

profits from certain offshore activities so long as they are kept outside of the country. That is \$260 million next year, \$21.3 billion over 10 years.

Now, by contrast what we did, as was pointed out with our Democratic substitute, is provide rebates or tax breaks or unemployment compensation for displaced workers or money for aviation security and other investments in public infrastructure. That would be mean dollars immediately going into the economy either because the person who gets the unemployment compensation would spend it or because we would be hiring people for these various public infrastructure necessities such as the security that we talked about earlier this evening.

I do not understand. I do not know an economist on the face of the Earth who would suggest that what the Republicans tried to pass last week would do anything significant to benefit the economy. And I do not know what we do. I think the only thing we can do is to simply come here every night as we are, as Democrats, and demand action, demand that whether it is a security issue or an economic issue that the Republican leadership take some action, work in a bipartisan way so we can actually accomplish something. Nothing is being accomplished here. We just have to continue to demand that something be accomplished in a bipartisan way that can achieve some progress in these areas. But so far we are not getting it.

Mr. Speaker, with that I want to thank my colleague, the gentleman from California (Mr. SCHIFF).

CIVIL RIGHTS ABUSES UPON AFGHAN WOMEN

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

Mr. ROYCE. Mr. Speaker, the subject I was going to speak on tonight is the treatment of women in Afghanistan.

In 1996, I had the opportunity with Senator Brown on the Senate side to co-chair a hearing on what was underway in Afghanistan and that same year I organized a hearing on the House side here as well to call attention to the civil rights abuses that were occurring in that country and to call attention to the fact that Afghanistan was rapidly becoming a national security threat to the United States, and this is something that I have been speaking on over the years, the fact that in Afghanistan the terror and the chaos and the despair has become worse and worse year after year.

However, in the wake of September 11 and that terrorist attack on that day, many Americans are just beginning to learn about the horrific treatment of women in Afghanistan. The practice there of the Taliban of re-

stricting the rights of women has even been explained by some as being in line with traditional practices and I have to say to the contrary. It is clear that the Taliban is at odds with Islam and Afghan society, especially in its treatment of women.

Prior to the Soviet invasion of Afghanistan, women there had the right to vote, along with other liberties enjoyed by most people around the world. But when the Taliban swept into power in 1997 that organization immediately institutionalized widespread and systemic gender apartheid. A government mandate made it unlawful for women and girls to go to work or to go to school.

This edict was a devastating blow to the women and to the country. And at that time women were a vital part of the Afghan workforce. They made up 70 percent of the school teachers, 40 percent of the doctors, 50 percent of government workers. They were 50 percent of university students. And with that edict none of them could continue to work or go to school.

Women under the Taliban regime have been subjected to remarkably harsh restrictions that impede their ability to move freely, to prevent them from socializing, to prevent them from seeking medical treatment. There is in place a complete ban on women working or receiving education outside the home. And to tell you how bad this is, the reality is that for one of the organizations that helped teach women how to read and write in the home, to be a member of that organization is to face capital punishment in Afghanistan.

If a woman leaves her home, she is required to don a head to toe garment known as a burqa, which has only a small mesh screen for vision. A designated close male relative also must always accompany her wherever she goes. If so much as an ankle is not covered she can be whipped in public.

There is a ban on the use of cosmetics. How is it enforced? Women with painted nails have had their fingernails pulled out by the Taliban authorities.

Women must paint their windows so that no one can see inside their home. Among other restrictions, women are banned from laughing loudly, from riding in taxis, from playing sports or entering a sport center or club, from riding bicycles or motorcycles, gathering for festive occasions, playing cards, riding public buses with men and appearing on the balconies of their homes. Even owning a kite, flying a kite or keeping a caged bird can become a criminal offense.

If a woman is accused of disobeying prohibitions, a severe punishment is often administered. Women have been whipped, they have been beaten, they have been verbally abused in the streets, but I am afraid there have been many worse Taliban abuses than that.

Women who have been accused of adultery have been stoned to death. Women accused of prostitution have been hanged in public. And I think many of us have viewed the film of the women who have defied Taliban edicts who were taken into the soccer stadium in Kabul, and before audiences of men seated there publicly executed in the stadium.

A few weeks ago on CNN the anchor was interviewing a Taliban official and the anchor reporter asked why there is no more soccer at the sports stadium which the European Union helped build before the Taliban's rise. The official was so brazen to answer, "If they build us another place to hold our executions, then we will play here."

