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## Senate

The Senate met at 8:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who has blessed this great land, September 11, 2001, changed the way so many view life, liberty, and love. We learned that life is fragile and the future must never be taken for granted. You reminded us that freedom is not free and that liberty is a precious gift. As we remember the courage and sacrifices of the many heroes and heroines, teach us to live our lives for others. Remind us to devote ourselves to causes that will live beyond our years. Lead our Senators today, that they will be Your instruments. Watch over our land and help us not to put our trust in human might but in the unfolding of Your loving providence. We pray this in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, September 11, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. FRIST. Mr. President, today we will remember the second anniversary of the September 11 tragedy with a series of moments of silence. These times will be announced by the ringing of a bell of remembrance just outside these Chamber doors.

In a moment, at a time that corresponds with the initial attack on the World Trade Center, the Democratic leader will join me in ringing that bell just off the floor.

### EXPRESSING THE SENSE OF THE SENATE ON THE SECOND ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST. Before we begin, on behalf of myself, the Democrat leader, and all of my colleagues, I send a resolution to the desk and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution.

The legislative clerk read as follows:  
A resolution (S. Res. 224) expressing the sense of the Senate on the second anniversary of the terrorist attacks against the United States on September 11, 2001:

S. RES. 224

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four

civilian aircraft, crashing two of them into the twin towers of the World Trade Center in New York City, and a third into the Pentagon in Arlington, Virginia;

Whereas the valor of the passengers and crew on the fourth aircraft, which crashed in Shanksville, Pennsylvania, prevented it from also being used as a weapon against America;

Whereas thousands were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;

Whereas September 11, 2001 stands as the deadliest terrorist attacks ever perpetrated against the United States;

Whereas by targeting symbols of American strength and success, these attacks were intended to assail the principles, values, and freedoms of the United States and the American people, to intimidate the Nation and all who stand with us, to weaken the national resolve; and bend our will to their grotesque cause;

Whereas in the darkest moments after the attacks, American men and women demonstrated extraordinary courage and compassion;

Whereas local, State, and Federal leaders set aside differences and worked together to provide for those who were attacked and to protect those who remained;

Whereas nations around the world provided material support and moral support to the United States as it recovered from the terrorist attacks; Now, therefore, be it

*Resolved*, That the United States Senate—  
(1) recognizes September 11 as both a day to remember those taken so suddenly and so ruthlessly, and a day for Americans to recommit themselves to our great national purpose;

(2) extends its deepest sympathies to the countless innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) extends its deepest gratitude to the members of the Armed Forces serving both at home and abroad who are defending the United States from future attack;

(5) praises the people of the United States for their patriotism, compassion, prayers,

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



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and generosity in donating time and money to support the innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(6) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks; and

(7) reaffirms that the United States Senate will honor the memory of those who lost their lives as a result of the September 11, 2001, terrorist attacks and will act to defend the citizens of the United States in the face of all future challenges.

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, today we honor the memory of the victims of the September 11 attacks. Many Americans will bow their heads in silence. Many will kneel before the Almighty in prayer. Others will take time from the regular course of their day to reflect in their own personal way upon the terrible events of 2 years ago.

Regardless of how we pay tribute to those who perished, we all share a profound sense of sadness for their families and sincere hope that the wounds of those who still hurt may heal.

We press on—we press on—because it is our nature to do so. Life is a precious gift. As long as God wills us to have it, we have a purpose. And as long as God wills this Nation to exist, we have the liberty to realize that purpose and make of our lives what we wish.

Mr. President, at this time, I will ask the Democratic leader to join me at the bell of remembrance for the first moment of silence.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 8:46 a.m. having arrived, the Senate will observe a moment of silence in honor of the victims of the tragedy on September 11, 2001.

(Moment of Silence.)

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

Mr. FRIST. Mr. President, it is a day to honor the memory of the victims of September 11, 2001. The essence of September 11 was and remains apparent to us all. The victims were innocent. They were simply going about their everyday lives—working at the desk, coming into work, answering the telephones, maybe answering an emergency call, checking on the children to make sure they got off to school, traveling on business, or possibly on vacation. All had families who loved them and all had futures yet to be lived. And now there is emptiness, not only for those 3,000 women and men and children affected on that day but for what they could have and would have become if that event had not occurred.

There is little one can do to fill the immense void that is created by such a loss. We can remember. We must remember. But even the fondest and most vivid memory is but a whisper. Simply nothing—nothing—can replace

a loved one's absence from the very special moments in life and, above all, the simple everyday pleasures.

I recall the story of a woman whose husband was killed in the collapse of the World Trade Center Tower One. In the months after September 11, she did what so many of us would understand—she contemplated suicide.

She said:

When I lost my husband, I had no bottom, no basis to get up in the morning. I knew I was going to do something terrible if I didn't define a reason.

Now she is an advocate for other families who lost loved ones in the September 11 attacks. She has found not only new strength but she has become the source of strength for others.

In a recent interview, she said:

The best legacy for all of the people who died is that something better comes out of all of this, even with the pain.

The crumbling of the World Trade Center's towers into a massive cloud of black dust still haunts us. The explosive thunder of a plane slamming into the side of the Pentagon still haunts us. The image of a crater filled with the debris of embattled flight 93 in Shanksville, PA, still haunts us.

All of these, and other horrific memories, will continue to haunt us for decades to come. They have become an inescapable part of our national conscience. But so must be the love, so must be the charity, so must be the caring, so must be the compassion, so must be the unity, and so must be the grace that poured and continues to pour from the American people in the aftermath of September 11.

Remember the thousands of volunteers who rushed into lower Manhattan from all across America to help with those rescue and recovery efforts? Remember when we gathered just several yards from here on the steps of the Capitol to sing in unity with our colleagues from the House "God bless America"? Remember the flood of letters and drawings schoolchildren sent and continue to send out of feelings and out of sympathy for the victims, out of love and patriotism for their country?

I brought with me this picture drawn by Sara Deatherage who is a third grader from Knoxville, TN. She wrote:

I chose the American Flag because I love America.

