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## Senate

The Senate met at 9 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign of our beloved Nation, we want to express our profound gratitude for citizenship in the United States of America.

After September 11 we no longer take for granted the privileges of being citizens of this land. You have blessed so bountifully through the years. Now we gratefully think about our freedoms of worship, speech, assembly, and the liberty to vote. Today, we praise You for our representative democracy. Thank You for the privilege of serving in government. Help the Senators and all of us who labor with and for them to work today with a renewed sense of awe and wonder that You have chosen them and us to be part of the political process to continue to make this good Nation great.

Thank You for the renewed spirit of patriotism sweeping across our land. Help the children to learn that an important aspect of love for You is loyalty to our country. We dedicate ourselves to overcome terrorism and to assure opportunity and justice for all Americans and the world. So, today, as we pledge allegiance to our Flag, our hearts express joy: This is our own, our native land and You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 21, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, the majority leader has asked me to remind everyone we are going to have a vote at approximately 9:25 this morning.

There will now be 20 minutes of concurrent debate on the nomination of Sharon Prost to be United States Circuit Judge and Reggie Walton to be United States District Judge.

Following these votes, the Senate will stand in recess subject to the call of the Chair, as both parties are having conferences.

This is an extremely important day for us. We have the Defense Appropriations Committee bill which we believe will be brought up and also some legislation dealing with the airlines.

So there will be rollcall votes today. There will be rollcall votes on Monday, earlier than usual—sometime probably midmorning or early afternoon. So we

ask everyone's cooperation, which we usually get.

### RESERVATION OF LEADER TIME

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

### EXECUTIVE SESSION

NOMINATION OF SHARON PROST, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

NOMINATION OF REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider en bloc Executive Calendar Orders 360 and 361, which the clerk will report.

The legislative clerk read the nominations of Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, and Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a total of 20 minutes for debate on the two nominations, with the time to be equally divided between the chairman and the ranking member.

The Senator from Utah.

Mr. HATCH. Mr. President, let me first thank the distinguished majority leader, Senator DASCHLE, and my dear friend the chairman of the Judiciary Committee, Senator LEAHY, for their support and efforts in moving this nomination and scheduling this vote

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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today. The nominees before us are both great people, but I am going to first chat about the nominee Sharon Prost.

She is no ordinary nominee. She is an extraordinary woman of integrity and intellect who is the nominee to be an appellate judge on the U.S. Court of Appeals for the Federal Circuit. She also happens to serve as the Republican Chief Counsel to the Senate Judiciary Committee, my chief counsel, Sharon Prost.

Many of us who have worked with Sharon either on the Judiciary or the Labor Committees know her well. Sharon grew up in an Orthodox Jewish home, where the values of faith, family, and country were instilled in her. Simply put, Sharon embodies the American dream. Her parents were concentration camp survivors who arrived in this country from Poland in 1948. The pursuit of their own educations was derailed by the war, but they nonetheless emphasized to Sharon the importance of education and hard work in achieving success—advice Sharon has followed throughout her life. And, as Sharon noted at her hearing, her parents instilled in her the love of community, love of family, and love of God.

Tragically, Sharon's father died when she was only 13 years old. Upon his death, she had to support herself, and worked her way through high school and college. But despite the obstacles life placed before her, Sharon persevered. She and her sister Marlene became the first in their family to graduate from high school and go on to attend college. Perhaps one of the best-educated individuals ever to have worked in the Senate, Sharon holds four degrees, including a bachelor of science from an Ivy League university, a law degree, an LLM in tax, and an MBA. She got three of her degrees at night while working full-time.

A labor lawyer at heart, Sharon first came to work for me 12 years ago, after serving as acting solicitor of the NLRB. I sought Sharon out to work for me on the Senate Labor Committee because I learned of her intellect, her integrity, her exceptional legal skills, and her background in finance.

In her role as my chief counsel on the Judiciary Committee, she has been responsible for everything on the committee agenda, including matters of immigration, antitrust, and patent law.