Mr. Speaker, I did want to bring this condition to the attention of the Chair and to the Members.

AVIATION SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor tonight on the eve of consideration by the House of Representatives of the Aviation and Transportation Security bill, which is scheduled for debate and consideration tomorrow before the House.

Tonight is Halloween. It is a time when sometimes people are frightened. It is a time when goblins and ghosts and images are raised. Unfortunately, in some of this debate about aviation and airline security there has been some scaring on this Halloween eve.

I happened to hear some of my previous colleagues who spoke about the aviation security measure. And I want to say from the Republican side of the aisle, from the majority side, that each and every one of us want to pass legislation that will ensure the safety, the security of every member of the traveling public. We think it is absolutely essential that we pass the best possible legislation.

Part of being an American is being able to go anywhere you want at any time without any restrictions. And we want people to feel safe, to be able to take to the air if they choose and feel secure anywhere they have takeoff, whether it is a small airport in a rural area, in a small state or one of the metropolitan areas or one of the major hubs.

As chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, I have tried to work in a bipartisan manner. I have only had this responsibility for some 8 or 9 months and, of course, was thrust into the limelight by the events of September 11.

I have tried to approach my responsibility in a business-like fashion. Particularly since I took office, one of my

concerns has been aviation security. I have gone around and around about issues of aviation security with FAA from, I believe, February, when I first took on this position, and from the beginning I have been concerned that we have not properly prioritized the risk that the travelling public has taken. In fact, I have had communications back and forth to the Security Director of FAA, who has now been replaced and removed, but we went back and forth in regard to the deployment of equipment that sat idle in regard to setting priorities, in regard to instituting on a more expedited basis security measures.

Unfortunately, some of that was not done as of September 11. Now it is very important that this Congress act in a responsible fashion and craft legislation that deals with not just the political questions that have made the headlines and have been the center of some of the debate, screeners and their role as in any new proposed structure as either Federal employees or private sector employees, but looking at the larger picture of aviation security.

Even going beyond that, one of the things we have done is sat down, and it is amazing. When I sat down and looked at who is responsible for transportation security, under the current structure it is almost impossible to pinpoint who has that responsibility in the Department of Transportation.

□ 2045

Then we look at the other modes of transportation. Of course everyone is now focused on aviation, but when we look at highways and hazardous materials and trucking, we look at pipelines, we look at our ports, we look at any type of transportation security and we see that there is no one, if we look at a chart of organization, in charge with the specific responsibility and also the authority to move on issues of security. So that is one of the glaring examples that we all found lacking.

We find actually in the Senate proposed bill that they do create a new Deputy Under Secretary of Transportation Security in a measure that will be before the House tomorrow, and the House Republican majority proposal also has that provision. To start out, when we look at the problems of transportation security and see no one in charge, we know that someone specifically must be in charge of all modes of transportation security.

We have done that in the House majority bill. What is better than the Senate proposal, which was somewhat hastily crafted and put together, is, we have given some specific authority. If we look at the provisions of the Senate proposal, they create the position of a Deputy Under Secretary for Transportation Security, but that individual can only act when a national emergency is declared.

What is even more lacking in the Senate proposal, again that was hastily put together, is there is no ability for that individual who is charged with transportation and aviation security to put in place security rules on an immediate basis. In fact, that is the biggest flaw of the bill. That is why if that measure should pass, I would urge the President to veto the Senate bill.

It was hastily crafted. It is a nice cosmetic proposal that says we are going to make baggage screeners Federal employees and that is going to solve the problems. But I say to my colleagues, that is merely a cosmetic proposal. Whether those employees were under Federal supervision or all Federal employees or all private employees, it does not matter a bit. What matters is the standards that are put in place.

Most people, if we stop and just take a minute and look at what happened on September 11, baggage screeners were not at fault. Baggage screeners did not fail. Baggage screeners actually did their job according to the rules and regulations established by Federal employees and the Federal Government. The Federal Government was not able, even after two directives by Congress, to put in place standards for improving the quality, the qualifications, the background checks, and again, generally improving all of the requirements for being a baggage handler for more than 6 years. And, as of tonight, on Halloween night, we still do not have in place strong provisions for qualifications for baggage handlers.

That is for a very simple reason. That is because it takes, on average, in the Department of Transportation 3.8 years to pass a rule; in other words, to get a regulation to put in place newer standards. So today, some 6 years after Congress first directed FAA to get a rule into place, higher standards and regulations for baggage screeners and background checks, those qualifications are still not in place.