Those of us who have the opportunity to serve in public office received scores, hundreds, thousands, and continue to receive scores, hundreds, and thousands of these signs, these signals of patriotism.

Did September 11 change our lives and the course of our Nation forever? It, of course, did. It most assuredly did, and it did it in a horrific and still painful way. But it also brought forth the very best in the American people—an abundance of kindness, an abundance of caring, an abundance of compassion that is really unparalleled in our history.

So let us fittingly and appropriately honor the memory of the victims of the

September 11 attacks. Let us, again, express our deepest regrets to the families who lost loved ones. But let us also hew from the pain of that horrific day, September 11, 2001, a lasting and a better America.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. DASCHLE. Mr. President, last night, family members and friends of those who perished in the World Trade Center held a candlelight vigil at Ground Zero, creating what they called a "circle of hope" around that hallowed ground. Tonight, twin towers of lights will stretch once again from the ruins of the Trade Center up to the heavens. In a few moments, here in the U.S. Senate, we will observe the first of four moments of silence marking the exact moments, 2 years ago today, that the four hijacked airliners crashed into the World Trade Center, the Pentagon, and that lonely field in Shanksville.

Later this afternoon, a new playground will open at Leckie Elementary School, here in the Nation's capital—a memorial to three bright sixth-graders from Washington, D.C. and four district teachers—all lost when American Airlines Flight 77 crashed into the Pentagon. This evening, in Mitchell, SD, people will gather to honor the firefighters and other emergency workers who perished on September 11, and those who toiled in the rubble for months after the attacks to try to bring order out of chaos. In countless other ways, in communities across our Nation and throughout the world—in churches, parks, town halls, and in the privacy of their own thoughts—people will pause to remember, to mourn and to honor the victims, the survivors and the heroes of September 11.

Two years later, the enormity of the tragedy remains nearly incomprehensible. Just 3 days ago, a vial holding the blood of a young Brooklyn firefighter who died at Ground Zero was placed in a coffin, along with his uniform, at a Mass, making him the last of the 343 firefighters killed at the World Trade Center to receive a memorial. A year ago, on the first anniversary of September 11, the names of all those who died at the World Trade Center were read aloud. It took 2½ hours just to recite the names. First on the list was Gordy Aamoth, a 32-year-old investment banker who grew up in Minneapolis and always knew that he wanted to work on Wall Street. The last name on the list belonged to Igor Zukelman, a 29-year-old naturalized American who moved to this country from the Ukraine. The day he became an American, he called his mother and told her, "You can congratulate me now, I'm a citizen." The terrorists of September 11 meant to strike at the heart of America. Yet their crime was more than an attack on America. It was an attack against humanity. Ninety-one nations lost citizens in the attack on the World Trade Center. Today, we remember and honor all of them.

We also pray for those who were injured, especially the many who still suffer, and for the families and friends who lost loved ones, particularly the children who lost parents. We pray for ourselves and our Nation, that we may seek justice for the victims of September 11 with wisdom. And we are also filled today with an abiding sense of gratitude for the heroes of September 11, especially the courageous firefighters and other rescue workers. In the countless acts of heroism and compassion, they inspired a stunned and wounded nation and showed us how to go on.

This morning, the sky bears an eerie and almost disconcerting resemblance to that cloudless blue sky on this morning 24 months ago. Pilots have a term for visibility conditions like that. They call it "severe clear." In our memories, we all see with severe clarity the horrific images of September 11. Today and always, let us strive to remember, with equal clarity, the many acts of sacrifice and compassion we witnessed that day. Let us remember the unshakable unity we felt as a nation in the aftermath of that terrible day. Even more than that, let us resolve to continue to demonstrate that same commitment to our nation and to each other as we saw that day. In that way, we can defy the terrorists. We can honor those we lost. And we can keep their spirits alive.

The ACTING PRESIDENT pro tempore. The Senate will observe a moment of silence.

(Moment of Silence.)

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on this day, 2003, September 11, we remember the horrific events of September 11, 2001. We mourn the victims. We pray with the families who lost loved ones and we focus on redoubling our efforts to make sure that September 11, 2001, never occurs again, and to redouble our efforts to fight terrorism.

We all recall the horrors of watching those planes crash into the trade centers, the plane which crashed into the Pentagon, and then the plane which struck my State, Pennsylvania, going down in Shanksville, Somerset County, a rural setting. No one will ever know for sure whether the plane which went down in Shanksville, PA, was headed for this Capitol. My own personal view is that it was, and this Capitol was spared because of the heroic efforts of the passengers who took matters into their own hands and saw to it that the terrorists were overwhelmed and the plane crashed.

We remember those who perished and we console, to the extent we can, the families and loved ones of those who perished. On this day, we ought to focus on our responsibilities as Members of Congress to see to it that we do not have a repetition of 9/11. In my view, had we put all of the dots on the so-called board we might well have pre-

vented September 11. Whether that is so or not, we ought to be absolutely sure that our intelligence agencies are working coordinately to do their utmost to prevent any recurrence.

Then there is the fight against al-Qaida. I believe we are waging a successful worldwide fight in attacking al-Qaida and in bringing key operatives to justice. I believe the time is not too far away when we will find Osama bin Laden. As President Bush said, he will bring Osama bin Laden to justice or bring justice to Osama bin Laden.

There is more we can do to fight terrorism, where Americans are still being killed—for example, in Israel by Hamas. We ought to reintensify our efforts to bring back the Palestinian terrorists to the United States and try them in our courts since we have an extraterritorial jurisdiction to do so, and to impose the death penalty.

These are only a few of the thoughts which ought to be focused upon today as we pay solemn tribute to the victims of September 11 and dedicate ourselves to fighting terrorism and to prevent any further recurrence in the future.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I was struck when we took this moment of silence to remember the second plane slamming into the World Trade Center. Thinking back to that day and recalling the events when the first plane crashed, there was confusion and no one knew what was going on. No one understood. It was an accident. Who knows. But with the second plane came understanding. We knew this was not a plane that got off course, an accident, but there was a stunning realization that the world had changed. It was that second crash.