I cannot stress enough how indebted I am to her for her service over all of these many years. She is one of the most loyal, decent, and intelligent people with whom I have had the privilege to serve.

Sharon truly is something of a modern renaissance woman, with a breadth and depth of knowledge in a variety of areas. Her background and education make her uniquely suited for service on the Federal Circuit, which, as you know, handles myriad issues ranging from veterans matters to patent cases to employment cases.

It has been said that "[t]he value of government to the people it serves is in

direct relationship to the interest citizens themselves display in the affairs of state." Sharon has proved herself to be a valuable asset to our Nation, having devoted much of her life to public service.

I know that Sharon holds the other Members of this body in the highest regard, and that those who have worked with her have the utmost respect for her as well—a fact reflected by the standing ovation that the Judiciary Committee members gave Sharon when they unanimously approved her nomination to be sent to the full Senate.

Sharon has been the primary counsel working for me on a number of bipartisan initiatives, including the Violence Against Women Act with Senator BIDEN and his staff, as well as the religious liberty bill that was passed last year. And Sharon has worked closely with Senator KENNEDY's staff over the years on Labor Committee and immigration issues.

I would be remiss in talking about Sharon Prost and her many accomplishments without mentioning the role she considers most important of all: that of being the mother of her terrific sons, Matthew and Jeffrey. She is one of the most noble and fine people I have ever known.

Let me close by noting that Sharon is not only an able counsel and wonderful mother, but she is a person with a good heart.

As Robert Traver wrote more than four decades ago,

Judges, like people, may be divided roughly into four classes: judges with neither head nor heart—they are to be avoided at all costs; judges with head but no heart—they are almost as bad; then judges with heart but no head—risky but better than the first two; and finally, those rare judges who possess both head and a heart.

Sharon will serve this country as a judge with head and a heart. In fact, Matthew and Jeffrey will tell you that one of their mom's favorite things to say is, when you use both your head and your heart, you will do things right and do the right things.

These words are insufficient to express how much I respect and love her, and how much I will miss her and her skill and good counsel. I truly have mixed emotions, but I have no doubt that confirming her to the Federal Circuit will be the right thing for the country.

Let me also take a moment to express again my personal thanks to the distinguished chairman of the Judiciary Committee, Senator LEAHY for moving Sharon out of the committee and for the distinguished majority leader for scheduling this vote today. I also commend the President for recognizing Sharon's skills and talent and selecting her for the prestigious and noble position of being a circuit judge.

I urge and thank my colleagues' support for Sharon's nomination.

Mr. President, I wish to say a few words in support of Judge Reggie B. Walton who has been nominated to be

a district court judge for the District of Columbia. Judge Walton is an excellent nominee for this position who brings a wealth of talent and experience to the job.

Judge Walton began his legal career as a staff attorney in the Defender Association of Philadelphia from 1974 to 1976. There he served as defense counsel for indigent criminal defendants. Next he became an assistant U.S. attorney for the District of Columbia from 1976 to 1981, and he served as the executive assistant U.S. attorney for that office from 1980 to 1981.

In 1981, President Ronald Reagan appointed Judge Walton to the Superior Court of the District of Columbia. He served as the deputy presiding judge of the Superior Court's Criminal Division from 1986 to 1989. In 1989, Judge Walton was appointed by President George H.W. Bush as the Associate Director of the Office of National Drug Control Policy, Executive Office of the President. Judge Walton served in this position until 1991, when he was named by President Bush as the Senior White House Advisor for Crime. Judge Walton was reappointed to the Superior Court bench by President Bush in 1991. Judge Walton served as the presiding judge of the Superior Court's Domestic Violence Unit in 2000. Since January 1, 2001, Judge Walton has served as the presiding judge of the Superior Court's Family Division.

Judge Walton has been active in legal education throughout his professional career. Currently, he serves as a faculty member at the National Judicial College in Reno, NV, as an instructor at the Harvard University Law School's Trial Advocacy Workshop, and as a faculty member with the National Institute of Trial Advocacy.