What is absolutely astounding is the Senate proposal does not even have a single provision giving the new Deputy Under Secretary any authority to put in place rules on an expedited basis, so that actually, if we pass the Senate provision, it puts us in a worse position than we were on September 10. And we have not learned very much by the experience, the horrible experience, that we never want repeated of September 11.

So, first, the Senate bill creates a position with really no authority, some limited responsibility, mainly to report to Congress, but the whole crux, the whole solution to the problem we face is getting rules into place on an expedited basis. So, on September 11, there were no high standards for baggage screeners. On September 11, there was no requirement, there was no regulation put in place to put in place the

very best equipment we could, the very best technology. In fact, getting a rule in place was thwarted.

We have technology, and this will not show up to all of my colleagues who are watching, Mr. Speaker. I do not think my colleagues can see this, but this is technology that is electromagnetic technology. It is not x-ray technology. X-ray technology and the machines we see at most airports, that happens to be equipment from the 1970s and 1980s; it will detect metal.

On September 11 we believe that hijackers took plastic weapons, possibly plastic knives, they could have been ceramic knives, but the x-ray technology of the 1970s will not detect that. This shows a body outline and it shows plastic weapons, plastic guns, plastic knives and others that we are able to detect with this latest equipment. This technology has been tested, but not deployed, because we cannot get a rule passed to get the latest technology into place.

We can have a Federal employee, we can have a Federal employee as we require who is an American citizen, we can have a Federal employee supervised by a Federal employee, we can have a Federal employee with a college degree, we can have a Federal employee as a screener who has a Ph.D.; but he or she is only as good as the equipment that is issued. The Senate bill has not one word, again, or one ability for the new Deputy Under Secretary to get this equipment, this new technology in place on an immediate basis. So basically, if we pass the Senate bill, we would be just as bad off as we were on September 10, the day before the tragedy; and it will not make any improvement in the ability of the screener, be he or she a Federal employee, a contract employee or whoever.

So the Senate bill does not address the basic problems with the deployment of technology.

I heard the gentleman from Washington (Mr. INSLEE) and some others who were discussing some of the problems with getting legislation passed, and let me say again tonight there were some scary things said, and the American people should not be frightened to fly. The American people should understand, first of all, that the President of the United States acted immediately, and under his order, within just a matter of days now, every large commercial aircraft flying in the United States will have secure cockpit doors. The President acted, Secretary Mineta has informed me by, I believe it is November 5 or 7, but within a few days, every commercial airline or large aircraft, not all of the smaller aircraft, but the large ones, will have secure cockpit doors. That is one of the provisions of both the Senate bill and the House bill. That is a moot point. That has been done. It is in place and it is ongoing.

A second provision that is very similar, and the American people again should not be scared on Halloween or any other time, because the President of the United States has acted with due speed and he has required that air marshals be on flights.

I can tell my colleagues, as chairman of the Subcommittee on Aviation and former chairman of the Subcommittee on Civil Service, and we will get into that in just a second, but I can tell my colleagues as chairman with, again, the responsibility in the House on the aviation side, that air marshals are being trained every day, they are being deployed, they are on most of our flights, that hijackers will not know which ones; and whether the bill passes or not, they will be on almost every domestic and international flight. So that has been done.

I can tell my colleagues that Secretary Mineta acted yesterday, issuing additional orders for higher security and improvements and higher standards. So the administration has acted. The President has acted. It has never been safer to fly.

Now, is it impossible, or is it possible, I should say, to have some other incident? When we have people who are willing to give up their lives to destroy an aircraft, to go into a marketplace and blow themselves up as they have done in Israel, there is no place that can be totally secure. So we put in place the best provisions humanly possible.

What is important now is not for the Congress to rush and act, and everyone says, oh, the Senate passed this in a few weeks; and, yes, they did, and the product shows that it is a product of haste, it is a product of lack of consideration.

We, on the House side, held 4 weeks of public hearings, numerous public hearings. We held several closed hearings. We brought in experts from around the world and around the United States to hear what was going on. I do want to say that there has been a scare again by some of the previous speakers about baggage checking, and I can tell my colleagues that tomorrow, when the House votes on the package, the final package that the House majority has put together, it has the very best provisions for checking baggage.

