

This program has helped thousands of women. One success story is particularly close to me as it happened in my district. Brandon Pope, a 5-year-old boy, used a donated phone to save his mother's life in Centralia, Illinois. Brandon's mother, Sandra, was a victim of systemic abuse from her husband. She sought assistance from a domestic abuse help center, and received an emergency wireless phone through the Call to Protect program.

Unfortunately, the physical effects of the domestic abuse caused Sandra to have occasional seizures. In February, Sandra suffered a particular strong seizure that caused her to fall and lose consciousness. Having learned about 9-1-1 in his Head Start class, Brandon used his mom's wireless phone to call for help. Paramedics arrived on the scene and quickly administered treatment. The wireless phone donated to Sandra was the family's only means of communication.

This is only one story of many where ordinary citizens and community organizations come to the aid of a victim of domestic abuse.

Mr. Speaker, I would like to especially thank the Cellular Telecommunications Industry Association, CTIA, who run the Call to Protect program; and Motorola who refurbishes all of the donated phones so victims have access to emergency numbers. Due to the services of these companies, this program truly saves lives.

NO RED LINE THAT TERRORISTS WILL NOT CROSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, the Cold War is over, and the world is a more dangerous place. September 11 and the carnage that followed proved to us that there is no red line. There is no line that terrorists will not cross. There is no limit to what they might and in fact will do.

We are in a race with terrorists to prevent them from getting a better delivery system for chemical and biological agents, to get nuclear waste material to explode in a bomb, a conventional bomb, or even to get a nuclear weapon. They will use all of those weapons because there is no red line to them.

It is not a question of if we will face a chemical or biological attack. As we are finding out, it is a question of when, where and of what magnitude. Not every attack will be the thousand-year storm or the hundred-year storm, and we are not going to wait on our roofs with an umbrella over our heads in anticipation of that. We are going to get on with our lives, but we need to know that we are truly in a race.

We are at war. This war requires us to do what three commissions have

told us: The Gilmore Commission, the Bremer Commission, and the Hart-Rudman Commission. They said we need to have a proper assessment of the terrorist threat, we need to have a strategy to face this terrorist threat, and we need to organize our government to be more effective.

Tom Ridge and his Office of Homeland Security is going to have to work overtime in understanding what we face, making the assessment of the terrorist threat with others who will be helping him, and develop that strategy and then organize the government to respond.

One of the issues that we will be debating tomorrow is airport security. I am amazed with the amount of time and effort that is being spent discussing whether they be Federal employees or not Federal employees. That is not the issue. The issue is safety. They could be Federal employees and provide very good service to the country, and they could not be and provide very good service to the country. The key is that they be professionals, that they view this as a job that they want to develop an expertise in, and that they gain knowledge and provide tremendous energy in carrying out their duties.

My biggest concern with airport security is obviously safety. It is safety in making sure that we do not have bombs in the belly of aircraft. As things stand now, we do not check the luggage when it is put in the plane, and I am grateful that the majority party has looked to address this issue, that they are putting in the manager's amendment an amendment that will require that by the end of the year 2003, that all baggage will be checked that goes in the belly of an airplane to make sure that we do not have Pan Am 103 and others like it in the years to come.

Mr. Speaker, I would like to say that the Special Order by the gentleman from Minnesota (Mr. GUTKNECHT) about the *Lutjens* and its respect for our American sailors touched my heart as well, and I am happy the gentleman talked about it today.

AIRLINE SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, the topic I want to talk about tonight, and I am pleased very much to be joined by several of my colleagues, including the gentleman from New Hampshire (Mr. BASS), the gentleman from South Dakota (Mr. THUNE), the gentleman from Illinois (Mr. KIRK), and the gentleman from Pennsylvania (Ms. HART), is the topic that we will be debating on

the floor tomorrow, and it is a topic of great concern for every single American, and that is the security of our airline system and our air travel system here in this country.

Tomorrow we will debate airline security legislation, and it is very important that we do that because we are being urged by some to rush to judgment and pass the bill that the Senate has already passed.

□ 1830

I do not think it is appropriate to ever rush to judgment when you are legislating. Legislation becomes permanent, it becomes the law of the land, and it is binding and cannot be changed until the Congress meets again to change it. And so I think we have a duty to do that conscientiously and thoughtfully.

I want to begin by talking about what this debate is really about and what it is not about. First of all and most importantly, for the people of America, for American families who vacation by taking an airplane someplace and for American businesswomen and businessmen who have to travel on our Nation's airlines to do the business of this Nation, the issue is, how do we create the absolute safest, most secure airline system and air passenger system in the world?

As is sadly often the case in these debates on the floor, a lot of people try to hide the ball and not focus on what really is the issue. I think it is very, very important to understand that both sides in this debate believe passionately that we need to create the safest system. One side says, the Senate bill has already done that; the other side is saying, "No, wait a minute, let's take a look at that legislation."

But I want it understood that, although people may have heard that this is a partisan debate, I and my colleagues who will speak tonight on this issue do not believe that this is a partisan issue. We believe that this is an issue solely about the safety of our airline system, aviation safety in America and how to create the best possible system and the safest possible system. There is not a Republican way to do that or a Democrat way to do that, and this is not about somebody's motives. This is about how do we do it best, how do we create the best and the safest system.

Those of us who will be arguing for the House bill tomorrow and arguing it for tonight genuinely believe that it is a better piece of legislation, that it will go further and do more to protect the American people, and that there are serious problems with the Senate bill. I do not question the motives of the Senators who wrote the Senate bill. I do not question that they intended to make some mistakes in that bill; they did not intend to make mistakes. But as this discussion tonight, I

think, will illustrate, there are some serious flaws in that legislation that deserve to be debated and scrutinized and analyzed; and if, in fact, they are flaws, then they ought to be corrected in the process. That is what we are trying to do.