In short, Mr. President, Judge Walton is a highly capable person of demonstrated talent who deserves the vote of confirmation by this body.

I commend him to the Senate. And, above all, I commend Sharon Prost who has given this body, the U.S. Senate, tremendous service, dedicated service, good service, and intelligent service over the last number of years for whom I could not have any greater respect. She is a terrific human being.

I hope both of these two judges-to-be will enjoy their service for our country in these very important positions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is considering en bloc the nominations of Sharon Prost and Reggie Walton. There are 20 minutes evenly divided. The Senator controls 10 minutes.

Mr. LEAHY. I thank the Chair, my distinguished friend from New England.

To reiterate, I commend the President of the United States for his speech last night. I said to him after the speech that I thought, as most people

do, it was the finest speech of his public career. He spoke to us in accordance with constitutional provisions contained in article II, section 3 of our Constitution to report to the Congress on the state of the Union. But, more importantly, he spoke to all Americans.

I was there. My wife Marcelle was in the galleries. Millions upon millions of Americans across the country and people all around the world listened to the President. We knew America had been hit by murderous terrorist acts in New York and at the Pentagon in Virginia, and at the plane crash in Pennsylvania.

The President was right in saying there are no easy answers; that we face a long and terrible fight.

I could not help but think as I listened to him that we will know our defeats in the years ahead. Often we will not know our victories. That makes the fight even more difficult. It is easier when you face a well-known foe, as we have in other times. Here we will know when we lose some battles. We will not always know when we win some.

The President should know that we have a United States behind us—a United States of America united more than at any time since I have served in the Senate. We must use that unity to bring out what is the best in our country, both in protecting our own liberties and our own rights as Americans—and we will do that—but also in demonstrating to the rest of the world that we are not a defenseless giant.

I have served for many years with both the Majority Leader and the Republican leader. In fact, I have been in the Senate throughout all of their careers. I commend Senators DASCHLE and LOTT for their reinforcing reaction and response. I believe Senator DASCHLE and Senator LOTT showed the best of the Senate last night and in these difficult days.

The desk I sit in was once used by Senator George Vandenberg. Senator Vandenberg said “politics stops at the water’s edge.” And we showed that last night.

I have been working with the President and the Attorney General to bring together a package of legislative proposals to aid in this effort, laws that can help without sacrificing the freedoms and constitutional protections that define what is best in America. I want publicly to thank Attorney General Ashcroft for his cooperation. He and I have probably spoken more times in the past week and a half than we might have in months when we served side by side in the Senate.

Since the terrorist attacks of September 11, the Judiciary Committee has been devoting virtually undivided attention to the aftermath, the investigation and the proper legislative response. The exceptions have been the confirmation hearings we have conducted since the attacks for high-ranking law enforcement officials at the Department of Justice and for judicial

nominees. All will hopefully help. Today we are going to confirm Sharon Prost and Judge Walton.

I spoke of the pride I had and all Senators had—both Democrat and Republican—when Ms. Prost appeared before our committee, at our extraordinary hearings during the August recess.

I spoke about her not just as a person and as a lawyer and not just because I feel she will be a superb judge on this very important court, but I also spoke of her as the mother of two wonderful young men. I was gratified in seeing the looks in the faces of those two young men as they watched their mother testify but also the love that she showed to them.

As we were reporting the Prost nomination from the Committee, she received a spontaneous standing ovation from all those assembled.

This morning the Senate will confirm Sharon Prost to be a Judge of the United States Court of Appeals for the Federal Circuit. At that moment, the Senate will have confirmed as many judges to our Courts of Appeals, since July of this year, as were confirmed in the entire first year of the Clinton administration. We are moving forward very quickly. In the first year of the Clinton administration, where they did not have all the disruptions and distractions and shifts we have had here, the first Court of Appeals judge was not confirmed until September 30 and the third was not confirmed until November. We have moved a lot faster. Actually, we have moved a lot faster than the Senate did during the first year of the first Bush administration, as well. That year, 1989, the third Court of Appeals nominee was not confirmed until October 24.