Now, as the gentleman from Washington (Mr. INSLEE) has said, 95 percent of the checked baggage is not screened. He was correct in saying that. The problem we had, and he did attend, I will give him credit for attending one of our hearings, which is more than the gentleman from Iowa (Mr. GANSKE), who is the prime sponsor, has ever done. One of the prime sponsors of the Senate measure and a member of the majority never bothered to discuss with me or anyone else any of the provisions of our legislation, but at least

the gentleman from Washington (Mr. INSLEE) did take the time to come to the hearing. I do not know if he heard everything that was said at the hearing about checked baggage; and he did repeat tonight on the floor some information about explosive detection devices.

What the House of Representatives cannot do is repeat the mistake they made in 1996 after the TWA 800 crash, after Oklahoma City, when all the attention became glued on explosive devices. We went out and we spent \$443 million, almost a half a billion dollars, on buying explosive detection devices. Some of that sat in warehouses, some of it is not used. We had testimony to that effect in the hearings that we had. Why? Because some of it does not work, and Congress required the purchase of that.

We also heard from experts, technology individuals from a broad range of the sciences, who told us that the explosive devices, the actual materials, explosive materials are changing every 3 or 4 years. There are new products that can be used as explosive devices. So the last thing we need to do is put a provision in a law that requires us to go out, put in place in 3 years, or some specified time, equipment that will be outdated by the time that it all gets deployed.

□ 2100

It does not matter how we deploy that equipment, it still will take a number of years to get it deployed everywhere.

So in the House measure we have the tightest and the best provision. We do not repeat the mistake when we spend a lot of money, when the equipment is not used, when new technology is being developed, and we have spent the money on old technology, and we get this in place on an expedited basis.

The other thing that the Democrat side has lost is that we cannot get that technology in place without a rule-making expeditious provision in the law. The Senate bill has no provision. If we go through the normal rule-making to require this type of equipment, it could be some 5 to 7 years, as we have seen in the past, so the public is left in the lurch. Baggage checking at the level that should be done is not complete.

So we do not want to make the mistakes of 1996. Everyone says we must hurry, that this legislation should be rushed through. It passed the Senate 100 to nothing. The worst thing we could do is make a mistake tomorrow and pass bad legislation.

I do not want to be rough on the Senators, Mr. Speaker, but the Senate passed legislation, the other body passed legislation that primarily deals with the airline screening process. It is only a small piece of the total transportation security network, a small

piece of the total aviation security network that we should be dealing with.

When they passed their legislation in haste, they moved it to the Department of Justice. The Department of Justice, let me read what the Department of Justice has said about the Senate provision.

It says: "We also feel that attempting to divide the responsibility for aviation security between two separate agencies is not the most effective way to enhance aviation security."

They also go on to say that right now, "In light of DOT's strong capabilities and the Department of Justice's many responsibilities in fighting the war on terrorism, we feel that the resources would be better spent carrying out our current mission than developing a new transportation expertise."

Again, that is in opposition to what the Senate passed. Their focus is on going after terrorism. Actually, the most important function, if we wanted to increase the number of Federal employees, we only have 11,000 Federal FBI investigative agents. This bill creates 28,000, now get this, baggage screeners, Federal baggage screeners. Would we not be much better off getting investigative personnel for the FBI?

If we look at the events of September 11, again, it was not the baggage screeners that failed. It is nice to make them the scapegoat, but to tell the American public everything will be fine if we just make them Federal employees, that in fact will not solve the problem. The problem is that we cannot get security in place with, again, a disjointed organization that is created by the Senate bill.

We have a plea from the Department of Justice not to send and create a two-tiered system. What is strange in the Senate bill, and I went through the Senate bill, the Senate bill in fact creates several layers of aviation security.

Now, if the traveling public and Members of Congress are concerned about a good aviation security system, they should read this bill. I would venture to say that 95 percent of the Senators did not read this legislation. This legislation by the Senate was put together so hastily they left the actual law enforcement functions, law enforcement functions, under the Department of Transportation, while transferring baggage screening to the Department of Justice.

Not only did they leave the Department of Transportation with the law enforcement responsibility, and it is hard to believe, but that is exactly how it reads. I went back and had the staff attorneys check this to see if in fact that is what they did, and it appears they did it by error.

However, what they did was they also created several levels of law enforcement. They only require one law enforcement officer at each airport

screening location at the 100 largest airports. There are another 270 airports for which they exempt security at small community airports, and they go on and say that at smaller airports with scheduled passenger operations, they should enter into agreements under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel.