Secondly, having said that this is about creating the safest aviation system in the world, I want to make it very, very clear that this is not about the current system. I want to put up a chart here that shows that system.

A few moments ago on this floor, one of my colleagues stood up and said that the proponents of the House bill want to, and this is a direct quote, he said, perpetuate that system, referring to the current system of aviation security; and he said they wanted to do that because it is profitable for the companies, and he said we want to keep the same companies that are currently doing the job.

I want it understood in the clearest possible terms that every one of my colleagues in this Congress and every American can download the House bill and can discover for themselves what I am about to tell you, and that is that those statements that the House bill perpetuate the current system, that we are doing so because it is profitable for those companies and that we would keep the same companies are absolutely, totally, abjectly false and no honest debate can go forward on untruthful information.

The current system in America which that Member of Congress was referring to requires the airlines of America, American Airlines in my home State, America West, United, you pick it, to hire the guards that perform the screening of passengers as they board airplanes. They are hired by the airlines and they are private companies. I want to refer to this chart over here. Under the current system, the airlines hire private companies and there is absolutely no Federal supervision, no Federal law enforcement supervision of the personnel that do those jobs.

Let me make this point clear; I want to drive it home over and over again in this debate. No one is proposing that we keep that system. No one is proposing that we continue to rely on the existing airlines to hire the current private companies. So all the anecdotal information that you heard here on the floor about those companies are being indicted, those companies have hired felons, those companies underpay, those companies have perhaps even lied or perjured themselves, none of that is relevant to this debate because the current system is gone. It is absolutely, totally gone.

The airlines, following the effective date of this legislation, will not hire or be responsible for hiring or paying for the individuals who do the screening. Under the House committee bill, the

Transportation Committee bill, the bill that I believe is a more thoughtful and better product, responsibility for airline security, aviation security, is handed over to the Federal Government and it is performed by Federal law enforcement personnel at every single site. Let me just put up a little chart that shows that.

This is a schematic of the system that would be in existence following the passage of this legislation. If you see this little green man down here, he is a passenger. When they come on board, that passenger's baggage, carry-on baggage is screened, right here. Federal personnel are at that gate, are at that checkpoint to screen that carry-on baggage. His checked baggage goes through, and as the gentleman from Connecticut (Mr. SHAYS) was just explaining, that checked baggage will be screened by personnel who are either Federal employees or who are being currently supervised at that site, at that moment, by Federal employees.

You go on through the system and there are other personnel, there is camera surveillance, there are Federal marshals. Every little blue man that you see on this screen is Federal Government law enforcement personnel or is somebody trained and currently being supervised right on site, at that location, by a Federal Government employee who is a law enforcement officer.

The difference, and we will go into this in greater detail as we continue this discussion, between the House bill and the Senate bill, which I believe is flawed, and we will walk through the flaws in the Senate bill, is that they say in the Senate bill, every single employee on this screen, indeed perhaps the food handlers, perhaps the people who clean the planes, perhaps the mechanics, would have to be a Federal employee or at least they would have to be screened by a Federal employee; and we say it can be a mix. We support that mix because that is in fact the system that is used throughout Europe and in Israel by El Al, the airline that is the most targeted of any airline in the world.

I just want to make this point one more time. You are going to hear all day tomorrow that this is terrible. I just want to read these points again because they are so important. The gentleman actually accused Members on this side of the aisle and some of the leadership on this side of the aisle of wanting to perpetuate the current system because it is profitable to the current companies, and they want to keep those same companies.

That is abjectly false. The current system is gone. No longer will airlines hire the screening personnel, no longer will they be the employees of Argenbright or the other companies, they will in fact be private contractors, contracted to the Federal Government

and overseen by Federal Government employees on site, law enforcement personnel.

I want to turn to one more point before I defer to some of my colleagues. We talked a little bit about the Senate bill, and I want to just lay the groundwork for the key problems with that Senate bill which we are being urged to just adopt, go ahead and adopt it, and tomorrow it will be here on the floor as either a substitute or it will be here on the floor as a motion to recommit. Let us talk about some of the problems with that Senate bill just in outline form before I turn to some of my colleagues.

Number one, one of the most critical problems on September 11 was that some of the terrorists penetrated our system, although there is no evidence that there was a failure by the screening personnel at any airport because the weapons they carried on board were legal at the time, but they penetrated the system by going to small airports and flying from those small airports to bigger airports. At least it is clear they tried to do it in that fashion.

One of the incredible things about the Senate bill is, it treats small airports and big airports differently. It assigns the responsibility for large airports to the Attorney General and says that will be Federal. But it says, on the other hand, if it is a small airport, well, he, the Attorney General, can decide to hand that responsibility over to local law enforcement.

I would suggest that if local law enforcement is good enough for small airports, it is good enough for large airports, and if it is not good enough for large airports, it is not good enough for small airports. We cannot have a separate standard.

In my State of Arizona, we have a couple of very, very large airports. If you go through those, you would go through one standard. But if you get on at one of the smaller airports in a small town like Yuma or Flagstaff or Prescott or Page, when you land in Phoenix, you are inside the security perimeter. You do not get checked again.

Why in the world would we have an unequal standard, an unequal set of responsibilities, for those different size airports under this legislation? I think it is a serious flaw. I do not think the drafters of the Senate bill intended it, but it is there.

There is another problem with regard to that, and that is the fairness of the fees. The Senate legislation says, if you are lucky enough to fly from a big airport to another big airport, you are going to pay one fee. If you are not lucky enough to do that, because you live in a small State or in a small town and you have to fly a small commuter plane from your small town to a big city, you pay at least double the fee of anyone who lives in a large city. That seems to me to be unfair.

Another issue in the Senate bill, and I just want to touch on these briefly in outline form and we can go into greater detail later, there is a clear question about the accountability of the Federal employees that are mandated in this Senate bill, which creates a strait-jacket and says every single employee must be a Federal employee because by getting their paycheck from the Federal Government, somehow that would make the airlines safe.

