

Walters to be the Director of the Office of National Drug Policy Control. They are going to have a hearing on October 16 on Tom Sansometti, and then on October 18 they are going to have a hearing on another circuit judge and 5 district court judges.

I say this because the Judiciary Committee is overwhelmed with work, and in spite of that we are moving at a very rapid pace. When Senator LEAHY became chairman of the Judiciary Committee, there had not been any judges reported out. That had been 6 months this year. We have done this much work already this year, which I think is significant.

During the first year of President Clinton's Presidency, it is my recollection—I do not have that before me—we had three circuit court judges during that entire year. We are going to surpass that this year quite easily.

This morning at 8, Senator BYRD called a meeting. Of course with him was the ranking member of the Appropriations Committee. He met with the 13 subcommittee chairs and the ranking members to talk about how we would move forward on appropriations bills. We now have the numbers, and we are going to move forward as rapidly as possible.

We still have five bills that have not received Senate action. Seven of them have received Senate action and we are waiting to complete a conference with the House. Under Senate rules, the only way we can move to other matters is by unanimous consent.

I have been in consultation with the majority leader, and as a result of the work done by the Judiciary Committee in arriving at final numbers, it is now appropriate we do things today other than be in morning business. We have work in the Senate that needs to be done and that can be done, in spite of the fact there is a motion to proceed on this aviation security bill, which is so important.

#### UNANIMOUS CONSENT REQUEST— H.R. 2506

Mr. REID. I ask unanimous consent that the Senate now proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, reserving the right to object, I admonish the body that we are ready to go forward and, as the distinguished assistant majority leader points out, we ought to be using the time available to conduct other business, if we cannot go forward with the airline security bill. I have been talking with Senator McCRAIN to coordinate this effort. While the managers' amendment is yet to be finalized, we have other amendments. It seems to me we could get some kind of agreement with respect to relevant amendments and consider these measures. It would not be time wasted.

This procedure of moving to another bill puts airport security in limbo. We are not having votes tomorrow or Monday, and certainly not on the weekend.

Reagan National is up and running again, and we have shuttles going to New York and Boston and otherwise, but the holdup in ensuring the security of our airports is now on the part of the Senate.

Mr. REID. I say to the chairman of the Commerce Committee, who has worked so hard on this issue and is our leader on this issue, the Senator is right. Once we get agreement to be able to proceed to this bill, which we wanted to do yesterday, of course, we could do that. In the meantime, whether it is an hour, 2 hours, or 3 hours, whatever Senator LEAHY could do would be time well spent.

Once there is any agreement that has been reached by the Senator from South Carolina with the minority, we would be happy to immediately move off of that.

The point we are making, I say to my friend from South Carolina, there is no need we be in morning business all day. We have things to do. The Senator can be assured that once there is any agreement on this vital legislation, airport security, we will get off of this. I have spoken with Senator LEAHY. He agrees. The Senator does not have to worry; We want to keep full focus on this legislation.

Mr. HOLLINGS. I thank the distinguished leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. I object to the unanimous consent request.

Mr. REID. Madam President, I am very disappointed. We need to move forward on this legislation. We had an objection yesterday on airport security. Now we have one on this appropriations bill. We have worked so well these past 3 weeks together. We need to continue. That is the reason I went through the list of work we are doing on the judges. We are working as hard as we can. We have been consulting with the majority leader and assistant minority leader on how to move forward. We are doing our level best to do that.

I am very disappointed there has been an objection by the minority to moving forward on an unfinished appropriations bill. It is too bad. I would, of course, ask we go to the Agriculture appropriations bill, but there would be the same objection, so that is a waste of the Senate's time. That is too bad.

The President has reached out to the majority in the Senate. We have done our best to work with the President. I am very disappointed. I am confident the President would like us to move forward on these appropriations bills. I think the President himself knows how hard we are working on these nominations. As I said, if you compare what we have done to the early years of the Clinton administration, we are doing just fine.

Madam President, this is not payback time for the fact that we didn't get many of our judges approved. This is not payback time. We are working through the process as quickly as we can. These judges have been nominated in an appropriate fashion. A lot of them were late getting here, but we are moving through them as quickly as we can. I think it is unfortunate we cannot move forward on these appropriations bills.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### AVIATION SECURITY ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to consideration of S. 1447, a bill to improve the aviation security, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. REID. Will the Senator withhold for a unanimous consent?

Mr. THOMAS. Certainly.

Mr. REID. It is my understanding the minority is having a party conference. If I could ask my friend, for the next hour or so perhaps we should go into morning business. Any objection to that?

Mr. THOMAS. No objection.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent until the hour of 11:30 today we be in a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PRIORITIZING

Mr. THOMAS. Madam President, I say to my friend from Nevada, all Members are anxious to move forward with this airport security bill. Unfortunately, the impediment basically has been the threat to bring up amendments that are unrelated. This ought to be held to moving that. There will be a conference going on designed to come to an agreement with regard to this bill. Hopefully, we will be back on the floor with it today.

I am pleased to hear the Judiciary Committee is finally moving on the judges. We have a total of 6 that have been confirmed. There are 107 vacancies; that is a 12½-percent vacancy. The total of nominees not yet dealt

with is almost 50, 49. We certainly have an obligation to move forward on that issue.