So we might get in in Portland, Maine, as some of the hijackers did, and there would be one level of security. Someone might come to Boston and have a different level of security. Again, this is a fractured system that is far worse than what we have now.

Now, trying to make 28,000 baggage handlers Federal employees in even the most expedited fashion might take some 3 years. In the meantime, we would have created a disaster with some of the current services that have already been considered by private vendors.

I am not here to defend any of the private vendors who have not put in place already standards. Of course, FAA, a Federal agency and Federal employees, did not require the higher standards. We had no rule in place and could not get a rule for 6 years, and do not have a rule tonight. With the Senate bill, we have no hope of getting a rule because there is not an expedited rule-making process.

So again, the bill was hastily crafted by the Senate, sent over to the House, and I think that their intent was that we work on this measure as they have sent it to us. We have conducted, again, a much more comprehensive series of hearings, bringing experts in and trying to see how this would function best. A split system between the Department of Justice for baggage screeners, for some law enforcement to be under the Department of Transportation and for some screening to be done by State and local officials, is not the way to go. It is a fractured, disjointed security system.

The bill which we have proposed in the House is well thought out. It has one level of responsibility first of all for transportation and aviation security. That is an undersecretary of transportation level. That Secretary is responsible for all security measures in transportation and all in aviation; all elements, not just a few, not just the baggage issue.

There are also issues of airport perimeter security; there are issues of cargo security; there are issues of ramp personnel, those who have access to the airplane; there are issues of those who maintain the airplane and clean the airplane; there are issues of the FAA towers at each of these airports, and we have heard reports some of those may be at risk.

The Senate bill does not touch any of those issues. They only deal with the

most visible, doing a cosmetic job on the public and convincing people that they acted in a hurry and they got the job done and sent it to the House and we did not act.

I can tell the Members that nothing is further from the truth. We acted in a very reasoned manner. We held hearings. We heard testimony from dozens and dozens of witnesses, the best experts. We looked at what was successful in Europe.

Today, there is an article from the former head of El Al Airlines. We had that individual come and testify before us. We said, "What worked well?" Do Members know, in Israel and Europe they tried federalization in the 1970s and 1980s and it did not work. They went to Federal supervision, Federal management, Federal oversight, Federal background checks, and Federal testing. That has worked. That is the best model. That is the model that we bring before the House tomorrow.

We also again go back to the individual responsible for all of these elements of transportation and aviation security, not only responsible, but with the authority to put in place security regulations on an immediate basis.

That is the biggest problem with the Senate bill. The Senate bill is a terrible measure, again taking us back to September 10. Have we learned nothing from the events of September 11?

So while screeners are the most visible, while we want them under Federal supervision, now the airlines have that responsibility. The airlines now are charged with that responsibility, and are also paid for airline and airport security.

The Republican measure, the House majority measure, takes that responsibility away from the airlines. It makes it a Federal process. We have made the Federal Government responsible for aviation security and transportation security, but not just making someone responsible, because we have done that in government before.

We have passed two measures, one in 1996 on aviation security, in a reaction to TWA 800, which incidentally turned out to be a technical malfunction in the gas tank, the fuel tank of the airplane. But we passed that legislation in 1996. We passed legislation a year ago, in 2000, directing that we have higher standards for baggage screeners, and it still is not, as of tonight, in place. So Members can have someone with the responsibility, but they must have the authority.

It is absolutely unbelievable. We have to take their bill and look at the bill. The bill has no provision for an expedited rulemaking, so we cannot get the rules in place, we cannot get the new technology in place. The mistakes of September 11 can be repeated. It would be years if we could ever get in place this latest technology that can scan the body.

Incidentally, we had this tested. We asked why we would not get this in place. Basically, they cannot pass a rule, so they might have the responsibility to get the latest technology in place, government, but they do not have the ability through the rule-making process, which is delayed or which people go into court and try to kill or stymie, to get this technology.

This technology can detect plastics, ceramics or other materials, and there will be even a later technology coming on board. Of course, this technology also has upset some of the civil liberties union. It is very invasive. It shows body parts in great detail, but it will detect materials. It would have, if it had been in place in Boston Logan, detected if in fact a plastic weapon was used on one of those flights.

