

list of finite amendments to the Defense Authorization Act last week, the leadership filed a cloture motion on the bill. The Senate will vote on cloture on the bill at 10 a.m. tomorrow. I certainly hope the Senate will invoke cloture on the bill because we have so many important items in this bill relating to our national security. It is essential that we act in the Senate so we can go to conference with the House and bring back a conference product.

So far we have adopted 47 amendments to the bill. We have had two rollcall votes. And one amendment has been offered and then withdrawn. Over the last few days of last week, and over the weekend, we and our staffs have worked through more of the amendments that have been filed on the bill.

Senator WARNER and I have another package of cleared amendments that we will be offering later today in the form of a managers' package. We are continuing to work to clear amendments, and we expect to have more cleared later this afternoon. I encourage Senators who have amendments to bring them down and to work with our staffs to try to get them cleared.

Completing action on this bill tomorrow would send a powerful signal to our allies and our adversaries around the world of our sense of national unity and determination and of our strong support for our Armed Forces. Failure to complete action on this bill would send the opposite message. So I urge all of our colleagues to put aside controversial issues that do not relate to this bill and to work with Senator WARNER and with me to complete action on this important legislation.

The ranking minority member of the committee, Senator WARNER, is at the White House with the President this afternoon. We were scheduled to begin at 2 o'clock, but that meeting with the President obviously takes precedence.

#### RECESS

Mr. LEVIN. So, Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15. At that time, we will be in this Chamber to discuss amendments that Senators might wish to offer. And the managers will stay as late today as is necessary to discuss any of those amendments.

I thank the Chair.

There being no objection, the Senate, at 2:07 p.m., recessed until 3:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. DORGAN).

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### USE OF FORCE AUTHORITY BY THE PRESIDENT

Mr. BYRD. Mr. President, up until a few days ago, the Senate was moving with lightning-like speed to complete consideration of the Defense authorization bill. Complications arose last week and slowed the bill down, but it appears that the Senate may be poised to shift back into high gear—or something like it—tomorrow and attempt to finish the bill. A cloture motion was filed last week. If cloture is invoked on Tuesday, passage of the bill will be more nearly assured.

Clearly, the Senate has many weighty matters to consider, both in this bill and in other measures waiting in the wings. We should proceed with all due haste to complete our work. The September 11 terrorist attack on the United States reordered our priorities and imposed a new measure of urgency on much of the business that is yet to come before the Senate.

But in the heat of the moment, in the crush of recent events, I fear we may be losing sight of the larger obligations of the Senate. Our responsibility as Senators is to carefully consider and fully debate major policy matters, to air all sides of a given issue, and to act after full deliberation. Yes, we want to respond quickly to urgent needs, but a speedy response should not be used as an excuse to trample full and free debate.

I am concerned that the Defense bill may be a victim of this rush to action, despite the respite offered by last week's delays. For example, the Defense bill, as reported by the Senate Armed Services Committee, contained language conditioning the expenditure of missile defense funds on U.S. compliance with the Antiballistic Missile Treaty, the ABM Treaty. I worry that that language—which was somewhat controversial in committee and which was only narrowly approved—was dropped without a word of debate being uttered on the Senate floor. I understand the reluctance to engage in divisive public debate at a time when we are all seeking unity, but I caution that debate over such an important subject as the ABM Treaty is not to be lightly dismissed. There is no question about the unity. The unity is here. And certainly, insofar as I am concerned, debate over an issue of this kind is not going to be an apple of discord thrown into the mix. We may just happen to disagree on some matters with respect to the ABM Treaty.

So I cannot understand why there needs to be such "unity" that it would require keeping our voices completely mute on a matter of this kind. It would be no indication of disunity in this country and our need to be unified in dealing with the terrorists or nations that harbor terrorists. As a matter of fact, the mere fact that we would disagree on a matter before the Senate—the ABM Treaty, for example—is no indication of disunity when it comes to facing the common foe. Not to me, at least.

The Defense authorization bill provides up to \$8.3 billion for missile defense, including activities that may or may not violate the ABM Treaty in the coming months. Many experts believe the ABM Treaty is the cornerstone of international arms control and that to abrogate or withdraw from the treaty can only lead to a new, dangerous, and costly international arms race. Other experts, on the other hand, are of the opinion that the ABM Treaty has outlived its usefulness, that it is a relic of the cold war that makes it impossible for the United States to protect its citizens against a new world order of rogue nations armed with ballistic missiles and transnational terrorists who may very well be armed with chemical, biological, and nuclear weapons.

This is a major policy issue. That is what it is—a major policy issue. I am not sure where I stand on the ABM Treaty, but I do know I am not prepared to trade it in on a still-to-be-developed, still-to-be-proven national missile defense program without giving the matter a great deal of thought and consideration.

The language that was dropped from the Defense bill would have provided Congress the opportunity to vote on funding any missile defense expenditure that would violate the ABM Treaty. It was a sensible provision, as I see it. I would have supported it, probably, and I would have been eager to engage in debate over it. Although I might have little to say, I would still like to hear it. I would like to hear others. That opportunity was given away to avoid what? To avoid a debate that some might have called divisive on this bill. So be it. But having postponed that debate on this bill, we have an obligation to find another venue in which to have that debate. And we should have that debate sooner rather than later.

The resolution granting the President the authority to use force to respond to the September 11 terrorist attack is another example of Congress moving quickly to avoid the specter of acrimonious debate at a time of national crisis. The resolution Congress approved gives the President broad authority to go after the perpetrators of the terrorist attack regardless of who they are or where they are hiding. I am not saying we ought to debate that ad infinitum, but at least we could have had 3 hours or 6 hours of debate. Why do we have to put a zipper on our lips and have no debate at all?

It also authorizes the President to take all appropriate actions against nations, organizations, or persons who aided or harbored those perpetrators. In his address to Congress following the attack, President Bush vowed to take the battle against terrorism to those persons, such as Osama bin Laden; to those organizations, such as the Taliban; to those networks, such as Al-Qaida, and to any nations that acted as conspirators in the attack on the United States.