load them, those people who refuel them, those people in checkout areas, or check-in areas, and baggage areas—they know what they are supposed to do—but there is a bright line on their security. One person is in charge of security.

Those areas the Senator mentioned a while ago—passenger lists and intelligence, the airport, the periphery outside, the check-in area, the departure gate, cargo, the aircraft—you get down to the little bottom part of it that says: Aircraft. Above that is where it parks. We know those areas. And they can be supervised by people who understand restricted areas, restricted cargo, the movement of contraband, and understand passenger lists and intelligence. And that is Justice. That is where it is at. So we can agree on that, I am sure, before it is all over.

But that is what we have to do. This debate is right on target, I say to the Senator. And I do not know what the House wants. I have no idea. They have not told anybody. I do not know what they want or what they do not want.

But I think it is incumbent on us and the chairman of the Commerce Committee, through his leadership, that we get a bill out of this Senate this week and also probably an antiterrorism bill, too. We can agree on those things.

But make no mistake about it; what is continuing this debate, which I doubt continues past tomorrow, is an amendment that is hanging out there that has nothing to do with airport security.

What we have to be very careful about—and I think there are a couple others, but those areas can be worked out. We can negotiate those out. I am satisfied with them because nobody understands justice any better than our chairman. He chairs the appropriations subcommittee that gives them their money. He understands that. And I am willing to work with my chairman to make sure that we make this as suitable as possible.

But what I think I want to do, I want to make a bright line of authority, accountability, and responsibility because we are in war. Why am I adamant about this? It is very simple. Approximately 6,000 people died September 11. That is an astounding figure to me, astounding. And the system we were using had a soft point. It did not work.

So what I am saying is this: Give authority where there is accountability and responsibility and also a presence that is trusted by the American people so they feel confident, safe, and secure when they fly.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. BURNS. I certainly will.

Mr. HOLLINGS. Mr. President, I thank the Senator from Montana. He has been the most diligent of all. He has been to every one of the hearings, all the briefings with El Al, and has been a wonderful supporter to get responsibility fixed. That has been his theme. And whether we do it in Justice or whether we do it in Transportation, or wherever, I always tended toward trying to get it done. And the White House wanted it in Transportation. Transportation has a follow-on with respect to railroads and the seaports. So I thought the one entity of Transportation would be it.

But there is tremendous logic in what the Senator has pointed out. I cannot thank him enough for his support, so we can move to let the majority's will govern.

We ought to be embarrassed. Five weeks after September 11, and we are still dillying around, with an empty Senate Chamber, arguing about maybe benefits and maybe about the railroads and maybe about something else.

I am ready to move to this and have it done and then take up railroads. Let's take up the question of the seaports and take up counterterrorism and all these other measures. But I think in trying to engineer around and satisfy this Senator and satisfy that Senator, we have been doing that for 3 weeks, and we have gotten nowhere.

I thank the Senator for his leadership.

Mr. BURNS. Mr. President, I thank the Senator for his time and appreciate that we quit monkeying around and that we get it done. But in those areas that really concern us about airport security, we are pretty close. We can agree on that.

So I think we ought to keep our eyes on the ball, why we are here, what the legislation is supposed to do, and then let other issues come up as they shall. But I think the American people expect this piece of legislation.

Again, I cannot believe that people would venture into areas that have nothing to do with security when basically we are at war. Nobody understands that in this body today as well as the man who is the Presiding Officer, his losing friends, family—maybe not family but friends. Six thousand people died on that day. It is time to quit monkeying around. It is time to get on with our business.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1510

Mr. DASCHLE. Madam President, we have been negotiating in good faith on both sides of the aisle all day long. As you know, there have been Republican objections to moving directly to the airport security bill. We are still in that postcloture period where the 30 hours are being consumed as we attempt to address the need to move directly to the bill. Tomorrow at 5 o'clock, we will have that opportunity. It was my hope, in consultation with Senator LOTT, that we could move in the interim to the counterterrorism bill. So much work and effort and negotiation has gone into getting us to this point that it was my hope, in the interest of expediting consideration of this bill, that we would have the opportunity to take it up, and it would be my hope we could take it up tonight, work through the day tomorrow, and then have a vote on final passage tomorrow.