With the reporting of the Prost nomination to the Senate earlier this month, we had reported as many Court of Appeals nominees as were reported all last year. Since then we have had a hearing on an outstanding nomination to the Second Circuit and I expect to be scheduling more hearings including Court of Appeals nominees in the days ahead.

I recall the predictions when I was becoming Chairman in June that all the President’s judicial nominations would be blocked and the Senate would not confirm a single nominee. By mid-July we had held hearings, the Committee had reported and the Senate had acted to confirm Judge Roger Gregory to the Fourth Circuit and we have continued to work at a brisk pace throughout the summer and into the fall.

I recall published reports that the White House had predicted that the Senate would be confirming only five judges all year. With the confirmation of Judge Walton, we will confirm the sixth Federal judge since July. A fair assessment of the circumstances of this year would lead to the conclusion that we have done what we said we would do and what the Senate should do, proceed to consider and confirm those quali-

fied, consensus nominees that the President is nominating to help fill the vacancies on our federal courts.

We will also have the Attorney General before us on Tuesday morning. I intend to work with the Attorney General and the administration all day today, this evening, all day Saturday, all day Sunday, and all day Monday to try to bring together all the things necessary to get needed legislation enacted. I noted a coalition of more than 150 organizations, ranging from the most conservative to the most liberal, that have joined together to ask the Senate and our committee not to trample on civil liberties as we do this. These groups range from the Eagle Forum to the ACLU, all united, taking the same position. I can assure them that trampling the rights of Americans is not the intention of our committee. We will be very careful.

As the Attorney General said, we can operate within our Constitution. The Constitution has been our greatest shield throughout our democracy. We must honor it and operate within its confines and protections. We will also protect ourselves against terrorism, both domestic and foreign.

I thank those Senators who stayed here with me last weekend, have worked with me evening after evening, and are committed to working with me this weekend, and their staffs. It is a great effort pulling all this legislation together.

I hope that we can continue to show unanimity both for the American people and for this Senate. For example, I want my colleagues to know that early this morning, when most of us could barely keep our eyes open, we reached agreement with the White House and with the House of Representatives on a victims’ compensation program for the victims of the terrorist attacks of September 11, 2001. When we met with the White House and with the House leadership and, in particular, when I met with the heads of the various airline companies, I said that we must have a victims’ compensation program.

I thank the majority leader, Senator DASCHLE; Senator LOTT, the Republican leader; Speaker HASTERT; Leader GEPHARDT; Senator HATCH; Senator KOHL; Senator DEWINE; Senator SCHUMER; and Senator CLINTON for their bipartisan efforts. We have created a victims’ compensation fund. Payments to these victims will be tax free. We will move forward quickly.

I thank Ed Pagano, John Dowd and Greg Cota of my staff for being willing to work around the clock and Makan Delrahaim of Senator HATCH’s staff. I commend Mark Childress and Andrea LaRue of the Majority Leader’s staff and Dave Hoppe of the Republican Leader’s office, as well as Victoria Bassetti, Pete Levitas, Jeff Berman and Leecia Eve. This is extremely important. There is no higher priority. Again, this has been an occasion where in a bipartisan effort working for long hours in good faith and with common

resolve, we have been able to forge a good agreement.

I see the time has arrived for the votes. I ask unanimous consent to print in the RECORD the following relating to establishment of a victims' compensation fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BIPARTISAN COMPROMISE: ESTABLISHMENT OF A SEPTEMBER 11 VICTIMS' COMPENSATION FUND

CREATION OF THE SEPTEMBER 11 VICTIMS' COMPENSATION PROGRAM

Congress shall authorize and appropriate such funds as may be necessary to compensate any victims or their families with physical injury or wrongful death claims arising out of the terrorist-related airline crashes in the United States on September 11, 2001.

