been far too great.

Now it is time to correct these vulnerabilities. The legislation should include action on at least four fronts:

First, swift implementation of the specific to-do list that I have outlined this morning should be a top priority. This is a to-do list not made up from some sort of cavalier review by an interest group. This is a to-do list taken from recommendations from the in-

spector general of the United States and from the General Accounting Office. These recommendations have accumulated for years. It is time to focus on getting those tasks done rather than just perpetually creating more reports and more lists.

Second, Tuesday’s unprecedented attack points to the need for a number of additional safeguards. As we all know, a number of our colleagues have advocated armed sky marshals onboard many flights. Certainly this is a sensible recommendation, a credible deterrent; and I support that.

I also think there needs to be significantly improved intelligence sharing of information. Background checks for students applying for flight training obviously need to be more thorough and more meticulous. If a passenger is on a terrorist watch list, the country is saying: How in the world can aviation security officials not be aware of that?

The technology exists to coordinate efforts between law enforcement and the airline industry, so no more turf fights, no more lack of communication. Focusing on information sharing of the best and most current intelligence is absolutely key so that the names and faces of those who are apparently unknown to the airline industry but aware to some in the intelligence gathering can be out and available so as to serve as an important tier of protection for the public.

Third, and perhaps most important, Congress must fundamentally rethink who should be responsible for carrying out day-to-day functions, such as the screening of baggage and access to restricted areas. A number of forward-thinking Members of the Senate have been after this issue for years, particularly the chairman of the Senate Commerce Committee, Senator HOLLINGS. He has been suggesting this since 1996 and before.

Obviously, between airlines and airports there have been conflicts in the past, with some wanting security, some wanting to maximize the number of flights and passengers and convenience. Certainly, security and speed and convenience do not always fit perfectly together. But aviation security functions need to be placed in the hands of those without any conflict of law, those whose sole and paramount focus will be the security of the American people.

Finally, it is obvious there will be costs associated with this. If, in fact, the question of airline security becomes a function of the Government—which is something I support, and I believe has bipartisan support in this body—there are opportunities to use existing funds, such as the airport trust fund. I, for one, would be willing to look at additional ways to secure that revenue. And there has been a debate of an aviation security trust fund. We are all aware that our constituents are saying, in great numbers, that they would be willing to pay a bit more for aviation security.

Let’s look at using existing funds more efficiently, but if that does not do

the job, clearly, responding to our constituents, and getting the job done, even if it requires some additional charges, will be necessary.

Finally, I think we ought to be especially concerned about smaller, more rural airports. It is clear they are not going to be able to afford some security measures. Let’s be clear to the public that we are not going to allow rural airports to be security-sacrifice zones, in effect, written off by the Congress.

In considering the cost of the massive airline security overhaul, we are all going to remember the numbers of last week. It is going to require additional funds to rebuild the Pentagon, to rebuild New York City. To me, to say the cost of improving airline security is too great is not an argument that is acceptable. The country expects us to do what it takes and to work together to get the job done.

Let me conclude this morning with one last point. I came to the Chamber this morning to go through the 15-year chronology of inaction with respect to aviation security so as to set out on the record how again and again the inspector general and the General Accounting Office have laid bare the vulnerabilities of our aviation system.

I want to make clear, again, I am not interested in assessing blame. When we look at the various executive branch leaders, when we look at the Congress, when we look at those in the various interest groups, including the airline industry, all of them would now say that if they could do it again, it would be very different. We would not have this pattern, from 1987 until September 11, at the very least, that constantly resulted in this cycle of tragedy, outrage, recommendations, and then essentially slow motion implementation.

I do not want to be back here in 6 months or a year. I don’t want to be back in just a few months waiting with the distinguished Senator from North Dakota and the President of the Senate, waiting in a line to give speeches about yet another tragedy. The American people know their elected officials share their grief right now. What they want to see is that we can get the job done, that this time it is going to be different. This time the Congress is going to take the to-do list that has been spelled out by the General Accounting Office and the inspector general for years now and, without any more delay, that to-do list is going to be put in place and the American people will have every possible measure of security as they fly in our skies.

I yield the floor.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. 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. DAYTON. Madam President, I ask unanimous consent that I be permitted to speak for up to 5 minutes as in morning business.

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

(The remarks of Mr. DAYTON are printed in today's RECORD under "Morning Business.")