I ask unanimous consent that at 10 o'clock tomorrow, the Senate turn to consideration of S. 1510, the antiterrorism bill; that the time between then and 5 o'clock be equally divided between Senator LEAHY and Senator HATCH; that the only amendment in order be a managers' amendment to be cleared by both managers, with 30 minutes of Republican time under the control of Senator SPECTER; that at 5 p.m. tomorrow, the bill be read the third time, and the Senate vote without any intervening action or debate on final passage. Further, upon disposition of S. 1510, the Senate immediately vote on the motion to proceed to S. 1447.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I understand and certainly appreciate the urgency of this bill. It is very important we give the Department of Justice and our intelligence agencies the tools they need to combat and prevent terrorism, but it is also crucial that civil liberties in this country be preserved. Otherwise, I am afraid the terrorists win this battle without firing another shot.

It is our constitutional duty in this body to preserve and protect the Constitution of the United States. Our freedoms in part are what the terrorists hate about us. We cannot be expected to limit those freedoms without careful study and debate, and I do know—and the majority leader, of course, is right—how hard the leaders, the chairman, and the ranking member of the Judiciary Committee have been working on this measure, and I appreciate all they have done. But there has not been an open process in the Judiciary Committee, much less the full Senate, for Senators to have an opportunity to raise concerns about how far this bill goes in giving powers to law enforcement to wiretap or investigate law-abiding U.S. citizens.

As of the end of last week, we were told the bill would probably come up on Thursday of this week. Today the request is made to bring it up immediately under extremely restrictive

terms for debate that would not allow any opportunity for amendments other than the one the majority leader mentioned.

Senators must have the opportunity to read and debate this 200-plus page bill and offer amendments. It does not have to take weeks or even days, but it cannot be done before most Senators have even had a chance to read and understand the far-reaching changes this bill makes on our laws.

Madam President, I reserve the right to object. I do not wish to object, but in order to give due attention to the serious constitutional issues before us, and in the interest of moving forward on this important legislation, I ask unanimous consent that the leader's request be modified to allow this Senator to offer four relevant amendments with each to be debated for an hour equally divided.

Mr. DASCHLE. Will the Senator from Wisconsin be prepared to insert the text of the amendments in the RECORD this evening?

Mr. FEINGOLD. I will not be able to do it this evening, but I will be able to do it tomorrow.

Mr. DASCHLE. Madam President, that is exactly the problem we have had with the Senator from Wisconsin and others over the course of the last several days. There is a desire on the part of Senators to amend the bill but no amendments are available. I cannot agree to amendments I have not seen, obviously, and I think it is asking a good deal of all the Senate that we reserve opportunities for him to offer amendments without having the opportunity to see the amendments themselves. Of course, I have to object to that.

I am very disappointed. This bill has been on the calendar now for some time. It has been available for all Senators to review. We have had the opportunity to discuss it in caucus now on several occasions.

It has been available for discussion, certainly for further consideration, as Senators have had the opportunity to talk to the distinguished Chair, with me, and with others. So I am understandably concerned about the request of the Senator from Wisconsin. Obviously, I am not able to agree to it.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

The Senator from Vermont.

Mr. LEAHY. Madam President, reserving the right to object, and I will not object to the request of the leader because I agree with it, but I want Senators to know an enormous amount of time has gone into this bill. We have been trying to consult with Senators on the Judiciary Committee and outside the Judiciary Committee as we have gone forward. We have consulted with Republicans, Democrats, the White House, and with the Department of Justice. I have tried to keep the distinguished majority leader informed each step of the way, and I know Senator Hatch has done the same with the distinguished Republican leader.

We put the bill in last week.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. REID. Is it not true that the Senator and Senator HATCH and the staffs have spent hundreds of hours on the bill in the last 5 weeks? Is that a fair statement, hundreds of hours?

Mr. LEAHY. I tell my friend from Nevada not only is it a fair statement, but I am painfully aware of all of those hours. In fact, I got up at 3 this morning in Vermont to come back in time to be prepared to go forward to discuss the bill, to have a full discussion today or tomorrow, if need be, so that Senators could ask questions and they could either vote for it or against it. I say to my friend, the senior Senator from Nevada, throughout those nights and days, a lot of times I would leave about 1 a.m. and the staff would still be there at 4 a.m. or 5 a.m. We made a number of changes. Nobody is more protective of the rights of individuals than I, and considerably more than that, I feel very strongly in agreement with Benjamin Franklin's comment when he literally had his neck on the line when he said people who would trade their liberty for security deserve neither.