The problem with that language is detailed, and I will go into it later, but fundamentally it is not clear that those employees do not have civil service protection. Nowhere in the bill does it say that they do not have the civil service protection created by title 5. It does not say that they are at-will employees, though I know that some of the sponsors of the Senate bill believe they are at-will employees, and it does not exempt them from civil service in the same fashion as we have done in the past.

I want to touch briefly on the House bill, just to make sure that everybody understands that legislation and understands it clearly, as contrasted with the current system which is a flawed system and which, although my colleague attacked it earlier and said that is what we were trying to have, that is not at all what we are trying to have.

The current House bill, created by the Committee on Transportation and Infrastructure, the bill of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) says, number one, there will be Federal supervision of screening personnel at every single security gate, at every single baggage check location. You will all be screened at a location where there are federally trained people present, including law enforcement officers or military personnel, with the capability and the ability to question someone trying to board a plane and, if necessary, to make an arrest of that person.

Second, it says that there will be Federal personnel at every checkpoint.

Third, it sets Federal standards.

And, fourth, it requires that they be either Federal law enforcement personnel or, as is happening in the case right now, military personnel. I could go on talking about these issues, but I know there are many of my colleagues that would like to get in on this discussion.

Let me first start with the gentleman from New Hampshire (Mr. BASS).

□ 1845

Mr. BASS. I thank the gentleman for yielding to me. I was glad to yield to my friend from New York to make it possible to bring this important piece of legislation to the floor tomorrow. It is important. It is important because Americans demand, expect and will get

aviation safety with the passage of the bill we are going to consider tomorrow.

My good friend from Arizona has talked at some length about the differences between the Senate and the House bill, and they are significant, and they are important, and it is critical that this body adopt the Mica-Young version of the bill, because it does what it needs to do, it does it quickly, and it does it effectively.

There are four aspects of this bill that are important to understand.

Number one, the Republican bill provides for real safety. It has enhanced security screening by creating Federal standards, Federal control, Federal supervision, but it does it quickly and it does it without months and possibly years of training that it would take to get personnel in place under the bill passed by the Senate.

It also provides for accountability. It provides for a zero tolerance policy for every federally certified baggage screener.

It provides for quality, incorporating the very best manager practices by hiring qualified baggage screeners and going through thorough background checks and investigation. We have heard a lot of rhetoric about how the status quo will continue under the Republican plan. Well, my friend from Arizona from the very beginning has pointed out the system will be different, the system will be reliable, and the system we are proposing will work.

Let me give Members some observations about where I see airport security at this point. As one who myself, and I think almost everybody else in this body, we are frequent fliers and we fly back and forth to our districts every week. The reality of it is that airport security today, in my opinion, is dysfunctional. You have huge lines for checking bags, and little or no baggage screening. You have enormous lines in some concourses for security screening.

I was up at an airport in the area the other day, I paced it off, there was a 1,000-foot line to get through two security screening areas. There were three available, but only two were running.

The airlines need to get the business customer back. Otherwise, this body and this government is going to be subsidizing the airline industry indefinitely. If we want exactly what we have to do, 1,000-foot lines, dysfunctional airports, vote for the substitute motion, vote for the Senate bill, because what it does is it institutes a system which is totally federally employed that will not be flexible, will not be able to reflect the realities of having to provide efficient, quick, but effective safety procedures at airports, and we will have what we have today indefinitely. We will wait for 4 or 5 years for new rules to come to make minor changes that will make airline systems run better.

Under the Republican plan, or under the plan that I support, there is Fed-

eral supervision, Federal rule making, Federal standards, but the airport authorities can adjust the system to reflect for the size of the airport or the type of system or the way the building is constructed. The employees can be trained where they qualify from the existing workforce, and it happens quickly.

But what is most important about this is that the airlines will have some input in being able to attract the business customer back by offering innovative ways for frequent fliers to get from one side of the airport to the other.

Let me give an example. If you fly two or three times a week and you are willing to undergo a complete background check, maybe a retinal scan and other things, maybe you can get to your gate more quickly than somebody who does not fly very much at all or somebody that does not want to divulge any personal information.

This kind of a concept, which could easily be implemented under the Republican plan, is unlikely to be practical under the Senate plan because the Senate plan is a one-size-fits-all approach to a problem that differs in every single airport.

I hope that Americans understand that Democrats, Republicans, the Senate, the House, liberals, conservatives, we all share the same objective, and that objective is moving forward in a productive manner to provide real, serious, effective and quick airport safety. I would suggest to my friend from Arizona and to the Speaker that our plan will do it, and it will do it right.

Mr. SHADEGG. I thank the gentleman for his participation. I know he has thoughtfully studied this legislation and cares very much, as we all do, about airline security, about making sure we have the safest system, and not about doing a quick and easy fix of just saying well, if we make them Federal employees, that will solve the problem.

There are serious problems with the Senate bill, beginning with this issue of should we have a different set of responsibilities for small airports and should people who live in small towns pay a different price?

The gentleman is from New Hampshire. I wonder if he has given the question any thought of why should we have different responsibility at those smaller airports than we have at the larger airports and how fair is it to say to people who live in small towns, you are going to pay more than people who live in large towns?

Mr. BASS. If the gentleman will yield further briefly, when you have a system that applies a block standard at this point and a block standard at that point, you tend to get situations that do not work in some instances.

Let me give one example. I note with some dismay that airport parking lots now that are within 300 yards, I believe, of the terminal, are blocked off.

In some instances, in the Manchester Airport in New Hampshire, that means that two-thirds of the entire parking area is blocked off and cannot be used and you cannot go around. I can go through the details.

But the fact is that if we continue with the system that has been implemented now, these airports are going to continue to be dysfunctional. We need to have a system that applies the same standards to all the airports, big or small, so we do not have the situation discussed earlier where we do not have people properly checked getting into a properly screened area, but, secondly, these airport authorities need to get waivers and be able to make the airports work.