In the next half hour now, there will be another moment of silence, and then another roughly a half hour after that. Within that hour's time of that realization, America mobilized. America did not fall back on its heels. We obviously saw the response of the firefighters and the police, of the average citizen in New York. We quickly would see that reaction at the Pentagon. Then we will have forever etched in our minds the realization that came over the passengers of flight 93 that America was under attack and they were in a position to do something about it.

They did not hesitate. They were ordinary people, as all of the heroes of September 11 were, ordinary people who did not sign up to fight a war, who did not even know until the moment they were pressed into service that a war was about to happen. Virtually without hesitation, at the moment they realized that what they loved so much, so much that they without flinching were willing to commit everything—everything, to a mission for which the only preparation was living in this country, was experiencing the freedom, was recognizing the privilege of being in America. And that privi-

lege, that honor, and that freedom were worth that sacrifice.

That is what they had been taught in their history courses. But more important, that is what they had seen in their common, ordinary American experience: That which we cherish so dearly in this country is worth sacrifice; if, by some odd set of circumstances, you are placed in a position to respond to protect that freedom, that you have an obligation to do so.

That is really remarkable. It is really remarkable to think of these ordinary people, as Senator FRIST said, going about their jobs, traveling on a plane, going on a vacation, riding to work, sitting in their offices answering the phone, responding to an emergency call—going about their typical American lives—that within an instant they were able to put on the armor of defending this country.

We are a blessed nation, and the people who represented us that day, the heroes that day, we can thankfully say were like us. That is the great pride I think all of us can take from the events of that day because they were not any different from the rest of us, and these ordinary people did extraordinary things to protect us.

God bless them. We thank them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think the words of the two leaders of the Senate and the two Senators from Pennsylvania have been poignant reminders of the day, 2 years ago, that rained terror on our country, and the different perspectives, just like the different perspectives all over our country, about that tragedy.

This morning, the Senators who had constituents who were most affected in their States will have priority, speaking on the floor of the Senate, to talk about the effect on their constituents and their States, so the two Senators from Pennsylvania started our day of remembrance in a beautiful way.

It is one of those days that you will always remember where you were and what you were doing. When the bell rang at 9:03, I remembered vividly that I was in my office, getting ready to go into a meeting. Someone told me there had been a plane going into one of the World Trade Center towers, so I turned on the television thinking it must be a pilot in trouble, maybe a small plane, maybe even a pilot in training makes a mistake. And as I watched the recap, I saw the second plane hit the tower, and the realization just chilled me to the bone because it was clear this was intended, which means, of course, that it was a terrorist.

But even in that horrible moment of realization, none of us ever expected that those two towers would eventually crumble under the heat of the fire. None of us would have anticipated the next 5 hours of horror and then, in the thousands of hours following, what

would happen to our country, because in fact 9/11/2001 will forever recall the worst that could happen to our country but, also, the best. The stories of hope and heroism that emerged from the rubble of Ground Zero, the Pentagon, and that Pennsylvania field continue to serve as reminders of all that is good and true in the human spirit.

Mr. President, 9/11 evoked the pride and patriotism we felt as police, firefighters, and airplane passengers gave their lives to save countless others. It inspires us. It drives us. And it continues to guide our actions today.

Our Nation is embroiled right now in a global war on terror, starting with 9/11/2001. We are fighting to ensure that no such attack is again visited on us or any other nation. This war is a direct, decisive response to the attacks that murdered nearly 3,000 innocent people 2 years ago today.

Our mission is clear. We must choke the life out of the terrorist networks that seek to promote extremism and derail democracy. We have taken the battle to the mountains of Afghanistan, the sand dunes of Iraq, and to Main Streets in the United States of America and abroad where terrorists have burrowed in. We know we must destroy them where they breed their hatred before they ever again visit terror on our homeland.

Today, Iraq is the central front in that war. It is in that country where the enemies of freedom are making their stand. They have congregated in Iraq to thwart our efforts to bring a taste of democracy to an oppressed and battered people. They think they can shake the will of the civilized world. They are mistaken. Once again they have underestimated the American people and our allies.

Last month, I visited with our men and women in uniform who are on the front lines in Iraq and Afghanistan. Day in and day out, they battle the enemies of freedom. Danger lurks around every corner, but for every ambush and every threat they face, they also see the liberty that is beginning to take root. They see the hope they are bringing to the Iraqi people.

Our soldiers are committed, determined, and proud. Our country has called them to duty, and they have bravely answered the call. And they know their daily sacrifices are helping to build a safer world and a safer America—an America that is free of tyrants and terrorists. They deserve our unwavering support.

As Congress contemplates the cost of our efforts on the war on terror, we must not be shortsighted. The financial cost of 9/11 has been estimated at a staggering \$300 billion. But that pales in comparison to the immeasurable toll of human lives lost that day. This war, our just response to 9/11, has not and will not be fought on a shoestring budget. Failure is not an option. Success in rebuilding Iraq and Afghanistan is essential to eliminate terrorism and the threat it poses to our freedom and our way of life.

We cannot do it alone. The nations of the world must join this fight. Their support financially and militarily is critical to eradicating terrorism from our society. This is not an American war. We have led the charge, but the cause of liberty does not benefit us alone. I am committed to working with my colleagues and the President to get the necessary funding up front and secure contributions from other countries that benefit from the campaign to root out terrorism.

The victims of 9/11 from 86 nations around the world deserve no less.

Today, as we honor the memory of those lost on September 11, know that our Nation is indeed more secure. Our vulnerability was exposed, but we responded with a steely resolve that has made us stronger, richer, and better. We will never be the same. But the Americans we have become will be the shining example of liberty and democracy for all the world to see.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the terrorists who attacked us 2 years ago were not only lashing out at people and buildings, they were attacking who we are as Americans. And since that day we have had an extraordinary amount of attention paid in this country to just that question. I know in my Senate campaign when I said I thought it was time to put the teaching of American history and civics back in its rightful place in our schools so our children could grow up learning what it is to be an American, people responded to that. There was a hunger for thinking more about what makes this country special. Why were we attacked? What were the terrorists attacking?