We are trying to get that balance between liberty and security. Is it a perfect bill? No. Could we pass a perfect bill? I doubt it very much. Is it far better than when it was originally proposed by the administration as far as being protective of civil liberties? I believe it is.

Mr. REID. I ask my friend one more question. I know that one of Senator LEAHY's key staff members had a longstanding dinner engagement, and he had to dress in the car prior to taking 2 hours off on a Saturday night for dinner because he had worked all Friday night, all Saturday, and he finished dinner and was going back to work.

Mr. LEAHY. I have asked him about those 2 hours he took off during that 48 hours.

Mr. REID. I ask the Senator this question: During this process, has the Senator's staff been available to my staff and any other Senator who had a question about what was being done with that legislation?

Mr. LEAHY. We have had calls from Senators on and off the committee. The Senator from Nevada is absolutely right, to answer his question. We have been available to everybody. Since the bombing, I have been able to go back a couple of times to Vermont, mainly to tell Vermonters what has happened. I do not know the number of faxes and calls I had from Senators around the country who had questions, and we tried to get answers to them. I sometimes get e-mails at 2 a.m., going back and forth. So I do not know any Senator who could say they have not had an opportunity.

The Senator from South Dakota is absolutely right; as I said, I have tried to keep him briefed. I know Senator HATCH tried to keep Senator LOTT briefed. I say to my friend from Wisconsin, is it moving faster than I would like to see such legislation move? Yes. Are we facing other threats in this country today? I believe we are.

I also might say this bill does not answer all of those threats. We will at some appropriate time go back and look at the number of things that were probably overlooked by the Department of Justice or the FBI or others, things that might have prevented the bombings in the first place that were overlooked, things that have been gathered under the current law.

Having said all of that, and notwithstanding the fact the current law was not used as well as it should have been by the Department of Justice and others, we have made some improvements, but the House has also made changes.

I ask my friend from Nevada, who is the distinguished deputy majority leader, would it not be his assumption that ultimately the final version of this bill will come out of that conference between the Senate and the House? But we cannot get to conference until we get the bill off the floor.

The PRESIDING OFFICER. The Senate majority leader has the floor.

Mr. DASCHLE. Madam President, I again propound the unanimous consent request.

Mr. LOTT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senate minority leader.

Mr. LOTT. I will not object, but I do wish to commend Senator DASCHLE for working to make it possible to move this antiterrorism bill forward. I also commend Senator LEAHY. Two weeks ago, it looked as if it was hopelessly balled up and an agreement or compromise was not going to be worked out. There was a lot of give and take, and Senator LEAHY hung in there. Even though some people were being critical of him, he did not let it deter him. He stuck with it and came up with a very strong bill, a delicately balanced bill. He worked with the administration. He worked with his colleague on the other side of the aisle, and I think compliments are due all around.

Is it a perfect bill? No. I have people on our side of the aisle who believe it is still not nearly strong enough, and Senators who would like to have an opportunity to offer amendments that would make it even stronger from the standpoint of how we deal with the necessary information we need, wiretaps, and from a law enforcement standpoint, but this was a way for us to deal with this critical issue.

I do not make a blanket indictment. I do worry about, Heaven forbid, something further happening that we could have avoided if we had had these tools at our disposal. We still have to get through the Senate, get through the House, get into conference, and get this bill done. We are talking about, if we

get this done tomorrow or the next day, still probably a week.

So I urge my colleagues on both sides, let us work together. An example has been set, and I am proud of what the Senate has done. I am proud of what the committee has done and is willing to do. I hope the rest of us will take advantage of the opportunity to follow that leadership.

I wanted to get that on the record. I will not object, Madam President.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. We can certainly continue these discussions, but I want to say it is certainly not the case that I have not shared the concerns I have, I would say, concerning the amendments we have talked about, the actual areas, and shared them with the leadership. We certainly could have the text of all of these amendments by 10 tomorrow morning. In other words, the language would be available before the bill even comes up. That strikes me as sufficient notice usually in the Senate.

I do not think it is a fair complaint to say we cannot agree to these reasonable requests simply because of the extra language written out at this point.

Madam President, at this point, unless other Members wish to address this issue, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if the Senator from Mississippi seeks recognition, obviously I yield to the distinguished Senator.

