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| Dorgan | Johnson | Roberts |
| Durbin | Kennedy | Rockefeller |
| Edwards | Kerry | Santorum |
| Ensign | Kohl | Sarbanes |
| Enzi | Kyl | Schumer |
| Feingold | Landrieu | Sessions |
| Feinstein | Leahy | Shelby |
| Fitzgerald | Levin | Smith (NH) |
| Frist | Lieberman | Smith (OR) |
| Graham | Lincoln | Snowe |
| Gramm | Lott | Specter |
| Grassley | Lugar | Stabenow |
| Gregg | McCain | Stevens |
| Hagel | McConnell | Thomas |
| Harkin | Mikulski | Thompson |
| Hatch | Miller | Thurmond |
| Helms | Murkowski | Torricelli |
| Hollings | Murray | Voinovich |
| Hutchinson | Nelson (FL) | Warner |
| Hutchison | Nelson (NE) | Wellstone |
| Inhofe | Nickles | Wyden |
| Inouye | Reed | |
| Jeffords | Reid | |

The PRESIDING OFFICER. Under the previous order, the President is notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Under the previous order, the Senator from Ohio is recognized.

FEDERALIZATION OF AVIATION SECURITY

Mr. DEWINE. Mr. President, let me first thank Senator HOLLINGS and Senator MCCAIN for their hard work and diligence in getting the aviation security bill passed this evening. I congratulate them for this accomplishment.

Let me also thank and commend my colleague from Montana, Senator BURNS, for his contribution to this bill. I cosponsored and I spoke earlier today in support of his amendment to put certain aspects of aviation security in the hands of the Justice Department.

I support this effort because the Justice Department is in the law enforcement and security business. The Department has a law enforcement mindset, a security mindset, and that is the mindset, a way of thinking, that is essential to making sure our airports and aircraft are safe and our people are secure.

Having said that, the bill we passed today, though it has some very good and very important provisions, also has, in my opinion, a very significant problem. That problem is the bill as currently written mandates all security functions at the Nation's major airports be handled exclusively by Federal employees. I believe this is a problem because this provision does not allow for the hiring flexibility necessary to protect the traveling public. How can this Congress say with absolute certainty that a 100-percent federalized security force will in every case do the best job in carrying out security measures? I do not think we really can say that.

The reality is we do not know right now. Yes, we do know we need the Federal Government to be in charge at our airports, and this bill, thank Heavens, does that. I also believe strongly that flexibility is key to determining the best makeup of the security workforce. Flexibility in hiring between Federal workers and private contractors is absolutely essential.

At the same time, we need the Government to establish and enforce higher, more stringent security standards. That is clear. The Government must set the security standards. The Government must be in charge. The Government must assess the risks, set the standards, and then test compliance with those standards. The standards, yes, must be strict and they must be tough and they must be comprehensive.

The public demands we do this, and the public is right. That does not nec-

essarily mean a 100-percent federalized security workforce at our airports is in every case going to be the best security; that somehow a Federal takeover and full Government presence at our airports will restore the public's confidence in air travel. Rather, higher standards and enforcement of those standards by our Government will give the public back its trust in the system.

There are certainly gaps in our current airport security system. The way security works now is the airlines that have the biggest presence at a given airport usually are the ones responsible for hiring contract security employees. Not surprisingly, the jobs normally go to the lowest bidders. It should come as no shock that current security is not what it should be. Screeners of baggage are low-skilled, low-paid employees. Turnover is subsequently often as high as 100 percent in a given year, with the average employee today staying no longer than 6 months in that job.

The fact is, unless there is accountability, unless there is a way to ensure the security personnel are doing their jobs, we cannot protect the traveling public. If private sector personnel are not doing the job, we will and can cancel their contract. It is that simple. They have a very real and very practical incentive to do a good job.

Further, it is difficult for the Government to be in the business of "regulating security" and carrying out its actual operation. Other nations around the world don't do it that way. Israel, with one of the best security records and one of the most dangerous terrorist-ridden parts of the world, does not do it that way. They do not do what this bill mandates.

Most nations in Europe had total federalization, and now they have changed to a mixed system. Most of the countries in Europe, as the chart indicates, contract out well over a majority of the security operations while the government maintains the regulatory role.

The average Federal private personnel split in airport security across Europe is 85-percent private employees, mostly handling screening; 15 percent are government employees, performing the main law enforcement duties. The chart clearly shows this. European passenger screening is the responsibility of the government, not the airlines, but the European governments, in turn, have the flexibility to use either civil servants or private contractors to do the job. This works and it works very well. It is a public-private mix.

A recent FAA study found airport screeners in an unnamed European country were twice as likely as their American counterparts to spot dangerous items in scanned baggage. Additionally, in European airports they have a 2.5 times greater personnel outlay than in the United States. They pay more. The cost is 2½ times for security in Europe than in the United States. We see the results.

The fact is, privately contracted security personnel in Europe are seen as

The nomination was confirmed.

NOTE ON NOMINATION OF MICHAEL P. MILLS

The PRESIDING OFFICER. The clerk will report the nomination Michael P. Mills.

The legislative clerk read the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Vermont (Mr. JEFFORDS) was 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. 298 Ex.]

YEAS—98

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

NOT VOTING—2

Dodd Jeffords

The nomination was confirmed.

professionals. They take their jobs very seriously and the public respects that. It is no secret that there is a perception problem at home at our airports about the image of the current airport screening workforce. I understand that. But the way to repair that image is by setting better standards, repair that by raising the bar.