The Senate bill does nothing to address the rule-making process. It again divides responsibility in an unclear split between the Department of Justice and the Department of Transportation. It leaves law enforcement in charge, actually under the direction of the Department of Transportation. Now, get this: They move baggage screening to the Department of Justice, but they leave law enforcement under the Department of Transportation.

Mr. Speaker, I said that we must have rules in place in an expedited fashion. We do not have the rules for high standards for baggage screeners in place. We do not have the technology in place because we have not had the ability to put a rule in place. No one has expedited rule-making ability under the Senate provision.

I have to repeat that, Mr. Speaker, because no one seems to hear it. It is nice to come here and pass legislation, but legislation that does nothing is a fraud on the American public. Legislation that does not enhance security or put in place security measures on an expedited basis is a fraud.

At this time it would be an abdication of our responsibility as Members of Congress not to put it in place, and if it takes another day, if it takes another week, if we have to go to conference, but this time to do it right so that we have a comprehensive transportation and aviation security measure.

This is not a bipartisan issue. Actually, we worked very closely the last 4 or 5 weeks with members of both sides of the aisle. The gentleman from Minnesota (Mr. OBERSTAR) worked with us. We crafted most of this legislation with the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and infrastructure. We crafted this legislation with the gentleman from Illinois (Mr. LIPINSKI), my counterpart, the ranking Democrat member on the Subcommittee on Aviation. We did this in a bipartisan fashion, and this is a good bill.

□ 2115

One issue deep-sixed the bill that the Democrats were going to introduce which was exactly the same as ours and one word. They said all screeners shall be Federal employees. We said all screeners may be Federal employees. We gave the option because again we think a public-private partnership can serve us best.

Let me say, I have no problem with having Federal employees handling the supervision. I have no problem with Federal employees handling the oversight. I have no problem with Federal employees doing the background checks, the testing, all of the other management responsibilities of the screening process, and that is what our bill proposes. It makes this a Federal process and then gives the President and also the DOT security administrator the option, and we think that is the best way to go.

One of the problems that has already arisen with the Senate bill is the language, when they passed this bill in haste, in trying to make it appear that they were doing something, they passed this bill in haste, and unfortunately, it has raised some questions about unionization of the potential Federal employees. Part of this was done by some of those who would like to represent the new Federal employee group of some 28,000.

A quote taken just the other day from AFGE, the American Federation of Government Employees, Legislative Director Beth Moten said the union could live with the measure; that is, the Senate measure, but litigation may be required to ensure most of the civil service obligations remain in place.

We were told that this would be a different brand of Federal employee, but it appears the way the language is written that every one of the constraints now and every one of the obligations that are now provided by law for a Federal civil servant will be imposed on those that may be employed of this force of 28,000.

My colleagues have to understand the size of 28,000 Federal employees. There are five agencies in the Federal Government, five Cabinet departments, that do not have 28,000 Federal employees. This will be larger than the State Department. It will be larger than the Department of Labor. It will be larger than HUD. It will have more employees than the Department of Energy, more employees than the Department of Education, and they will all be baggage screeners. So we will have a department basically of baggage screeners, taken away from the Department of Transportation and put into the Department of Justice with the Department of Justice saying today that they have no ability to handle them.

The Department of Justice only has 11,000 FBI agents in the entire agency and only has between 4- and 5,000 Fed-

eral marshals, but we are going to put them in charge of baggage screening. It just is a ludicrous idea. It may sound good.

What does it do? Here we create Federal employment with the possibility of getting into a brawl over the status of these individuals the way the language is poorly written on the Senate side.

I implore my colleagues, look at this. We cannot create a huge bureaucracy, and having been chairman for 4 years in the House of the Subcommittee on Civil Service, I tried on this floor on numerous occasions over my 4-year tenure to bring to the floor measures that would require performance standards for Federal employees, a performance-based management system, and I actually passed it in the House several times, and it was defeated in the Senate, and we still have nothing in place.

Let me say out of the 1.9 million Federal employees, and there are 8- or 900,000 postal employees, there are some dedicated employees. There are some great employees who go to work every day and do an incredible job in the country, serving their agency.

When I was chairman of Civil Service, I met so many of these dedicated individuals, but if you get these people aside and you talk to them about what would improve their agency, they will tell you what improved their agency is getting rid of the deadwood, and it is part of the problem we have with our Federal bureaucracy and sometimes government at every level is that we create an insular system, a system in which you cannot, as you do in the private sector, get rid of the deadwood.