There are many ways to remind ourselves of what it means to be an American. One way is discussions like this. One is the speeches of our President, who has done a beautiful job of that. But another way is our schools.

The late Albert Shanker, president of the American Federation of Teachers, once was asked: What is the rationale for a public school? Mr. Shanker's answer was that public schools were created—the common school—to teach the three R's, and what it means to be an American to immigrant children with the hope they would go home and teach their parents.

Earlier this year, this body, by a vote of 90 to 0, passed a piece of legislation to create Presidential academies for teachers and students of American history and civics. I know that across America last night there were thousands of teachers who were thinking about this morning and what would they say to their students today about what happened 2 years ago.

If I were teaching today in school in America, these are four or five of the questions that I would ask my students.

I would ask them: Is 9/11 the worst thing that ever happened to the United

States? Of course, the answer to that is no. It helps to know American history to answer the question.

Many of the Pilgrims died in the first winter. Soldiers walked barefooted across the Delaware River in our Revolutionary War. African slaves were thrown into the bellies of slave ships and brought in the most horrible conditions to this country. Those were really bad things. The Civil War saw families killing one another. Our World Wars say millions killed. Twenty percent of Americans stood in line for a job in the 1930s.

When I was a boy in our hometown in eastern Tennessee, we had an airbase nearby with jets there to defend us from missile attacks which could be launched by the Soviet Union, and those missiles could arrive in 45 minutes.

So 9/11 wasn't the worst thing that ever happened to the U.S. It was a terrible, challenging thing. It was a tragic thing, but we can recover from it. The fact that we have done what we have over the last 2 years reminds us of that.

I would ask my students today: What makes America exceptional?

I taught a course in American character at Harvard University during the last couple of years. I began the course by asking the student to list 100 ways our country is exceptional. They are not all good. We lock up more people in prison than any other country. We have more divorces and broken families. But many of the things are extraordinarily good. That has been recognized all throughout our history.

One of the greatest—perhaps the greatest—is the fact that we have taken all of this variety and diversity and turned it into one country. No other country is able to do that. Diversity is magnificent. But Jerusalem is diverse. What is different about the United States of America is that we have united all of that diversity into one country.

That needs to be taught as well.

I would ask my students: Why is it if you move to Japan or France, you cannot become Japanese or French; but if you come to the United States and want to be a citizen you have to become an American? It is because our identity is not based on our race or ethnicity or religion or background.

The historian, Richard Hofstadter, wrote: "It is our fate as a nation not to have ideologies, but to be one."

I would ask our students: What are the principles that unite us as a country? If it is not our race, and if it is not our religion, what is it? E pluribus unum, equal opportunity and liberty usually comes first; individualism, rule of law, free exercise of religion, no state church, laissez faire, and a belief in progress.

Someone needs to teach these principles. Our schools can do it.

We agree on these principles.

I would ask our students: Why, if you were watching CSPAN last night, were

Senators arguing so much with each other? Why wasn't it unanimous?

It is because most of our politics is about applying principles we agree on in ways that conflict. We believe, for example, in God we trust. But on the other hand, we don't trust government with God. We have an argument when we put Federal money into faith-based institutions.

I would suggest that the schools across America might consider an idea called "Pledge Plus Three." Why not start each school day with the Pledge of Allegiance, as we do in the Senate, followed by a teacher or student sharing for 3 minutes their own idea about what it means to be an American?

In the course I taught at Harvard, the student who best understood American identity was the student from the Ukraine. She had the best idea about what it meant to be an American.

Finally, I would invite those students in my class today to go with me down to the Federal courthouse—say in Nashville, but it could be in any city in America where there is a Federal court—and watch, as I did 2 years ago, 77 students from all over the world raise their right hand and take the Oath of Allegiance to the United States. It is quite a weighty thing to see them say that they "absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty." That is the first part of the oath.

It reminds us who we are as Americans.

September 11 was a tragic day, but it brought out the best in us. One of the great lessons is that it helps us remember to teach one another what is exceptional about our country, and what it means to be an American.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, today we mark the second anniversary of one of the darkest days in our Nation's history from the initial attack on the Twin Towers and the Pentagon, to the forced plane crash in Pennsylvania. Each moment of September 11, 2001, is forever etched on our minds.

Although our wounds are still too fresh for us to view the date from the perspective of history, the last 2 years have given it a certain distance.

When terrorists attacked the symbols of our Nation's unity and strength, they failed to realize that they are just symbols of our strengths. The real strength of our Nation comes from our people—not our buildings. By attacking us on our own soil, they served not to weaken but to strengthen our resolve that this and other acts of terror would not stand, and we would answer with great and awesome strength.

On this September 11, 2 years after, we remember those who died on those three battlefields, as well as the brave soldiers from Wyoming and across the Nation who have given their lives since

then to end the threat of terrorism wherever it is found.

We will all continue to remember September 11 in our own way. Some will join family and friends at public memorials to pray for peace. Others will honor this day by remembering it in the silence of their hearts. However we remember this fateful day, we will never forget the lessons learned and their terrible cost. For me, it was the realization that we are truly one nation, under God, indivisible, and that we must remain so in the face of any threat to ensure our country remains strong, united, and free.

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. WARNER. Mr. 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. WARNER. Mr. President, there are moments in our lives in the Senate that we shall never forget. This morning is one I am privileged to share with my beloved colleagues in this Chamber on both sides of the aisle a few moments to draw from our hearts and from our memory and reflect upon September 11, 2 years ago.

We were here that day, prepared to go into our regular routine, when we were told to evacuate. We did that in an orderly and calm way. Wherever we could gather, we tried to follow the situation as best we could.

Several hours later, after the plane had crashed into the Department of Defense, I called the Secretary of Defense. I spent over 5 years of my life in that building. I wanted to come over and join him and the men and women in uniform of our country to do what little I might be able to do to bring about a reassurance not only to those on site at the Pentagon but around the world. I did that, joining the Secretary and then-Chairman of the Joint Chiefs, General Shelton, in the command and control center deep into the basement of the Pentagon. We talked to the President on two occasions. I remember so well he had a firm hand on the situation, as did those in the Department of Defense.