Like the U.S. Marshals I spoke about earlier today, the men and women tasked with protecting our Federal buildings and our courtrooms, we respect them. They do a fine job. The Marshal Service is able to do this great job largely because it sets high standards and then contracts out many of the functions of its security in the protection of our courtrooms and courthouses. For example, the Federal Marshal Service hires and manages about 3,300 contracted court security officers, CSOs. They are mostly, as we would expect, former law enforcement personnel who assist with the court security. They get the job done. They do it well. That blend works very well. The Marshal Service stays in charge, they are the professionals, but they contract out a portion of what they do.

There is no question we need to pay people better. We need to train them better, and we need to make this a professionalized workforce, one that gets respect and reflects the importance of the work they do. We need to think about things differently. The first step in doing so involves improving and enhancing security measures at our airports. That means we need better standards; we need better enforcement.

I hope by the time this bill reaches the President, we will have given the executive branch more flexibility. What we really need to do is to say to the executive branch and through our legislation, set higher standards. Then give them the job. Whether that is the Justice Department, the FAA, give the administration the job to get that job done and then hold them accountable.

When you give someone a job, when you say you are going to hold them accountable and when you set high standards but give them the obligation to get the job done, it only makes sense to allow them some flexibility in deciding how best to get that job done. Judge them by the results but give them the flexibility.

I hope we will look at this again, and by the time this bill finally reaches the President of the United States, we will give the President the tools he needs to get the job done for our security.

I yield the floor.

CARNAHAN AMENDMENT NO. 1855

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. VOINOVICH. Mr. President, I rise today to speak about fiscal responsibility. Before I begin, I take a moment to discuss the Carnahan amendment to the aviation security bill. First, I congratulate Senator McCAIN

and Senator HOLLINGS for the passage of the airport security bill. The passage of that bill is long overdue. It is needed to secure our airports and aviation and to build confidence in the American public.

One of the things that has gone unmentioned is most economists agree one of the best things we can do to get the economy off the ground is to get our airlines into the air.

My constituents in Ohio have a significant stake in this bill because Ohio has a significant aviation presence. In fact, with no disrespect to my good friends from North Carolina, Ohio is the birth place of aviation since the Wright brothers hailed from Dayton and honed their skills in Ohio. They just happened to test out the "flyer" at Kitty Hawk.

Today, a number of airlines have hubs in Ohio: Continental in Cleveland, Delta in Cincinnati, America West has a big presence in Columbus.

Thousands of men and women working in the airline industry are hurting. I greatly appreciate the effort of my colleague from Missouri to aid them. There is no question the aviation sector has suffered particularly hard from this economic downturn and was hit right in the eye with the terrorist attack on September 11. However, as my colleagues well know, there are tens of thousands around the country who have lost their jobs in the past few months. There are tens of thousands more who are facing tough times, particularly in manufacturing States such as Ohio. There are thousands of Ohioans who lost their jobs in the steel mills, in the polymer industry, and in the auto plants. According to the most recent statistics from the Ohio Department of Jobs and Family Services, 250,000 Ohioans today are unemployed. This figure is before September 11. Now, undoubtedly that number is larger. The vast majority of these workers would not benefit from the provisions of the Carnahan amendment.

It is very important that whatever assistance Congress renders to the workers of this Nation, it is not just restricted to a set of workers.

I would have offered an amendment to the airport security bill, but I felt it would delay the bill and I also felt it would be more properly a part of the economic stimulus package. I intend to offer an amendment to that package when it comes before the Senate. I hope that happens quite soon.

ALTERED FISCAL PRIORITIES

Mr. VOINOVICH. Mr. President, discussions of the budget that once dominated the news headlines have been eclipsed since the world was forever changed by the horrendous events of September 11, and no one knows more about those events than the Presiding Officer.

Perhaps one of the most significant changes resulting from the terrorist attacks is how significantly our fiscal

priorities have been altered. Almost instantly the debate shifted from how to protect the Social Security surplus to how we should spend it to pay for counterterrorism and homeland defense efforts and stimulate the economy.

By necessity, this dramatic change in our fiscal situation calls for Congress to sort out our top priorities between those that existed before September 11 and which continue to demand our attention and our new priorities, defending our homeland, fighting terrorism, and boosting the economy. We will commit the resources that are needed to succeed in this challenge and we will obtain those resources in whatever way is necessary.

Some of my colleagues will remember that prior to the events of September 11 I was working closely with the administration and several of my colleagues on a bill designed to protect the Social Security surplus, control spending, and ensure debt reduction. That legislation had two exceptions: recession and war. If it had been in place, both of these exceptions would apply.

Having said that, I emphatically say to my colleagues that the need for fiscal discipline is greater now than ever before. It must not be a casualty of September 11. We still need to prioritize our spending and we still need to make hard choices. As I said, the events of September 11 changed everything, and they have also changed our fiscal outlook for years to come.

Over the past few fiscal years, sustained by peace, prosperity, and assuredness, our Nation has had record budget surpluses. Unfortunately, the existence of surpluses has had an undesirable effect. Congress has expanded the Government, created new programs, and dramatically increased spending in others. The speed at which the fiscal fortunes of the Federal Government have shifted is astounding. Almost 8 months ago, CBO projected we would run an on-budget surplus for fiscal year 2001 of \$125 billion, as well as a \$156 billion Social Security surplus—a total of \$281 billion that was supposed to be used for debt reduction.

However, on September 26, the CBO released its monthly budget review and revealed a much different story. According to the CBO, when all is said and done the total unified budget surplus in fiscal year 2001 will be \$121 billion, a change of \$160 billion from the January estimate. This means Congress used \$40 billion of the Social Security surplus to fund the general Government activities.

The news for fiscal year 2002 is equally sobering. Last week the Senate Budget Committee, working in a bipartisan manner, released new figures on the budget outlook for fiscal year 2002 through fiscal year 2011. The committee predicts that we are on track to spend the entire Social Security surplus in the 2002 fiscal year, and most or part of the Social Security surplus in the following year.