Mr. SHADEGG. We are joined by my colleague the gentleman from South Dakota (Mr. THUNE). I know he has concerns about this disparate treatment of small versus large airports.

Mr. THUNE. I thank the gentleman from Arizona for yielding, and I would simply echo some of what my colleague from New Hampshire said, that those of us who represent more rural areas of the country, this creates enormous problems.

I again would harken back to what the gentleman from Arizona said in his opening remarks, and that is the overriding concern here ought to be safety. We have got a lot of discussion and debate that will go on the floor tomorrow, there already has been in the buildup to this debate, and there has been a lot of talk about who ought to do this checking, and there has been some argument whether it ought to be Federal employees, whether it ought to be private contractors.

I think the bottom line is, it ought to be the best system put in place that will enable us to provide the highest level of security and safety for people who travel.

Frankly, the bill that we will debate tomorrow, the Mica-Young bill that came out of the committee, and I serve on the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, does not in fact preclude the use of Federal employees. In fact, it steps up Federal standards, Federal supervision, Federal enforcement, and in many cases there will be Federal employees who are employed for the specific purpose of providing security and safety to air travelers as they travel through the airports in this country and get from their origin to their destination.

But the bottom line, again, Mr. Speaker, and I would say harkening back to what the gentleman said earlier, is this really is about safety. What is the best system? How do we achieve the objective of making sure that people in this country who travel are protected and are safe and secure until they get to their destination, without respect to the argument about whether

or not they should be or should not be Federal employees. That is an issue which, frankly, the discretion is provided to the administration. The President has asked for this authority in this particular legislation for him to decide, for the FAA, the DOT, the Justice Department, to decide if in fact these ought to be Federal employees.

Now, there are circumstances in which it might make sense to come up with another practice which would achieve the same level of safety, be more efficient and more cost-effective, and that is a decision that, frankly, our legislation allows, that basically puts it under the auspices of the administration. That is what the President has requested, and it gives him the flexibility and the discretion, and I think that is an approach that makes a lot of sense.

Now, let me speak specifically, if I might, again, to the points raised earlier about the impact of the Senate legislation, if it becomes the final law of the land, on smaller, more rural airports.

I come from a state that has 77,000 square miles and 730,000 people. Under the Senate legislation, as I read it, as I understand it, there is only one airport of the seven in my State of South Dakota that would be covered under the 142 airport standard in the Senate bill, which essentially relegates the other six airports in South Dakota to the status of second class airports.

We are going to have different standards of safety and security for people who travel and board airplanes in Wiertown and Aberdeen and Huron and Pierre and Rapid City than those who board planes in L.A. and San Francisco and Chicago and Boston and places like that.

So I do not think, Mr. Speaker, that that makes a lot of sense. I do not think we want to create a two-tiered system, a two-class system, in effect, which will essentially treat travelers in rural areas of the country better than those who board airplanes at the more populated areas in the urban areas of this country.

The second thing that has already been noted is not only does it provide or apply a different level of safety and security to people who board at rural airports, it also assesses them a higher fee. They are going to in effect subsidize people who fly from larger airports for levels of safety and security that they are not going to have the same level set for rural airports.

So I think for a lot of reasons, one, it applies a different level, a different standard, to people who board at airports in smaller rural airports in this country, and secondly, it charges passengers a higher fee, because it imposes the fee on each leg of the flight.

I can tell you, there are no places in South Dakota that get direct service. There are no direct flights from Wash-

ington, D.C. to any destinations in South Dakota. We always connect through Minneapolis, through Chicago or St. Louis, and we think we are fortunate to have the air service that we have in my area of the country. But, nevertheless, we do not believe we ought to pay more for that service than people in other parts of the country, and that is in effect what the Senate bill does.

For that reason, it is inherently unfair. I think if one looks at the legislation that we are going to consider tomorrow and how that treats people all around the country, again, it emphasizes and puts in specific priority on making sure that we have a new system in place.

I think the gentleman from Arizona noted in his opening remarks as well that there is not anything about this legislation that accepts as a premise that anything in the current system will stay in place. It is just flatly not true.

We have had our colleagues on the other side of the aisle get up and say that the Republicans want to lock in and their leadership wants to lock in the failed system that we have today. That is patently, flatly untrue, because the system we have today, as the gentleman from Arizona noted, is the airlines who hire those companies. This requires new Federal standards, new Federal supervision, new enforcement. It creates a new, entirely new, system.

So trying to make this a debate about whether we retain the old system is irrelevant. It is not a valid part of this debate. It ought to be discarded. People who are listening to this debate should just tune it out. But that is what we will hear tomorrow.

I also think that the whole issue of whether or not it ought to be Federal employees or not Federal employees, as politically controversial as that may be in the course of the debate, is not the fundamental issue. The fundamental issue is how can we put the safest system in place in the most efficient and cost-effective way that serves the traveling public in this country and treats passengers all across the United States in an equal and fair way?

My concern, as I come to this debate and I look at the legislation that came out of the Senate, is it does create a two-class system. It does create a system that treats unequally people who board from airports in more rural areas of this country, smaller airports, and those in the more populated urban areas, and it also penalizes them by forcing them to pay a higher fee. I find that to be incredibly unfair. I do not think it makes sense.

I think, frankly, that the legislation that we will act on here tomorrow, that the Young-Mica bill puts those safeguards in place, air marshals, strengthens our cockpits, makes sure we have highly screened carry-on and

checked baggage through the highest of inspection equipment, well-positioned, multilayered security forces at all the points throughout the airport, and again we are not excluding or saying that they these should not be Federal employees. We are simply saying that the experts who understand this ought to be making the decisions and that they have a different idea about what works in Rapid City, South Dakota, than what works in Buffalo New York, and that that ought to be a decision they have the flexibility to make.

