

Keane of New Jersey. It is a distinguished panel. One of our former colleagues, Senator Cleland, is on that panel. It is called the 9/11 Commission.

I want to read a couple of statements. This statement was made October 10:

In connection with the commission's second interim report issued on September 23, 2003, we discuss the commission's ongoing effort to get prompt access to some key executive branch and White House documents that the commission needs to complete its work on time. Although we can report substantial progress, the commission is continuing to press for necessary access to some key items.

I don't understand why there would be problems in getting information from the CIA, or the FBI, or the White House, or the FAA. What on Earth is happening?

This is the Federal inquiry into what happened on 9/11 and how we can prevent it from ever happening again. I would think every Federal agency would cooperate fully and immediately. But that, regrettably, has not been the case. October 15, a statement by the 9/11 Commission:

Over the past two weeks, as a result of field interviews conducted by our staff, the commission learned of serious deficiencies in one agency's production of critical documents.

The agency in question happens to be the FAA. Now they indicate they are issuing subpoenas. In fact, they say this disturbing development at one agency has led the commission to reexamine its general policy of relying on document requests rather than subpoenas. They have voted to issue a subpoena to the FAA for documents which have already been requested.

I don't understand. We have a 9/11 Commission to investigate the tragedy that occurred as a result of the terrorist attack on this country. That commission has to issue subpoenas to Federal agencies to get cooperation. I would think every single Federal agency, starting with the White House, would open its records immediately to this commission so we can understand what happened.

I am not accusing anybody of anything, nor is the 9/11 Commission. We want to understand what happened. How did it happen? What clues might we have had? What kind of failing existed with respect to our intelligence that prevented us from knowing and, therefore, preventing these terrorist attacks? When I read this, I shake my head and think it is unbelievable that a commission created by this Congress, called the 9/11 Commission, to get to the bottom of what happened on 9/11, has to issue subpoenas to anybody, or has to send out progress reports to say, Well, we have made progress now in our efforts to gain access to key White House documents. The White House has agreed to brief all commissioners on another set of highly sensitive documents. We will seek prompt resolution of the remaining issues regarding access of these documents.

Why is there a problem? Why would not every agency in every part of this

Government provide this information at will and upon the request of the 9/11 Commission?

I hope we don't see these kinds of reports again. I hope the next report from this commission would tell us the President has requested every single agency to turn over every single document requested by the 9/11 Commission immediately. Let this commission do its work and finish its work, make a report to the Congress and to the American people about what happened on 9/11, about what information existed leading up to 9/11, and how we can learn from that to protect this country against future terrorist attacks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, we have just concluded what for many of us was a tough vote. I simply want to express my thanks to the 58 other Democrats and Republicans who joined me—59 in all—in voting for the motion to proceed and to take up for debate and amendment legislation that would reform the way we handle class action lawsuits in this country.

I am disappointed with the vote, that we fell one vote short, but I am encouraged by some of the conversation that took place immediately following the vote by the leaders of both sides and a number of my colleagues, including Senator DODD and Senator LANDRIEU.

I sense there is a genuine willingness on the part of Democrats and Republicans and that one Independent not to give up on this issue. It is one that we need to address and we can address satisfactorily. My own belief is it is one we can address this year.

I have talked to any number of Senators on our side of the aisle who are prepared to offer what I think are constructive perfecting amendments that would make a good bill much better.

I hope what we will do in the days ahead is to reach across the aisle—Republicans to Democrats and Democrats to Republicans—to find a common ground that I think will exist with respect to many of these amendments and to then move forward together and, hopefully, to get to the end of the day when we can vote on a bill and not have to worry about the kind of partisan divide that in some cases characterized this vote and, frankly, characterizes too many votes we cast here.

I was approached by one of my colleagues following the vote who asked if we lost the war. I said: No, no, maybe today the battle was lost but not the war. There is a realization that the way we handle class action litigation in this country is broken. It can be fixed.

As we like to say in Delaware, "If it isn't perfect, make it better." This bill that came out of committee is not perfect. It can be made better. That is what we are going to do.

I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. INHOFE. Madam President, as in executive session, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session in consideration of Calendar No. 405, Michael Leavitt, to be Administrator of the EPA; further, that there be then 2 hours for debate equally divided in the usual form. I further ask unanimous consent that following that debate the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; I further ask consent that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Madam President, on behalf of colleagues on this side of the aisle, I am compelled to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Madam President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak for up to 3 minutes to make an announcement with reference to committee work in the Senate.

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

ENERGY CONFERENCE COMMITTEE MEETING

Mr. DOMENICI. I have an announcement on behalf of myself and Chairman BILLY TAUZIN from the House of Representatives. We have scheduled a conference meeting for Tuesday morning.