We observed firemen, policemen, Red Cross workers and all doing the best they could to remove the bodies and care for the wounded. Military and civilian alike in that building showed extraordinary heroism that day. I was deeply humbled to stand there and observe that.

Later, the Secretary and the Chairman of the JCS went in to address a very large gathering of press. As they concluded their remarks, they invited me to say a word. I had nothing prepared but simply spoke from the heart. As I go back over the written text of what I said, I am reminded of how this has come true.

I said:

This is indeed the most tragic hour in American history, and yet I think it can be its finest hour, as our President and those with him, most notably our Secretary of Defense, our Chairman, and the men and women of the Armed Forces all over the world stand ready not only to defend this Nation and our allies against further attack but to take such actions as directed in the future in retaliation for this terrorist act—a series of terrorist acts, unprecedented in world history.

We call upon the entire world to step up and help, because terrorism is a common enemy to all, and we're in it all together. The United States has borne the brunt, but who can be next? Step forward and let us hold accountable and punish those who have perpetrated this attack.

I believe those words have proven to be true. Certainly great leadership from our President and the men and women of the Armed Forces, indeed, the world, has gathered to join us on the battlefields of Afghanistan, where I and many Members have visited, as well as the battlefields of Iraq where just weeks ago I accompanied Members of this Chamber to be with our men and women of the Armed Forces.

Our Nation stands tall. It has been and will continue to be our finest hour.

Now, Mr. President, we observe a moment of silence in reverence for those men and women, civilian and military, who lost their lives at the Department of Defense in the Commonwealth of Virginia.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:38 a.m. having arrived, the Senate will observe a moment of silence in honor of the victims of the tragedy on September 11, 2001.

(Moment of Silence.)

The ACTING PRESIDENT pro tempore. The Senate will come to order.

Mr. WARNER. Mr. President, may I at this time yield the floor to my distinguished colleague, Senator ALLEN.

Mr. LAUTENBERG. Mr. President, I call attention to the fact that I have been on the floor waiting. I will follow the instructions of the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Virginia had the floor.

Mr. ALLEN. Mr. President, I thank my colleague from Virginia, Senator WARNER, for yielding.

I wish to share my views, my sentiments 2 years after these events. The fact is, we are 2 years exactly to the minute after American Airlines flight 77 crashed into the Pentagon.

I keep the remembrance with me of Captain Chic Burlingame, who was the captain, who fought the terrorists on that plane. I think of him. I think of the passengers. One of the passengers was the father of a young boy who lived in our neighborhood and played with our kids.

This is a tragic and vile act that hit the World Trade Center, that hit Virginia at the Pentagon, 2 years ago to this moment. Also, at this very time, there was another plane coming from the north that was undoubtedly going

to be hitting either this Capitol Building right here, maybe the CIA, maybe the White House, and there was great bravery on that plane to avert further loss of life.

I heard my good colleague, Senator WARNER, who has had such a life experience in a variety of conflicts, and everyone was talking about, How does this fit into history? When he says this is a moment, dire moment in our history, it means a great deal. It struck us all that this was like Pearl Harbor; and it was. Pearl Harbor brought the United States into World War II. The attacks on New York City, on the World Trade Center, on the Pentagon in Virginia brought the United States of America into the War on Terrorism.

We reflect back on these fresh memories, but it has been a long 2 years. We reflect back on the bravery, on the courage, and on what has transpired. We work to make sure we are more secure here at home as well as abroad.

If you look at the legislation we have passed in this body for the last 2 years, on issue after issue, we have worked to make Americans more secure, whether it is port security, whether it is securing greater communications in the DC area, with the Northern Virginia communities and Maryland and DC working together so the first responders have better communication, as they position themselves in a situation that hopefully will never occur again, such as at the Pentagon.

We worry about procurement matters and making sure the technologies that are available in the private sector are made available and utilized by our Federal and State and local agencies to analyze the volumes of data.

We care about our port security. We care about our pilots. We care about our airports, Metro, and so forth. All of those things do matter.

Indeed, in this war we, of course, appreciate things we once took for granted on September 10, 2001, the concepts that have propelled this country, of individual rights, of life, of a strong national defense to meet the ever-changing dangerous world threats.

We have appreciated them now more than ever. And it is not just in New York City and in this area, but everywhere. You can be in Independence, VA, you can be in Jackson, WY, you can be in Sioux City, IA, and you know people appreciate the firefighters, volunteer firefighters, rescue squad people, because of the inspiration of those not just at the Pentagon but particularly the thousands who went in to save thousands of lives in New York City.

In fact, you see the letters "NYPD" or "NYFD," and that means something to everyone, no matter where you are in the country, for those courageous acts.

It does remind me of what the Bible tells us, that:

Greater love hath no man than this, that he would lay down his life for his friends.

That is what those firefighters and rescue personnel were doing in New York City in those Twin Towers. That is why there is an appreciation for those wonderful people whom we salute and remember today and forever with their bravery. Those acts of heroism are always on our minds.

We have made our country more secure. We are taking the war to the terrorists abroad. We still have work to do. We have to persevere in many ways in securing and sustaining our country.

We have also seen in the days following September 11, 2001, a redefinition of this country and a respect for what makes this country great while we also track down the terrorists.

We also are a compassionate country, caring for the families who lost loved ones in these tragic attacks. Here on the Senate floor, Louise Kurtz is an individual whom I have brought up. Senator WARNER brought up those working at the Pentagon.

Louise Kurtz is a woman from the Fredricksburg area of Virginia. She was severely burned. Her ears were burned off. Most of her fingers were burned off. Last year at this time we were at the Phoenix Project of the rebuilding of the Pentagon. She was there. She is recuperating. She wants to get back to work. Because of Federal laws, though, she gets diminished retirement benefits.