That is what the President has requested, I think it makes sense, and as we are going to have this discussion tomorrow, it is important that we debunk all the myths that will be put out by the other side who really want to convert this into a political debate rather than a debate about the safety of the traveling public.

So I appreciate the gentleman taking time this evening to discuss this issue. I yield back to him.

Mr. SHADEGG. I thank the gentleman. Let me comment. I want to thank the gentleman for bringing out some of the points that I think are so important to this debate.

As the chart here shows, the current system, which is what was attacked by our colleagues on the other side yesterday and today, just before we started, no doubt if there is an hour special order after ours it will be attacked later, that the current system does not work and that the companies operating it are corrupt.

That system is gone, and I appreciate the gentleman pointing out that the House bill is very, very difficult different from that.

I also think it is important that the gentleman has brought out the fine point, and it is an important distinction, that the House bill, the House Committee on Transportation and Infrastructure bill that some of us believe is the more thoughtful legislation, is being supported by editorials by the Wall Street Journal, the New York Times, the L.A. Times, USA Today, the Chicago Tribune, the Washington Times, the Arizona Republic and USA Today. That legislation importantly does not say that they cannot be Federal employees or that they must be Federal employees.

□ 1900

What it says, as the gentleman accurately points out, is that that is the kind of technical decision on the implementation of the legislation that should not be made by Federal mandate, should not be proscribed and commanded by the Congress as saying, we want the safest skies, but the only way to get there is this way.

I think the gentleman made an excellent point in saying that the Secretary of Transportation under the House bill could, in fact, choose to make them all

Federal employees, make some of them Federal employees. Many of them will be Federal employees, but the discretion is left there.

I would quote from the Washington Post in its editorial. They said, referring to this issue of all-Federal or a mix of Federal and private that "Security could work either way, as long as there is a government agency in charge dedicated to safety only and insisting on overseeing high standards in hiring and training." That is in the House bill. That is what we have. It goes on to point out that a number of European countries and Israel use a mix of private and public.

But I think the gentleman dealt very well with this issue in pointing out that in the House bill, we simply choose not to create a straightjacket saying we want a safe air system and oh, by the way, we, the Congress, know how to do that. Rather, we just say, we want a safe air system; you figure out the right mix and the right way to do that.

I thank the gentleman for his comments. I particularly appreciate his comments about the idiocy of charging people in small towns who have to fly multiple segments more money for the system and having, quite frankly, a different set of responsibilities for those.

If the gentleman wants to add anything further, please do.

Mr. THUNE. Mr. Speaker, I could not agree more. I think the gentleman is exactly right in his assessment in how this impacts different people in different parts of the country. Again, the debate will be shifted tomorrow, as the gentleman has noted, by the other side to try and make this about somehow codifying a failed system that is currently in place. That is absolutely untrue.

This is a system which creates the strongest standards, but I do not think, again, the gentleman made the point, that we as a Congress ought to be making that determination. Frankly, there are people who are a lot better equipped to make those decisions than we are.

Mr. SHADEGG. Mr. Speaker, reclaiming my time, let me yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I know the gentleman has a lot of transportation experts here, and unfortunately, I have an engagement I want to go to. But one of the central questions here is, do we want to support the President of the United States or not. It is that basic.

It amazes me, as I watch television on Sundays, that every week across the aisle, there is a new Senator born who is an expert on security. Yet, I do not recall them being named to any key security committee. They are not in charge on the homeland security. They have not been the foremost experts on terrorism. Yet, suddenly, there are 100

experts on terrorism in the United States Senate, and they want to second-guess the President's team.

I think at this time it is important for us to be supportive of the President and his team of experts, and non-partisan because this is a nonpartisan issue. I am just appalled that every week there is a new Senator who seems to think he has a lock on all of the intelligence that we need to fight terrorism.

I feel real strongly that this House bill gives the President and future presidents, Democrat or Republican, the flexibility they need to secure not just the airways, but all modes of transportation in America. I thank the gentleman.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for participating. I think he makes an excellent point.

The President has said that the Senate bill has problems in it, and we have been talking about some of those problems. One of the problems is, it says there is just one way to do this. The President has said, no, he thinks there are multiple ways to do it. No less than the Washington Post, not exactly an arch right-wing organization, has said, yes, the House bill is a reasonable bill and it would do the job. We just need to get it passed.

I also commend the gentleman for pointing out that as sad as the debate tomorrow will be on the issue of partisanship and one side attacking the other side, saying that because we do not support the Senate bill it is because we are partisan or we are Republican or we love the companies that are currently doing the job, which is rather ridiculous, this really is not a partisan issue. This is about how we make our skies as safe as possible.

On that point, one of the arguments that has been made over here is that we really cannot ever delegate this kind of responsibility to anything other than Federal law enforcement personnel. Well, I came to the United States Congress having in a past life been a member of the Arizona attorney general's office. I spent my life in law enforcement, and my dad was a deputy sheriff before that.

I will tell my colleagues that I do not know many law enforcement personnel who believe standing in front of a screen looking at whether the image inside there reflects a knife or a gun or something is necessarily a law enforcement function, and certainly they do not think that as law enforcement officers, they want to spend their days saying, would you please empty your pockets of change and will you take your laptop out of your briefcase and put it on the shelf, the notion that every person at a checkpoint who says to you, will you please take out your laptop or the change out of your pockets has to be a law enforcement officer.

But on this point of whether or not some of these functions could be performed by a mix of law enforcement personnel and contract personnel who are not Federal law enforcement personnel, I think there is some precedence. I am glad we are joined by the gentleman from Illinois (Mr. KIRK), and I would like to yield to him to address that specific issue.

Mr. KIRK. Mr. Speaker, I thank the gentleman. I would also like to thank the gentleman from South Dakota (Mr. THUNE) for pointing out the difference between the House bill and the Senate bill in treating airports differently.

