

Statement of

The Honorable Joseph R. Biden, Jr.

United States Senator
Delaware
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Opening Statement of Senator Joseph R. Biden, Jr.
Judiciary Committee Hearing
"Keeping America's Mass Transportation System Safe: Is the Law Adequate?"
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Mr. Chairman, thank you for holding this very important hearing.

One month after 9/11, this Committee gathered for a similar hearing which I chaired on "Defending America's Transportation Infrastructure."

At that time, we heard from the nation's leading counter terrorism experts on the very real threats posed to railroads, highways, and ports.

At that hearing, I said: "we need to anticipate the threat that may come - not just in belly of a plane - but in the hold of a ship, the dark of a tunnel, or the span of a bridge."

I also stated that "airports and airplanes are like Fort Knox when compared with other forms of transport.."

Unfortunately, two and a half years later, almost nothing has changed, particularly when it comes to rail security.

Several weeks ago, we saw Madrid, the horror of a devastating attack carried out with precision and deadly results. Our hearts goes out to the victims and their families.

But how long before it happens here? How long before it's New York or Philadelphia? How long before it's a tunnel under a harbor? How long?

Those horrific attacks in Spain remind us here what we discussed at those hearings back in 2001: It's just a matter of time until terrorist target the American rail system.

We know that terrorists learn from each attack, and that they tend to go back to targets they have previously identified but not yet successfully hit.

Just last week, the FBI and the Department of Homeland Security warned local law enforcement agencies that terrorists might try to bomb rail lines and buses in major U.S. cities this summer. So today's hearing could not be more timely.

But literally before the dust had cleared after the attacks on the World Trade Center, Congress took action to beef up airline security - to the tune of \$3 billion.

And we gave them another \$12 billion in financial assistance, something passenger rail will never see, Mr. Chairman.

But when I tried to attach an amendment on Amtrak security to that airline bill, Mr. Chairman, I was told that was not the right time. And even though Senator McCain and Senator Hollings moved Amtrak security legislation out of their Commerce Committee, that was the last we heard of it.

It was blocked from moving to the Senate floor. Even when I held up Department of Transportation nominees, the Administration would not support moving that legislation.

The last Congress adjourned, and this Congress convened, with no action. Seasons have come and gone - years have come and gone, and still no significant action on rail security.

The Congress has not moved. The Administration has not moved. The Department of Homeland Security has not asked for an extra dime to make passenger rail or mass transit safer.

We know that while we sit here today, somewhere in this country someone is planning an attack on our commuter and passenger rail system. The FBI has warned us. Homeland Security officials have warned us.

But we are still without a national policy, still without new resources, to meet that threat.

Earlier today, the Commerce Committee reported out legislation to begin that process. It builds on the legislation I first brought to the Senate floor two and a half years ago. But at \$1 billion, I believe that it will only be a first step.

I thank you, Mr. Chairman, for your leadership in bringing us together here today, to discuss your legislation to protect our rail systems. We are going to need all of the tools we can get to deal with this problem.

And I have been joined by a dozen Senators from key port states to try and pass broad protection for our seaports.

But we all agree that it is not enough to punish terrorists and other criminals for attacking mass transportation systems - we need to identify and prioritize the vulnerabilities to these systems; and we need to provide the resources for securing the systems.

Look folks, the time to act is now. Not tomorrow. Not the next day. Not next year. Now.

We know a lot about the basics of physical security, the things we can do right away to make that system safer.

More dogs to sniff for explosives. We need dogs to roam up and down the aisles and through the terminals and tunnels. We need better lighting, closed-circuit television surveillance, fencing - nothing fancy or experimental, just resources to do what we already know can work.

And we need more transit cops in the stations and on the trains. Last Congress I held hearings on how more cops on the beat results in a drop in crime. Increased police presence in our transit system can help deter violent attacks.

That is one thing we can do throughout the system to make it much safer. Our Commerce Committee bill moves in that direction.

The other top priority, Mr. Chairman, has to be securing the most vulnerable and most valuable targets. That legislation directs the Department of Homeland Security to do that.

We know that the targets with the highest payoff for terrorists are the ones that have the greatest potential for both catastrophic levels of casualties and stunning symbolic effect. And where does that lead us? Directly to the six tunnels under New York City, heading into Penn Station.

They are just that kind of target.

The newest was built in 1910, long before the kinds of threats we are discussing today could even be imagined.

And frankly, we're sitting on one right now. It's the tunnel that runs right here under Capitol Hill - under these Senate Offices. Under the Supreme Court of the United States. Under the House Office Buildings.

It wouldn't take a high-tech explosive. It wouldn't take a dirty bomb to do the kind of massive damage that terrorists want.

It would just take a small explosion on a freight train carrying some everyday hazardous cargo like chlorine, and another date would join December seventh and September eleventh in infamy.

On any given day, Mr. Chairman, the number of people moving in and out of Penn Station in New York is the equivalent of over a thousand Boeing 767's - if they were in airplanes instead of trains, they would be protected by a new security system.

Or put it this way - as the Wall Street Journal noted earlier this week - there are more rail passengers moving through Penn Station in a given day than in all 3 metropolitan New York airports combined!! Yet, where are our priorities?

As our witnesses Brian Jenkins notes in his testimony, every day about 2 million U.S. airline passengers are checked by nearly 60,000 airport screeners.

In contrast, we have 26 million passengers nationwide who travel on trains, subways, and buses every day and who receive virtually no screening. None. Nothing.

They walk freely between metro rail systems and interstate lines and nobody checks them. They don't ask for a ticket or identification once you're in the system.

I fully understand and appreciate that, while we cannot create a parallel screening system for non-aviation passengers, the numbers point out the staggering challenge we face in securing mass transit.

But enough from me.

I look forward to hearing from our witnesses today on how we can better prevent a devastating terrorist attack, as well as the laws and additional resources they need to prevent and punish those attacks.

Thank you, Mr. Chairman.