So working with Kay James at the Office of Personnel Management, we crafted a bill last year. The Senate passed it. The House didn't take it up. We passed it again this year, with the help of my colleague, Senator WARNER, and particularly Senator COLLINS of Maine. We passed it again, and I am happy to say, finally, the House took it up yesterday and passed that bill to help out folks like Louise Kurtz and others who are serving our country. If they are injured in the line of duty, while they are recuperating they should not have their retirement benefits diminished. I am hopeful some time today this measure will get to the President's desk, to get it finally acted upon in a way that, on the second anniversary, those brave civilians will be properly treated.

More importantly, the thing that has really inspired, I think, all Americans is the great American spirit that has guided our Nation through this time of terror and tragedy. We now, of course, are so appreciative of the men and women in uniform who are in dangerous, precarious places in Iraq and Afghanistan taking the war for our security to the terrorists overseas.

We are grateful for those who are active, those who are in the Guard, those who are in the Reserve, and their families and their employers back here at home, who are all patriots, as they send their sons and their daughters abroad to protect us.

One of Virginia's most prominent sons, George Washington, our Nation's first President, knew the strength of America's spirit and ordered his Army to be encouraged by saying:

Let us therefore rely upon the goodness of the Cause, and the aid of the supreme Being, in whose hands Victory is; to animate and encourage us to great and noble actions.

We saw great and noble actions on September 11, 2001, and we have seen great and noble actions over the past two years.

We must be mindful, appreciative, and grateful for those patriots who lost their lives on September 11, 2001, and we must be equally grateful and appreciative for those who are serving us now.

So I thank my colleague, Senator WARNER, for his sage and steady advice. We have worked together. This is a day that actually brings all Americans together, regardless of which region, which State, or which political party you come from, in remembering what is good and wholesome about this country and uniting us for the benefit of the people.

As we remember those whom we lost on September 11, I urge my colleagues to join me in saluting those heroes, the family members, and the survivors who remain. And let us be encouraged, as was President Washington, to higher goals, "to animate and encourage us to great and noble actions."

Let's be encouraged to those greater actions because we will always remember, and we will always stand strong for freedom. Because together we must make sure liberty and justice not only endure but prevail.

I thank you, Mr. President, and yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. How privileged, how humble we are to stand here in these 200-plus years of this Senate, and to be here on behalf of the people of the Commonwealth of Virginia. It is a great privilege.

I thank my colleague and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I commend my colleagues from Virginia for their comments and for the recall of their memories regarding that terrible day.

Today we commemorate the second anniversary of the terrorist attacks we now refer to as 9/11. It is a day heavy with sadness for me personally. Before I became a Senator, I was a commissioner on the Port Authority of New York and New Jersey, and had offices on the 67th floor in the Trade Tower. The Port Authority lost 84 of its people on 9/11, including 37 brave police officers who gave their lives as they tried to save the lives of others.

Fifty-one of those Port Authority employees lived in the State of New Jersey. I knew many Port Authority employees and others who died on this date 2 years ago. And I know many more families who lost a loved one. One of my oldest daughter's dearest friends perished that day. They had worked together on Wall Street before she went

to Cantor Fitzgerald. That firm lost nearly 700 people out of the 1,000 who worked for it on the morning of 9/11. The husband of my daughter's friend searched hospitals for 3 weeks looking for a sign that perhaps his wife had escaped death in that terrible calamity.

Because of its proximity to New York, my home State of New Jersey suffered catastrophically. Of the 3,025 innocent people who lost their lives on 9/11, nearly a quarter of them—700 in all—came from my home State.

Thirty-seven of them came from a single town, Middletown, NJ. Yesterday, a 2-acre memorial garden next to the train station was dedicated in a private ceremony for the victims' families.

The author Gail Sheehy just published a book entitled "Middletown, America: One Town's Passage from Trauma to Hope." For the past 2 years, she has followed the lives of survivors and widows, of parents who lost children and children who lost parents. She has spoken with the town's religious leaders, with mental health professionals, and others in the community. I have not had a chance yet to read her book, but it is described as a wonderful testament to individual acts of heroism and kindness and to the courage and hope and resilience of people who have suffered a terrible loss and grieve but who, somehow, are soldiering on.

As we remember 9/11, we remember people such as Fire Department Chaplain Mychal Judge, who was killed by falling debris in the lobby of Tower 1. Father Judge was the first official casualty at the World Trade Center and one of 343 New York City Fire Department casualties.

We remember people such as a fellow named Abe Zelmanowitz, a computer programmer who might have been able to escape from the 27th floor of the north tower, where he worked for Blue Cross/Blue Shield, but he refused to abandon his friend, Ed Beyea, a quadriplegic confined to a wheelchair, who could not make it down the stairs. Abe stood by his side until the end came.

We remember people such as Todd Beamer, Tom Burnett, and Jeremy Glick, and the other passengers and crew of United Flight 93, who crashed their airplane in a field near Shanksville, PA, rather than allow the hijackers to crash it in Washington—perhaps into this very building where we now stand.

So 9/11 revealed the very best in people. But, of course, we have to remember what caused it also. And that reveals the very worst in people—19 of whom had the insane belief that their suicidal/homicide actions would send them straight to paradise.

Mr. President, 9/11 did more than that; 9/11 shocked us to our very core. We suffered terrorist attacks before 9/11, including one on the World Trade Center itself. But not since Pearl Harbor has the collective psyche of our country been so shocked out of its complacency.

The results of that shock are plainly visible. Terrorism has scarred America—permanently. People are mourning their loved ones, and they will do that for the rest of their lives. We endure long lines at the airports. Washington looks like a fortress. Our civil liberties have taken a beating reminiscent of the Palmer Raids after World War I, Japanese-American internment during World War II, and McCarthyism during the Cold War. And tens of thousands of our young men and women are in harm's way in Iraq and Afghanistan.

Mr. President, 9/11 shocked us into learning that our "invincibility" had been pierced. We crave the sense of security we enjoyed before 9/11, but deep down we know we are not likely to get it back soon.

We now know to take our security more seriously. There are terrorists who glory in the maiming and killing of innocent men, women, and children. They hate everything about us—our families, our country, our way of life—so much that they would deprive their own families of their presence as a beloved son, brother, or father, so they can act on their murderous desire.