I represent a district which largely uses O'Hare. We are going to have the highest technical level of security. But we are a feeder airport, and if passengers arriving at O'Hare are coming from rural airports that are not protected, then we are not protected. So his point is exactly right, that the Senate bill does not offer the level of protection that the House bill does.

We want to federalize airport security, but not rigidly nationalize the system. I must note that all 19 hijackers of the September 11 attack were admitted to the United States by Federal workers. While most Federal workers are hard-working, idealistic Americans, their status as civil servants does not guarantee safety in our skies. We must do better. We need an airport security bill in this Congress; we cannot accept the current status quo.

I would note that 90 percent of the screeners at Dulles Airport were not American citizens. Some of the screeners in our country who let terrorists aboard were illegal aliens.

Our bill would replace those screeners with American citizens, and we stand for the basic principle that U.S. citizens should protect U.S. citizens at U.S. airports.

Our bill also requires that all screeners be deputized, Federal transportation security agents. They will have a common uniform, badge, and arrest powers. Their mission will be clear: As Federal transportation security agents, they will ensure that when we fly, we fly safe.

We want these agents to have arrest powers under rules in which they are highly paid and trained. Our models for such security arrangements are two: Israel's El Al Airlines and the U.S. Marshals' Court Security Officer Program.

With regard to El Al, El Al Airlines has operated under a 30-year threat from terrorism. The combined El Al team has defeated attempts by the PLO, the PFLB, Black September and Hezbollah to hijack Israeli airlines. El Al has evolved into a public-private partnership, and its partners in the Israeli Government, as well as its contractors, Israeli Security Agency and Mossad, have formed a team that has defeated all terrorist attacks in the

past. I will note that Mossad regularly tries to screen weapons and explosives aboard Israeli aircraft to test the screeners, and if those screeners fail, they are discharged.

Similarly, let us look at a U.S. program, the U.S. Marshals' Court Security Officer Program. This program started in 1983 and currently employs over 3,000 court security officers. They are privately contracted employees, but they are recruited exclusively with 3 years' minimum police experience. Unlike the current airport screeners that failed us, these court security officers are paid \$16 to \$24 an hour. Their mission is to protect judges, witnesses, juries, prosecutors, and courthouses.

In the courtrooms they face a daunting security threat, a much higher threat, I would note, than what screeners face at airports, and we can think of who would come to a Federal courtroom: mobsters, terrorists, drug gangs, mass murderers. But these court security officers perform their function and perform it well with one key difference between them and civil servants. Court security officers can be discharged immediately for allowing weapons and explosives into a courtroom.

We provide for all screeners in our bill to be U.S. citizens and to be deputized Federal transportation security agents. We give them standards, supervision, and training, but we do not protect them from their own criminal activity or incompetence. Worse than having no screener is a screener who has job protection that would allow him to permit weapons to kill more Americans aboard an aircraft.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to insert into his remarks actually a direct quote from Frank Durinckx, the director of the Belgium Aviation Inspectorate, and he is the guy in Belgium who oversees their security. He says, "It is harder to do quality control on our own government people." And the reason he said that is, government agencies do not like to criticize themselves or one another, and civil servants are hard to get rid of if they are not performing.

He goes on to say, "If we give the work to a private contractor, we have control over them. If we are not pleased with the screener, we can withdraw his license. If we are not pleased with a company, we can get rid of a company."

That is exactly what the gentleman is saying. It gives the United States far more flexibility, and this is security we are talking about. This is not politics, this is not creating jobs; this is a security program.

So I appreciate the gentleman for letting me stick that into his comments, but I thought it was very relevant.

Mr. KIRK. Mr. Speaker, I thank the gentleman.

I will note that European security officials have started out exclusively with public employees, but they have modified their structure into a public-private partnership, so that now 31 of 35 European airports are this public-private partnership, to ensure the quality of the screening personnel. This was a mixture that allowed them to defeat terrorist threats from the Bader-Meinhof Gang, the Red Brigades, the ELP and the IRA, and it has been a very effective tool used by both our European and Israeli allies.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield further, what is so relevant to this is that we are not alone in this. We do not have to go out and invent something, we just need to follow the model in Europe and in Israel and in Ireland, because they have been living with terrorist threats for 20, maybe, years, or even 30 years. So we have a tried and true method. It is not speculation. They do know because they have experimented.

Mr. KIRK. Mr. Speaker, I thank the gentleman. I will note that it has been 25 years since an Israeli aircraft has been successfully attacked.

Mr. SHADEGG. Mr. Speaker, reclaiming my time just a moment, if I might, maybe the gentleman would want to refer to these charts, because they make the point he is making.

This is the private-public partnership that is in place in Europe. If we look at this chart, we will see that it shows the countries that have switched to, instead of a 100 percent government employee operation, to a mix of government supervision and training, but with some private-sector employees actually doing some of the work. It began in, I believe, 1982, and if we look at the dates on here, it shows the dates on which all of these countries switched to that private-public partnership.

This is a second chart that kind of follows on to that, and it shows the mix of what we have. That is, for example, this is the number of private-sector employees and the number of public-sector employees in each of those locations. So we look at this and we see that in Norway necessity has 150 private-sector employees supervised by 20 public-sector employees, and in various other countries, across the map we can look at that in Brussels, it is 700 private-sector employees supervised by 50 public-sector employees. It illustrates precisely the points that the gentleman has been making.

Then I think he was just about to talk about what the effect of that was going to be. This shows the trend beginning in 1982 of how they went to this private mix, and I think the last point, maybe I will let the gentleman discuss this chart, which I hope he has seen, which shows what is happening. The gentleman was about to say it has been quite some time since there has been a hijacking in Israel which uses this kind of mix.

Mr. KIRK. Mr. Speaker, it is. I was very honored to be able to contact Israel's Ambassador David Ivry who dispatched a team from Israel to brief the Congress and the Committee on Transportation and Infrastructure in particular on this.