Mr. LOTT. Madam President, I was hoping to have a brief opportunity to speak about the magnificent leadership of Senator Mike Mansfield, but I will be glad to withhold on that.

Mr. LEAHY. I will say to the minority leader, Mike Mansfield is a man who was my mentor and I will be speaking about him tomorrow after the memorial service. But I say to the distinguished leader, he was my leader when I came to the Senate, and I think he probably had as much involvement in teaching me how to be a Senator as anybody. I will speak further on that at another time.

I hope Senators would work with the distinguished majority leader and the distinguished Republican leader to help us schedule this legislation. I have tried to be accommodating, getting up at 3 o'clock this morning in Vermont to try to get back.

Do I love this bill? Of course I don't love this bill, Madam President. But neither does the distinguished Republican leader. Neither does the distinguished ranking member. There is nobody in here who does. It is impossible to craft a bill of this nature that everybody is going to like.

Does it protect us for all time from terrorism? Of course it does not. As I said earlier, I suspect we had information prior to September 11 in our files at the Justice Department that might have led to the apprehension and the stopping of the terrorists. That was information and intelligence that was acquired properly under the current laws. Will this protect us by itself? No. Will it give us some tools we don't have? Yes. This can be done in such a way that we ask ourselves, are we willing to try some of this for a while? Put constitutional limitations.

I think the distinguished Senator from Mississippi knows I am very truthful when I say I will have some very serious and, I would hope, bipartisan oversight hearings of abuse of the law as we go along. This is not a liberal or conservative piece of legislation. We have liberals and conservatives and moderates who have areas of concerns. We all do because we protect and respect our privacy. I come from a State where privacy is paramount to everybody. It is one thing that unites every one of us, no matter our political background.

But we cannot tell what is going to be the final bill until we consider it. We have to pass something out of the Senate. The House has to pass something. They have been working extraordinarily hard, Madam President, both Chairman SENSENBRENNER and Ranking Member CONYERS. Why not see what we can come up with? The committee of conference will be the final package. If I don't like the final package, I will be the first to vote against it. But I suspect we will come up with something. We will probably have some very late nights that will be worthwhile.

I thank my friend from Mississippi and my friend from South Dakota for trying to bring this bill up. I will stand ready. I don't have to leave at 3 o'clock anymore this week to be here. I am here. Although I might say, if anybody could know how absolutely beautiful it is in Vermont at this time of year, with the best foliage we have had in 25 years, maybe we should move the Senate up there. It depends on the good graces of my friend from Mississippi.

I yield the floor.

Mr. LOTT. I thank Senator LEAHY for his work. We have clearly come up with a superior bill to the one being moved in the House, but the House is also moving forward. I know Senator SMITH of New Hampshire has an amendment he wanted to offer, too. Every Senator has the right to object. We should not be critical of a Senator exercising that right.

But I think there is urgency on this legislation. I hope, I say to Senator LEAHY, we will continue to work to see if we can clear this bill and get it considered tomorrow. If we don't, there is a danger that the aviation security bill will tangle up the rest of the week and we might not be able to get to this bill until next week.

I think the American people have appreciated the way we have worked together, shoulder to shoulder, regardless of party. We are all feeling a great need to pull together with patriotism while protecting fundamental rights. I hope we can continue to do that. We will be glad to work with Senators LEAHY and DASCHLE to see that happens.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1521 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWNBACK. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITING AND STRENGTHENING AMERICA ACT OF 2001

Mr. LEAHY. Madam President, last Thursday, October 4, I was pleased to introduce with the Majority Leader, Senator DASCHLE, and the Chairmen of the Banking and Intelligence Committees, as well as the Minority Leader, Senator LOTT, and Senator HATCH and Senator SHELBY, the United and Strengthening America, or USA Act. This is not the bill that I, or any of the sponsors, would have written if compromise was unnecessary. Nor is the bill the administration initially proposed and the Attorney General delivered to us on September 19, at a meeting in the Capitol.

We were able to refine and supplement the administration's original proposal in a number of ways. The administration accepted a number of the practical steps I had originally proposed on September 19 to improve our security on the Northern Border, assist our Federal, State and local law enforcement officers and provide compensation to the victims of terrorist acts and to the public safety officers who gave their lives to protect ours. This USA Act also provides important checks on the proposed expansion of government powers that were not contained in the Attorney General's initial proposal.

In negotiations with the administration, I have done my best to strike a