To be eligible for compensation, applicants will need to provide information about the harm they suffered or death linked to the terrorist-related airline crashes on September 11, 2001. Applicants will not be required to prove negligence or any other theory of liability.

The Department of Justice shall supervise the program and the Senate shall confirm a Special Master to administer the program to determine victim compensation.

QUICK REVIEW AND PAYMENT OF CLAIMS FOR COMPENSATION

The Special Master shall make a final determination of the applicant's eligibility for compensation and appropriate level of compensation within 100 days of having received the application.

In all cases, the compensation shall be paid within 20 days of the final determination.

Filing of a claim under the program will preempt all other civil remedies available under federal or state law for the same physical injury or wrongful death suffered as a result of the September 11, 2001 terrorist acts.

Payments to victims will be tax free.

Mr. LEAHY. I ask for the yeas and nays on the nominees.

The ACTING PRESIDENT pro tempore. The yeas and nays have been previously ordered.

Mr. LEAHY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. HATCH. I thank the chairman of the Judiciary Committee for his solid support of Sharon Prost and Reggie Walton and for the work he has done. I also have enjoyed working with him as we have worked to fashion, along with all the people whose names he mentioned, and certainly in the House of Representatives, the law enforcement changes and terrorism laws that really need to occur. I hope we can get that done. I hope we can do it on a completely bipartisan basis. It has to be done.

We have also worked very hard on the airline bill which he has described adequately. I thank him for the efforts he is putting forth, and his staff and, of

course, my staff. A number of these staff people worked all night long on some of this legislation. They deserve an awful lot of credit, along with the White House staff, staffs of both Houses, and the staff of both sides on this issue. I am very grateful that we were able to move ahead on these matters. I hope we can move ahead in a way to protect, preserve, and defend our country as it deserves to be protected, defended, and preserved.

Let's proceed to the vote.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Sharon Prost, of the District of Columbia, to be a United States Circuit Judge for the Federal Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Wyoming (Mr. THOMAS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 282 Ex.]

YEAS—97

Akaka	Dorgan	Lugar
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lott	

NOT VOTING—3

Gramm McCain Thomas

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON THE NOMINATION OF REGGIE B. WALTON

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Reggie B. Walton to be a U.S. District Judge for the District of Columbia? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 283 Ex.]

YEAS—97

Akaka	Dorgan	Lugar
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lott	

NOT VOTING—3

Gramm McCain Thomas

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President is notified of these actions taken by the Senate.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume legislative session.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. The Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:17 a.m., recessed subject to the call of the Chair and reassembled at 11:54 a.m. when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. The Senator from Nevada is recognized.

DEFENSE AUTHORIZATION

Mr. REID. Mr. President, the majority and minority leaders have agreed that in the near future, the two managers, Senators WARNER and LEVIN, will move forward with the Defense authorization bill. The opening statements will take some time because this

is such an important piece of legislation.

At some point later in the day, when the House, we hope, completes their work on the airlines legislation, which they have worked on during the night, and we worked on during the night, we will move to that. The managers understand that.

I hope that people will understand how hard these two veteran legislators—Senator LEVIN and Senator WARNER—have worked on this legislation. I personally know of the time they have spent on this bill in the past week, and prior to that they spent much more time on it. This is a very crucial time in the history of this country, and although it is always important, it is even more so now.

I hope Members will be very cautious in trying to make a Christmas tree out of this piece of legislation. The two leaders want as little controversy with this legislation as possible. We understand the Senate rules, that any person can do anything they want with this legislation. But we certainly ask that they be very cautious with this legislation. We have a timeframe within which we very badly need to complete this bill—as soon as possible. By next Wednesday at 2 o'clock, we not only have to complete this legislation but also do the continuing resolution to get us past the fiscal year. So there is really a lot to do.