We tried everything, including giving the employees the right to set up a performance-based system: Reward good employees and get rid of the bad employees, but it is almost impossible to do. In fact, it takes years to get rid of a Federal employee, and if they want to fight the system, it takes on average 38 months just to go through the normal complaint process. That is on average.

If we want responsiveness in those screeners that are out there doing a job, if we want the ability to fire somebody and get rid of the poor performers, then certainly the Federal model is not the way to go. I might say that there are Federal employees that try to do the best job, and even if they attempt to do the best job, they make mistakes, too.

Let me cite an example of a Federal prison in one of our States. A recent report said that in a maximum Federal prison facility, with Federal guards, Federal employees, Federal oversight, with strip searches, with body cavity searches, with searches of the personnel coming in, with detection screening equipment, still more than a hundred weapons entered the Federal security prison. So it can happen. We

have the possibility of a weapon getting on to a plane, but we also have the possibility of weapons going into a Federal maximum secure facility.

What is important here, again, is when we create this position that we have someone responsible, who can act on an immediate basis, not just giving someone the responsibility but without the authority, and that is what happens if tomorrow they pass the other body's provision, the Senate's provision. They have the responsibility as they may define a partial responsibility in a new individual but no authority to move forward.

The other thing that we tried to do in this legislation is find a responsible manner to pay for aviation security. I have Republicans who do not like to impose any taxes. I have Democrats who can never find a tax high enough and they are trying to find a compromise. It has been a challenge but we did put a provision that allows up to a maximum of \$2.50 per one-way trip in our legislation, and this money can only be used to pay for aviation airline security. It cannot be used for ads. It cannot be used for anything else.

We also do not let the airlines off the hook. Interestingly enough, the airlines have been anxious to get rid of this screening responsibility. They do not want this. This is a hot potato, but they also now pay for it, and they pay about a billion dollars out of their revenues, and heaven knows, we have tried to help the airlines get back on their feet. We may even have to do more because we are so dependent on aviation as a transportation system in this country. We felt that it was important and we asked questions to these airline representatives: Would you be willing to pay? They said they would pay.

Of course, they would like to get off the hook for aviation security responsibility because of the costs, but they have agreed, and under our legislation, the airlines can also be assessed part of the cost. The passenger can be assessed part of the cost. We tried to do a very fair measure.

With the Senate provision it basically lets the airlines off the hook. They get a billion dollar free ride, and the taxpayer is going to pay because it is going to come out of the national Treasury and the passenger will pay for the balance.

I think people are willing to pay. I have never voted for a tax. I do not consider this a tax. I consider it a user fee, and we do have specific provisions in our legislation that says the actual cost of the screening, passenger screening must be passed on, and we give an amount up to, but we also make the airlines partially responsible, which we think is very important.

What concerns me is not only the disjointed approach to aviation security proposed by my colleagues from the other side of the aisle and rapidly put

together and sent to the House by the Senate. What concerns me is that we have this disjointed part of the functions now in the Department of Justice, who has said publicly today they have no way of handling 28,000 more employees. They are not geared to that. They think it is best in the Department of Transportation.

It also takes out part of the Transportation function, one part of it, and leaves all the rest sort of to hang by itself, again leaving the public at risk. Who knows what is going on in the airport perimeter? Who knows what is going on with ramp personnel? Who knows what is going on with maintenance people? Who knows what is going on with the mechanics? Who is protecting the FAA tower?

So they do sort of a half-baked job with a split, undefined responsibility, having screeners in the Department of Justice, 28,000 of them, leave law enforcement under the Department of Transportation, which is just beyond me, having a different level of law enforcement for the hundred top airports. The smaller airports, well, they sort of fend for themselves, and we will take State or local offerings, and again, we do not believe that that is the way to go.

We need Federal standards across the board. We need someone with responsibility and someone with authority, which again is lacking in the measure that will be presented by the other side tomorrow.

The worst thing that we could do is have several levels of security at our airports. We have another measure in the bill for screening. Some of the screening at the smaller airports may or may not be done according to having Federal standards and Federal regulations in place that are even and across the board for small airports and for larger airports, and that is important. There must be a seamless security and comprehensive security plan or we are just fooling the American public and that would be a shame.