□ 1915

We had six to nine Members there, about 70 staffers. We looked at not just the screening problem, but they took the airport security problem as layers of an onion. Each layer had to work. Transportation security, El Al, had to be able to task Mossad with tasks to collect foreign intelligence. We had to take care of the tarmac, the ramp, the gates, and then the aircraft itself.

Mr. Speaker, this is a life or death function. We need to be able to discharge screeners who allow weapons aboard the aircraft. We have the models. We have looked at El Al. We looked at the Marshal Court Security Officer Program, and we have learned the lessons of security that have worked well against Hezbollah, the PFLP, the El Rukin drug gangs and the Mafia.

Our bill ensures highly trained professionals with a badge will protect us, but also that their supervisor will have the power to be able to replace screeners who fail us in this life or death mission.

I will also note that our bill makes one other change. In the chairman's amendment we have a deadline that by December, 2003, all baggage will be screened. The Secretary of Transportation has focused particular attention on the government's deployment of the CTx 550 machines that will enable us to reach our goal of having all the baggage entering not just the passenger compartment but also the cargo hold to be screened for weapons and explosives. That gives us the critical edge in security that this bill would provide.

I thank the gentleman for organizing this special order.

Mr. SHADEGG. Mr. Speaker, let me just ask the gentleman a couple different points to make sure I understand this.

This screening requirement for baggage says all baggage must be screened by December 2003. That is currently not being done. I heard our colleagues on the other side railing about the fact that that is not currently being done, but if I am not correct, and I would yield to the gentleman to answer this, that requirement that 100 percent be screened by December 2003 is nowhere in the Senate bill whatsoever, is it?

Mr. KIRK. Correct. In fact, this bill will give us a security system that is even stronger than Israel's. Even El Al at this time does not screen all baggage that enters the cargo hold for weapons and explosives. But under the House Republican bill, we have a deadline of December 2003 that, when using the CTx 550 and other technologies, all

bags will be screened. That will give us the world's highest level of security standard.

Mr. SHADEGG. That requirement is not in the Senate bill, which we are going to be urged to pass?

Mr. KIRK. It is not.

Mr. SHADEGG. The gentleman referred to the requirement that all screeners be U.S. citizens. Is that in the Senate bill we are going to be asked to pass tomorrow?

Mr. KIRK. That is, but that is a critical difference from the current status quo, which we are against. Over half of all the screeners in the United States are not American citizens. Over 90 percent of the screeners at Dulles were not American citizens. In fact, prior to the September 11 attack, the Department of Transportation Inspector General was leading an investigation of illegal aliens who were serving as airport screeners.

All of this will come to a stop under our bill.

Mr. SHADEGG. So when somebody attacks the current system in the debate later tonight or tomorrow and says, well, the other side, our side, the House Committee on Transportation and Infrastructure majority side wants to retain the current system, on that point they would be dead wrong and that argument would be unfair, would it not?

Mr. KIRK. No. Well over half of the 20,000 screeners, by the terms of our bill, would automatically be discharged from their duties because they are not American citizens. We would have to upgrade to the new system under regulations and supervision by the Department of Transportation under the Secretary for Security, and these people would be badged Federal transportation security officers with full arrest powers at the screening site.

Mr. SHADEGG. My understanding is that also there is no requirement in the Senate bill that they have to speak English. Is that correct?

Mr. KIRK. That is correct, as well. We stand for a key principle: that U.S. citizens should protect U.S. citizens at U.S. airports.

There is a critical danger here in the war on terrorism which will take quite some time. The al-Qaeda organization, with its vast network and resources, is able to put sleeper agents into countries who could then take jobs as airport security agents. But I will note of the hijackers, none were American citizens. We would give the flying public that extra level of security by making sure that only people with a U.S. passport can even apply for these jobs.

Mr. SHADEGG. Mr. Speaker, the gentleman made an interesting point. He said none of the hijackers were U.S. citizens. That means that all of the people who got here made it through some government employee, through some government process to get here in

the first place. And if mistakes were made, those mistakes were made by government employees.

Now I am a fan of government employees. I have a lot of great government employees who are personal friends. I do not think because one works for the government one is better or worse. I do not think if one's paycheck comes from the government, as mine does, one is somehow bestowed with special powers or less than special powers. I think we are all human beings.

But the notion that government employees cannot make mistakes is kind of belied by the fact that a number of the hijackers were here in violation of their visas or had obtained visas falsely, or had otherwise slipped through a system run by government employees already.

Everybody makes mistakes; I certainly do. That is why I think the requirement that we just say, oh, well, everything must be done by a government employee and that is the sine qua non really kind of misses the boat.

To that point, I just want to reemphasize something the gentleman said. This Marshals Court Service or Court Security Program, those individuals are in fact private sector employees; is that what I understand the gentleman to say?

Mr. KIRK. Yes. They are badged, uniformed, armed deputized U.S. Marshals.

Mr. SHADEGG. So the notion that we have never delegated this kind of authority to anyone other than a Federal employee is simply wrong?

Mr. KIRK. Correct. And there is another thing. In the current airport security program, turnover can reach 400 percent, but in the U.S. Marshal Court Security Officer Program, turnover is less than any normal civilian, 4 percent. So we have a stable, highly-trained force with law enforcement experience that protects that critical Federal courtroom where many criminals are asked to come. That is delegated to deputized Federal agents.

Mr. SHADEGG. An even perhaps more dangerous environment than otherwise.

We are joined by our colleague, the gentlewoman from Pennsylvania (Ms. HART). I would hope she would join in this debate and express her concerns on this issue.

Mr. Speaker, I yield to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. I thank the gentleman for yielding to me. It is an honor to be here.

I want to add something that the gentleman from Illinois had said regarding the issue of technology. The fact that currently not all baggage is screened is a serious problem, but it is the way it is now. The fact that the House bill would require all baggage to be screened by a date certain is extremely important.