9/11 shattered illusions we had about our safety. But being stripped of our illusions, we have the opportunity now to forge ahead truly knowing that the war against terrorism will be long and tough. We have the opportunity now to forge ahead truly knowing that the struggle here at home to preserve our civil liberties, the very things we are defending, will be a challenge.

For the better part of the last century, we fought against fascism and totalitarianism. I had the privilege of serving in Europe during World War II. I was so young that I didn't understand the big picture. But I understood very clearly my obligation and my role.

When the Berlin Wall came down and the Soviet Union was dissolved, many Americans thought the conflict was over; they thought we had won. That was an illusion. The conflict is not over. It has simply shifted to a new front.

We now know we are fighting a new enemy—an utterly ruthless enemy—that wants to make our home front the front lines, an enemy that deliberately targets noncombatants, and an enemy that has absolutely no sense of propriety or decency while it wages war against innocent people.

It is important to fight this enemy without any illusions if we want to win. That means no premature declaration of "mission accomplished." That means a full accounting of what the cost of the war is going to be. That means an honest acknowledgment of the limits of our power and the humility to enlist our allies in our cause.

What we experienced on 9/11 is a permanent wound on our society. People struggling to face the future will never stop mourning the past. Our daily lives have been forever altered. But we are survivors. It takes courage to survive. Armed with that courage, we endure

the pain and look beyond the smoke, rubble, and grief to rebuild—rebuild something that is stronger than what went before.

We will defend ourselves, our country, and our liberties—the things that terrorists despise. Despite the difficulties, despite the casualties, despite the setbacks that we will suffer, this war against terrorism must be fought and is worth the fight.

Even though he wrote in an earlier age, the poet Archibald MacLeish summed up what is at stake when he said:

There are those who will say that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is the American dream.

America is the last, best hope for mankind. That is the dream. It is up to all of us to make sure it is not an illusion. This is the best way to honor the memory of those who perished 2 years ago and assuage the grief we feel when we reflect on that terrible day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I know we have a moment of silence to be observed at 10:06. I will make a few remarks preceding that and, if necessary, I will complete those following the moment of silence.

Mr. President, I wish to say a few words to supplement the eloquent comments made by the Senator from New Jersey, the two Senators from Virginia, and the others who have spoken today on the second anniversary of the tragedy of September 11.

I was not serving here in Washington at that time, as many were, but as were so many Americans, I was at home in Texas preparing for work when I heard the terrible news and then saw the terrible images—the clouds of flame from a plane that ripped a hole in the bright, blue sky and took down the World Trade Center in New York. I will never forget that site as long as I live, nor should any of us forget it.

I know many of my friends and colleagues who were here on that horrific day feel a very deep and personal debt to the heroes of September 11, particularly those on Flight 93. As was noted, the brave passengers on that flight did more than just save the lives of their fellow citizens. Absent their courageous sacrifice, it is likely that Flight 93 would have reached its final destination in this very building, an attack that would have virtually eliminated an entire branch of the United States Government.

Even as we dedicate ourselves to fighting terror at home and abroad, even as we hope and pray that the tragedy of September 11 will not be repeated, we must always remain conscious of our oath as Senators, as representatives of the people, to support and defend the Constitution and laws of the United States, and make sure the Constitution has representatives

here arguing for laws and appropriations and defense that is needed on behalf of the American people.

In the aftermath of September 11, it is clear that our current system of providing for the continuity of our Government in the event of a disaster is inadequate to address the reality of a post-9/11 world. As unthinkable as another attack of that magnitude might seem, we in this branch must be ready for the worst. We must provide for the stable continuance and function of Government, despite all possible calamities.

Even if we in this body fall, we should not leave our Nation's citizens without representation, without order, without defense. We owe it to the American people to ensure that our Government remains strong, even in the face of disaster.

Two years ago, our Nation was attacked by evil men who wanted to leave us weak, vulnerable, and divided. Instead, they saw a world strong, determined, and united. They gravely underestimated America's resolve. America will never surrender to tyrants or terrorists. We will not cut and run in the face of danger.

Instead, we are taking the fight to freedom's enemies, fighting in Afghanistan and Iraq and wherever else necessary so that terrorists can no longer export their evil to our streets or those of our allies. Many challenges lie ahead, but now is not the time to stop or show a lack of confidence or resolve.

While we mourn our dead and wounded in the war on terror, we must remain dedicated to finishing the job in Iraq and Afghanistan and wherever terrorists or their allies spread their doctrine of hate. Here at home, we must support our brave men and women in uniform who put their lives on the line every day for the cause of security and freedom.

Two years later, it is clearer now how the world grew so much smaller on September 11. We can no longer allow for the evildoers to plot and scheme in nations on the other side of the globe. We cannot wait to be attacked again. We cannot allow for another tragedy.

We must hunt down the enemies of freedom wherever we find them, or we risk the spilling of blood again on our own soil. Like the passengers on Flight 93, we must not sit back and allow our destiny to be determined by freedom's enemies. No, we must take the fight to them. The minions of terror have shown their capability for inhumanity, and we cannot underestimate their desire to do so again.

In July, Prime Minister Blair, speaking before a joint meeting of Congress, reminded us of our duty as a powerful nation to take great care regarding what kind of world we leave for our children. I believe that task falls to us at this moment in history to continue spreading the blessings of liberty.

Mr. President, I understand in 1 minute we will observe a moment of silence, and certainly I will pause in my

remarks to do so. But I will say before then that I believe now that the task falls to us at this moment in history to continue making sure that others may enjoy the blessings of liberty that we in this country even on occasion take for granted.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:06 a.m. having arrived, the Senate will observe a moment of silence.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, in Afghanistan, in Iraq, and in our own streets and cities, we must labor on undeterred, always confident in pursuit of our ultimate goal. We seek not domination, not occupation; we seek a just, free, and peaceful world for ourselves, for our allies, and for future generations, no matter where they may be found on this planet.

The passengers on Flight 93 were everyday Americans, men and women with jobs, with families and dreams. Like all of us, they made promises to their loved ones before they boarded that plane; perhaps promises of vacations and baseball games, of presents and anniversaries, birthdays—small promises and big ones.