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

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

(The remarks of Mr. DORGAN and Mr. ALLEN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

(The remarks of Mr. ALLEN pertaining to the introduction of S. 1433 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. CARNAHAN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mrs. CARNAHAN. Mr. President, last Tuesday's terrorist attack is having an immeasurable effect on our country. We are a nation of heavy and broken hearts devastated by the tremendous loss of life, property, and sense of security. My heart goes out to the victims and their families. We continue to take solace in the heroic deeds of the rescue workers and the patriotic response of Americans across the country.

September 11 was a dark day in our history. But we have had dark days before.

In the midst of World War II, Thornton Wilder wrote:

Every good and worthwhile thing stands moment by moment on the razor edge of danger and must be fought for whether it is a home, or a field, or a country.

We will lead the fight for freedom today. And, as in times past, we will be victorious.

Last week Congress acted with unity and speed to respond to the attack on our people. We are authorized the use

of force. We provided \$40 billion for the relief effort.

We must deal promptly and decisively on another front. The ongoing stability of the aviation industry must be an immediate priority.

First of all, we need to act quickly to heighten security in our airports and on commercial aircraft. We must make Americans feel safe so that they will continue to fly.

Unfortunately, improving security will not be enough. Our Nation's airlines are clearly suffering as a result of the Federal Aviation Administration's decision to ground commercial aircraft last week. While most airlines began operating again last Thursday, it is unclear when carriers will be able to resume their full schedules. Moreover, it appears that ticket sales are declining, which will further weaken this already distressed industry.

We must respond to this crisis to ensure that last week's attackers do not succeed in bringing down our Nation's airlines. This Congress must provide a meaningful economic recovery package to help stabilize the airline industry.

A number of proposals are currently being considered. They include extending credit or guaranteed loans to the airlines and providing direct compensation for losses sustained as a result of last week's events. I am extremely supportive of these measures.

I also believe that any relief package for the airlines must include an additional component to provide assistance to displaced workers. This Congress must demonstrate that while we stand ready to bolster the airline industry, we are also committed to supporting the men and women who represent its heart and soul.

I fear that even if a stabilization package for the airlines is expeditiously approved, a certain number of layoffs are inevitable.

Midway Airlines has already been forced to suspend all of its flight operations and will lay off its remaining 1,700 employees. Continental Airlines announced that it was furloughing 12,000 of its employees. Airline executives estimate that as many as 100,000 workers could lose their jobs in the next few weeks.

The problems afflicting the airline industry will have a devastating impact on thousands of hard-working men and women. I believe we must enact a meaningful relief package designed to both reinforce the airline industry and provide support for displaced workers.

I am currently crafting a proposal to provide support for displaced workers. We do not know how long these employees will be out of work or indeed if they will ever be able to be employed by the airline industry again. They are going to need financial assistance. They are going to need retraining. And they are going to need health coverage. As with other aspects of the disaster relief effort, the Federal Government needs to take the lead.

Our airline industry needs help. So do its many employees. I am com-

mitted to ensuring that assistance for displaced workers is part of the larger airline relief package that we will take up in the days ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

## ENERGY AND NATIONAL SECURITY

Mr. MURKOWSKI. Mr. President, let me take the floor to clarify a rumor that is circulating among some of the media that has been drawn to the attention of our office—that somehow the Senator from Alaska is in the process of offering an amendment to the Department of Defense authorization bill proposing the opening of ANWR. That is certainly not the case. It would be inappropriate and in poor taste.

I resent the fact that these rumors are being circulated by some groups that have not even taken the time to contact our office, let alone contact me personally. Our press department has had several inquiries from members of the media asking if that is our intent. Where these rumors are generated from I don't know. But if I get the opportunity to find out, it is my intention to enter them into the RECORD.

Obviously, the activities of the last several days and the tragedy in New York on the 11th of September brought about the reality that, indeed, as we look at terrorism, we have to look at the sources that fund terrorism in the Middle East. We need to make a determination, as we attempt to hold those responsible, to also address the funding mechanism. It is also appropriate that we address our increased dependence on imported sources of energy relative to the vulnerability of the national security of our Nation.

That somehow we would attempt to propose an ANWR amendment to the Department of Defense appropriations bill is something we have not even contemplated, and I resent certain implications of those who reported that it is the intention of the office of the junior Senator from Alaska.

I hope my statement clarifies the RECORD factually. If there are any inquiries, we will be happy to respond to them directly.

My own contention is that there is a place for the consideration of the matter of domestic energy development, including ANWR. That belongs in the energy bill where it should be debated and evaluated fairly by all individual Members based on its merits and in the interest of national security and the national interest of our Nation.

It is my hope that we can work with the committee chairman, Senator BINGAMAN, to bring forward an energy