But beyond that, one of the reasons that I think it is important that we maintain this mix of public and private involvement in the actual security is that we will encourage competition among those firms that wish to participate.

I had a discussion in my district just last week with a gentleman who is the chairman of a company that produces high-technology optical devices and x-ray devices. I had spoken with him about what they use those x-ray devices for now. He said that some of it is comparable to the kinds of things we will need in baggage screening down the road.

The more advanced optics of a company like this, every time we have competition and opportunity for a better product, it is going to only make us safer and everyone who flies safer.

So I am pleased to join in the discussion with my colleagues, and I am pleased that the gentleman allowed me some time.

I did want to shed some light on some of the issue of really why we are here in the first place. I am from Pittsburgh. The area that I represent is a hub. We have a lot of people who not only work for the airlines, but who live there because they fly often as a matter of their daily life, for their living, to support their families.

This issue is, yes, about the things we have been discussing tonight. It is about why our plan is better. But the ultimate concern and what we are looking to address is the safety of the American public.

Our interest, and the reason that we have spent this hour with America tonight, is to explain why what we are doing is better. It would certainly be much easier for us to take the path of least resistance and to support the bill that passed the Senate, but we know it is not the best we can do.

That is why we are here. It has to do with safety, it has to do with concern for those people who fly every day as a matter of their living, for their families; and those people who want to take a vacation and fly on a plane; and also those on the ground who, as we saw on September 11, could all too easily be harmed or killed as a result of bad screening and bad safety precautions.

Mr. Speaker, one of the things I want to talk about regarding that that is so much superior in the bill that the House has produced is the mobilization of the new security system. We all know as Federal Government employees how long it takes to get a new system up and running. If the Federal Government wants to start a new system that is completely federalized, it will take a while.

Our goal is efficiency. Our goal is delivering that safety, conveying that safety to the public as soon as possible and have it be as safe as possible.

Having a new Federal bureaucracy put into place and forcing that whole

thing, with every employee to be a Federal employee, will take much longer than mobilizing a brand new system, yes, a brand new system, but with people who are highly trained, a combination of Federal, law enforcement people, Federal security people, and people in the private sector who do this, who compete with each other to do the best job. Otherwise they will not get the contract. That can be put into place much more quickly.

In my opinion, the mobilization of the system is paramount, and we need to support the House bill, because it will get us there sooner.

The House bill is also very organized. The way the system will work is so much better. It creates a new Transportation Security Administration within the Department of Transportation, because this is all about transportation. It is not just airplanes, it is also trains, it is other public modes of transportation that we need to keep safe.

So there will be within the Federal Government under our bill, but not under the Senate bill, this center, this brain center of security. It is important for us to have that, because that will provide for us someone to go to, the accountability that we need to be secure that we will be safe.

Mr. SHADEGG. Reclaiming my time for just a moment on that point, Mr. Speaker, as I am sure the gentlewoman is aware, the Senate bill is very confusing on that issue. It says that overall transportation safety goes to a Deputy Secretary of Transportation, but says that airline safety or airline security goes to the Attorney General, and it fails to sort out who has the ultimate authority.

It seems to me that is a serious problem with the Senate bill, and I think the gentlewoman has said it quite well, that the Senate bill, although a good bill and well-intended with some good provisions, is not the best we can do. We can improve upon it in this body.

I would be happy to continue to yield.

Ms. HART. I think that is why we have a bicameral legislature. The Senate did a very good job and did it first, and usually, doing it first, you take a risk that someone will look at the bill and find things that can be done better. That is what we have done.

The gentleman's point about the Department of Justice having some authority and the Department of Transportation having some authority is actually extremely important, because if we do not know who to go to to be ultimately accountable for the security on our transportation system, on our planes, on our trains, then we will not be able to enforce it, and enforcement is going to be extremely important.

The other issue I wanted to touch on quickly was that we do get the best of both worlds by having a system. I men-

tioned earlier about competition. When we have the opportunity to bring in specialists from the private sector and have them offer their professionalism to us as a Federal agency, I think we will get the best of both worlds.

Again, as I said, our concern is ultimately the safety of every passenger. In order to get that, I think we need to bring in a mix of the finest we have to offer: Federal agents and private specialists.

Mr. SHADEGG. Mr. Speaker, I want to thank the gentlewoman for participating. We are about down to the last minute-and-a-half. I would kind of like to summarize.

I think she makes the point very, very well. The reality, as the gentlewoman said, is that at the end of the day this is not a partisan debate. This is not Republican and it is not Democrat. There is not a Republican or Democrat way to make our skies safe.

But it is a very, very serious debate. I think the gentlewoman has said it well, and I appreciate her and all of my other colleagues who have joined us tonight. Our number one concern and the challenge before us in this debate is to create the safest and most secure aviation system in the world, and we can do that.

There are many, many good things in the Senate bill. It has many good pieces, and I commend the people who wrote it. I think they did a great job, and much of it is in the House bill. If we go to conference, much of it can be put into the House bill.

But the question tomorrow is, should we just pass the Senate bill, or should we look at where it is flawed? And sadly, I am afraid that the debate tomorrow is going to sink into some partisanship, with some people saying, well, it is just House leaders that do not want a new system.

As we said earlier, and we began this debate and I want to end this debate by making this point, the demagoguery and the rhetoric we will hear on this debate on the floor here tomorrow saying that the current system is what we are trying to perpetuate could not be further from wrong. It is absolutely wrong.

Under that current system, airlines hire private companies to do the job. Under the House bill, the Committee on Transportation and Infrastructure bill, that authority is given to the Federal Government, to Federal law enforcement officials who are at every single gate and every single checkpoint and who have total responsibility.

□ 1930

But there are serious, very, very serious flaws in the Senate bill. It gives different responsibilities to two different airports and says we are going to treat the big and the small differently. It has vague language on accountability.