I repeat for the third time, I hope that Members will be very discrete in what they do with this legislation as it relates to these two managers.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me first thank the Senator from Nevada for his very kind words and for his efforts and the leadership on both sides of the aisle in helping to bring this bill forward. Senator WARNER and I have indeed worked very hard on it and, as always, we have worked together to bring a bill forward that hopefully the Senate can pass and pass quickly. But without the support of our leadership, that would not have been possible. As hard as we and our staffs work, it takes leadership support to make it happen. We are grateful that Senator REID is on the floor, and we thank all leaders not on the floor.

Mr. WARNER. If the Senator will yield, I join that with respect to the leadership provided by our distinguished majority whip. Yesterday on the train, as we were going to New York, we had Senator DASCHLE, Senator LOTT, Senator REID, Senator LEVIN, and I, and I think we finished up basically the procedural and, to some degree, the substantive points that remain, under the circumstances on which we concluded on the eve of visiting ground zero.

That is an example of how, throughout the last six or seven days, Senator LEVIN and I have collaborated on bringing together a closure of the differences that were experienced in the

committee, when the committee for the first time in living memory had a partisan division on reporting out a bill.

I commend our chairman and the leadership. I think we are prepared today to present to the Senate a very fine bill on behalf of the men and women of the Armed Forces, their families, and those who are dependent and work with our Armed Forces. It would be my hope that in the course of the day, we can address such items as Members wish. But I think on our side, having participated in our caucus this morning, there is a feeling that we would like to move forward on this bill; and depending on the number of hours today, quite possibly we can bring to closure a number of issues and possibly begin to focus on when final passage could be achieved, subject to the leadership's desire for the time of the vote.

I thank my colleague.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 163, S. 1438, the Department of Defense authorization bill; that once the bill is reported, I be recognized to offer a managers' amendment; that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object—and I certainly will not object—I have joined with my distinguished chairman in preparation of the managers' amendment and will be a co-sponsor of it.

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

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### AMENDMENT NO. 1598

Mr. LEVIN. Mr. President, the managers' amendment is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 1598.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Without objection, the amendment is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 1598) was agreed to.

The amendment is as follows:

At the appropriate place in the bill, add the following:

#### SEC. . AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—\$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in Division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

- (1) research, development, test and evaluation for ballistic missile defense; and
- (2) activities for combating terrorism.

Mr. LEVIN. Mr. President, this is no ordinary time in our country. In New York and just across the Potomac in Virginia, our fellow citizens continue to sift through the ruins left by the most deadly attack ever against the United States. Our fury at those who attack innocents is matched by our determination to protect our citizens from more terror and by our resolve to track down, root out, and relentlessly pursue the terrorists and those who would shelter or harbor them. The President spoke eloquently and forcefully last night setting out those goals.

Against this background, we bring the National Defense Authorization Act for Fiscal Year 2002 to the floor of the Senate. The bill authorizes the full amount requested by the administration for national defense, including the \$18.4 billion requested by the President in his amended budget request. The bill also addresses a number of important priorities identified by the Armed Services Committee.

I am pleased we were able to add a significant amount of money, over \$700 million, to the budget request for compensation and quality of life.

We added more than \$1 billion to improve the readiness of the military services to carry out their assigned missions.

We added a large amount of money to advance the transformation of the military services and to improve the capability of the armed forces to meet nontraditional threats, including terrorism.

Even in advance of the terrorist attack on the World Trade Center and the Pentagon, we gave particular attention to the problem of terrorism as reflected in our bill and in the report that accompanies it. Not only did the committee fully fund the President's proposal for combating terrorism, we were able to add funds for a new combating terrorism initiative to improve the ability of the U.S. forces to deter and defend against terrorism, including additional funds for research by the Department of Defense and the Department of Energy on the detection, identification, and measurement of chemical and biological weapons, and funds to upgrade Army installations and make them less vulnerable to terrorism. Much more remains to be done in this area, and that has surely been dramatized by the events of September 11.

We have already passed a \$40 billion emergency supplemental for our war on terrorism. I understand the Department of Defense will be coming forward