Most of what is being done by the Senate bill is cosmetic. Most of it was done in haste. There was a hundred to nothing vote on it to get it over here. The Senate has voted a hundred to nothing before. They voted unanimously, after the British burnt the Capitol in history, if you look this up, to move from Washington, and it was saved by a few votes in the House of Representatives. The House votes unanimously every day on issues. We had several votes today. I think that we were unanimous. Everything is done by unanimous consent and they unanimously tossed the ball into our court, and we tried to be responsible.

We held continuous hearings, both open and closed. We brought in the best experts, and we tried to put together the very best provisions possible.

One of the other provisions of the legislation that sort of surprised me,

and I have the Senate bill here, and again I would venture to say very few Members have taken the opportunity to read this legislation, and that is the frightening part because they will wake up if they pass the wrong measure and see that we do not have in place the very best provisions for airline security, but one of the interesting things is that the Senate bill brings together all of the different intelligence agencies' and enforcement agencies' information, but the Senate measure does not have any way to distribute information about the bad guys. We do provide that that information be available to the airlines.

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The airlines are the only ones that have the passenger lists. We have a requirement that every airline that flies into the United States must provide us with a passenger list.

If we want to avoid the mistakes of September 11, we need to at least allow the airlines to have some information about who the suspected terrorists are. The Senate bill puts together a committee, but has no requirement. It does not require that every airline coming into the United States provide us with a list.

So the very least we can do is learn by the mistakes of September 11, see that they are not repeated. The very least we can do is not make the same mistakes we made in 1996, when we passed knee-jerk legislation, and we bought billions of dollars' worth of equipment, made all kinds of changes, and addressed explosive devices. We acquired explosive devices, and we have unused explosive devices because we do not have rules to get in place the proper explosive devices.

The worst thing we can do is repeat the mistakes of 1996, so we do not want to do that.

Then again in 2000, when we saw we still did not have in place rules for baggage handlers, we passed another law directing the agency to do it. As of tonight, they still have not done this. So while the Senate bill, I think, was well-intended, they tried to pass something in a hurry and get it to us, but it was done in haste.

We need to proceed with caution. We need to proceed in an expeditious fashion, but also take the very best from others who have put into place the tightest possible security systems, to put people in place who have both the responsibility and, most importantly, the authority.

If there is no other reason to defeat the Senate proposal, it is because it lacks the ability to put rules in place relating to security on an expedited basis, and this brings us back to September 10, not learning one single thing, using airline screening employees as the scapegoats. Airline screening employees on September 11 did not fail;

it was the lack of Federal standards put in place to check even their background. It was the lack of Federal agencies to do their jobs.

If we want to put more personnel someplace, we should put them in our visa department. I checked to see how many people work issuing visas around the entire world, and it is somewhere in the neighborhood of 5,000. Here we are creating a bureaucracy of 28,000 baggage screeners and what we may need are people who can identify a potential terrorist, a hijacker, a potential murderer who may be let legally into the United States.

Most of the terrorists used our border as a swinging door with a visa, with a permit. We can do all the checks, we can send the National Guard to do a check at the screening area, we can have a Federal employee or a contract employee, we can have the airline employees all become Federal employees and they can check the IDs. But if Mr. Adda comes to the counter, and they check him, and he has an ID and a visa, they let him go; and he goes next to the airport screener or to a National Guard person, whoever is checking the IDs there now, and that person checks it and say, oh, this is Mr. Adda, go forth Mr. Adda, you have a visa. A Federal Government employee has given him that visa; therefore he goes to the next stage and he gets on the airplane. Congratulations, Mr. Adda; welcome, get on the plane.

So if we are going to put Federal employees someplace where we need them, we need to put them at the visa locations. There are less than 500 INS inspectors and inspectors along our Canadian border, and that is where we understand the terrorists came in. We have 6,000 or 7,000 down in Mexico, but these terrorists picked our weakest point. If we are going to put employees there at the airports, 28,000, why not put a few in place to protect our borders to catch these people as they come in?

So we need the intelligence, first of all, about these individuals. We need someone checking the visas. All the protections in the world can be put in place, but they will be useless if we do not do this.

Again, look at the September 11 events. Plastic weapons were not in place because we did not have the most modern equipment in place. We cannot make the mistakes we have made in the past.

Tomorrow my colleagues will have an opportunity to debate this and, hopefully, we will do the right thing to ensure a comprehensive transportation and aviation security plan for the country. We must do it right. We must do it in a comprehensive fashion. I plead with my colleagues not to make this a partisan issue, but to make it a public interest issue and pass the very best legislation. The American people deserve no less.