I hope as we are working through all the items that are of such priority that we can set some priorities and take those that obviously are most important, those that deal with terrorism, those that deal with security. They have to be the highest priority. Those that deal with the economy have to be priorities. And of course we have to do our normal duties. I have been talking about this for several weeks. We have not moved very quickly.

Hopefully we will be able to come back to this bill very soon today.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Madam President, we are in morning business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KERRY. I ask unanimous consent I be permitted to proceed for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NATIONAL SECURITY

Mr. KERRY. Madam President, as one of the original authors and cosponsors of the Aviation Security Act, I take a moment to underscore where the Senate finds itself at this moment, which I find distressing and deeply frustrating and less than an adequate response to the compelling requests made by the President of the United States a few days ago in a joint session of Congress. Only a few days ago, the Senate came together with the House to listen to the President describe a war, to describe the most compelling circumstances this Nation has faced certainly since Pearl Harbor, and perhaps in its history in the context of the nature of the attack on New York City and the Pentagon.

There is a danger in raising the level of rhetoric and not meeting it with the actions that the American public understand are required of a nation facing urgent circumstances. It is extraordinary to me that the Senate is in gridlock. That is where we are, essentially, stopped cold in our capacity, not just to do the Airport Security Act and let the Senate vote its will, whatever that may be—I don't know what the outcome will be—but let the democratic process of the Senate work. Rather than trying to hold it up completely, to subject it to some kind of prenegotiation that appears to be im-

possible when we even have meetings canceled and there is no negotiating going on.

We tried to go forward on the foreign ops bill. I cannot think of a bill, second to the Department of Defense authorization we just passed a few days ago, that is more important in the context of the circumstances in which we find ourselves. But we are not even permitted to proceed forward with that because, essentially, once again politics and ideology are rearing their heads with a stubbornness that suggests that a few Members of the Senate are unwilling to allow the entire Senate to work its will. What an incredible display at a time when the world is watching the greatest deliberative body, and the greatest nation on the face of this planet with its democracy, try to work effectively to respond to these needs. What is even more incredible to me is that common sense tells us what the realities are with respect to airport security and, I might add, rail security in this country.

We woke up this morning to the news that an airliner apparently has exploded and gone down over the Black Sea, a Russian airliner. We do not know yet to a certainty that it is terrorism, but we do know the early indicators of an eye witness report from the pilot in another aircraft is that he saw it explode and saw it disintegrate and go down into the sea. And Russian President Putin has said it appears as if there is some act of terrorism.

Leaving that aside, we have promised the American people we are going to provide them, not with a level of security, not with some sort of half-breed sense that we have arrived at a notion of what is acceptable, but we are going to provide the best security, the fullest level of security we are capable of imagining, that is well within the reach of this country and well within our capacity to afford.

I might add, what we are suggesting we want to provide to Americans, in terms of security, they have already suggested they are willing to pay for several times over. This is not a question of cost. It is not a question of our inability to afford this. It is a question of politics, ideology.

We have some in the Senate who do not like the idea that there might be more Federal employees, that there might be more people who might join a union even, that there might be more people who somehow might not have their political point of view but who nevertheless might perform an important function for our country. When I was in the military, what I learned about, sort of a hierarchy and about authority and about training and management, is that there is a brilliant effectiveness to the chain of command and to the manner in which a Federal entity is organized or a law enforcement entity is organized.

I do not think anybody in this body would suggest we ought to be contracting out the responsibilities of the

Border Patrol, or contracting out the responsibilities of the Immigration and Naturalization Service, or contracting out the security of the Capitol, the security of the White House, or the security of a number of other efforts. But they are prepared to contract out to the lowest bidder, with unskilled workers, the security of Americans flying, notwithstanding everything we have learned. That is just unacceptable. It is unacceptable.

I hear all kinds of excuses being made: There are transition problems; you might have contractors quit in the meantime. First of all, at a time of high unemployment and rising unemployment, I think common sense would tell us most of those contractors would leap at the opportunity to have a better-paid job and to get more training and they will stick on the job because they will be part of an important security corps of the United States of America and they would want to be part of that. And, incidentally, they would want to be part of it because they would then have the possibility of having benefits they do not get today, which is one of the reasons we have employees, notwithstanding all of their best efforts and all of their best intentions, who are, many of them, simply not fully enough trained or prepared to do the job they are being asked to do. It is not their fault, but it is the nature of the pay scale.

If you were to compare the difference between the civilian nuclear industry and the military nuclear industry—i.e., the U.S. Navy on ships—we have not had major incidents on ships of the U.S. Navy. We have had Navy ships running nuclear reactors, and highly successfully, for years now: Submarines, aircraft carriers, cruisers, and others. But the military has an unlimited human personnel capacity for redundancy, for certitude in the human checks, and therefore is capable of providing a kind of safety net that you cannot provide in the private sector because the private sector is always thinking about the shareholders, the return on investment, the cashflow, and the capacity to do it. So you do not get that kind of redundancy often unless it is required.

The same thing is true of the checking of the security process of people boarding aircraft. Moreover, we have now learned that this is something more than just a job, significantly more than just a job. It is part of the national security framework of our country. It is the way in which we will prevent a plane from being used as a bomb or a plane from simply being blown up, or passengers from being terrorized in some form or another. Passengers deserve the greatest sense of safety in traveling.

For those who are concerned about the economy, there is not one of us who has not been visited in the last weeks by members of the auto rental industry, restaurant industry, travel industry, hotels, and countless mayors