We know that some promises don't come cheap. Some cost us nothing. Others require that we risk all, even our very lives.

The crash site of Flight 93 in the quiet hills of Pennsylvania is filled with memories of the promises those heroes made and will, sadly, never keep. But we have made a promise that we are dutybound to keep—we, the living—a promise to the Nation we love and to all our countrymen and to the loved ones these heroes left behind: a promise that says the story of freedom will not end here in the violent acts of evil men. It will persist, it will endure, and it will not be destroyed.

Those of us left behind must fulfill that promise. We must prepare for all contingencies as we continue to hunt the agents of terror and dedicate ourselves, once again, to ensuring that the promise of freedom shall not perish from this Earth.

I thank the Chair, and I yield the floor. I 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. TALENT. Mr. 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. TALENT. Mr. President, I really do appreciate the opportunity to come this morning and say a few words about this momentous event that is in the minds and hearts of every American today. I thought rather a lot about what I ought to say. I certainly do not

want to be guilty of presumption to lecture to the American people about what they ought to reflect upon as we all remember this attack upon our Nation that today is 2 years old.

We are going to talk about it tonight at our dinner table. I have three children. We are going to spend a few minutes—which is about all that young children spend thinking about anything, I guess—talking about this. I think it is important, and I thought maybe what I could do and would be appropriate to do is to share what our family is going to talk about tonight, at least if the dad in that family has anything to say about it.

I think this is a good opportunity for us to reflect upon what a nation is and what America is as a nation. We are not just a place where 250 million people happen to live together. We are not like a big apartment complex, where the only thing people have in common is the proximity of their living arrangements. Any nation, especially America, which, as rich as we are in cultural and ethnic diversity and different traditions that have added to our national life, is also a nation that is held together by some common beliefs. We don't have a monarchy here, thank God. We don't have an established religion that defines us as a nation. We do have a commitment to certain shared values, certain transcendent codes about how people should live in a decent and civilized country.

Those codes have a claim, by common recognition, on our actions. Each of us, even if we don't realize it, makes hundreds of decisions every day in response to those shared beliefs. Maybe at the core of those beliefs is a common recognition on the part of the people of this country that human beings have an inherent dignity. As the Framers of the Declaration of Independence said: They are endowed by their Creator with certain inalienable rights.

Inalienable means you can't give it away, you can't sell it, and it can't be taken from you. The rights to life, liberty, and the pursuit of happiness—we are equal in the possession and the enjoyment of these rights. Pursuit of happiness is just the right to participate in an orderly fashion in the institutions of private, social, and economic life, and in the political activities of the day.

One thing Americans recognize is that we as a people, and indeed people all over the world, are, by virtue of our humanity, in possession of these rights and they cannot be taken away.

I believe very strongly that we were attacked 2 years ago precisely because that is what we believe. It was an attack upon this common heritage and because we stand for that in this world. It is because we stand for that, that hundreds of millions of people around the world look to this Nation as a beacon of hope—what Lincoln called the last and best hope of all mankind. I

certainly agree with that, in the secular sense of it anyway. That is the reason we were attacked.

I want our family tonight to reflect upon three things. First, I want us to take satisfaction as Americans—and I hope all Americans will take satisfaction—in what we as a nation have achieved in the war against terrorism this last year. We are safer than we were 2 years ago—not in the sense that attack is impossible; that is not true. But in the sense that it is less likely to succeed than it was 2 years ago. That is because of the resolution of the American people which has motivated this Congress, in a bipartisan way, and the President of the United States to conduct this war against terrorism with vigor.

We have put thousands of these terrorists in places where they cannot hurt us and our families anymore. We have built a great international coalition, in which we are at the center, that is every hour of every day organizing its intelligence and its police forces with the utmost vigor to track these people down and put them away. We have taken the fight to the enemy in Afghanistan and now in Iraq, where our men and women are heroically defending this Nation.

It is hard to plan an attack on us here at home when you never know when the 101st Airborne may be descending on you in Iraq or the FBI may be descending on one of your cells or one of our Allied Nations with our police forces may be chasing you around the corner.

I want us as a nation, and we will as a family, to resolve to continue this fight until we win. I believe we are winning. I believe we will win. I do not believe this Nation is going to quit.

We are going to have our squabbles about how we ought to conduct it. Other people are going to look at us and wonder how we can continue with all this in-fighting. There are many people around the world who consider us to be, as Winston Churchill quoted somebody referring to us, as “a numerous, remote, and talkative people.”

We certainly are numerous, sometimes we are remote, and we are often talkative. But no one should mistake the resolve of every American, and every Member of this body, to continue this fight until the end, until we remove the shadow of this tyranny, this ruthlessness, and this evil not just from this country but from the lives of everybody around the world who loves freedom.

The third thing I want our family to do, and I hope America will do, is reflect on the sacrifice of those who are fighting this war on the front line. There is a sense in which we are all fighting this war. I was asked by the press a couple of days ago how it has affected the lives of people on a day-to-day basis. I said, you know, in your personal lives it has, to some extent, every time we go into a Federal building or fly on an airline. But in people's

business or trade or jobs, it has affected it a lot. Almost everybody's job has been affected to some degree, if you stop to think about it. The computer system is different because you or your employer may be cooperating with Federal authorities in some way, or tightening up security.

There are just all kinds of ways in which our lives are different. There is a sense in which we are all fighting this. But I want us to think about the sacrifices of the people on the front line and especially to reflect upon those who gave the ultimate sacrifice, those who gave everything they had to give: the firefighters who fell in the towers, the men and women who have given their lives in the battle against terrorism in Afghanistan and now in Iraq.

I often—not often, but too often, I guess, in the sense it happens too much—have occasion to communicate with somebody from Missouri who has lost a loved one in that struggle. I think a lot about what to say to them. In a sense, there is no way in which words can possibly begin to assuage the grief they feel. But one of the things I do try to remind them is to take comfort from what this sacrifice of their loved one says about the things their loved one held dear. These men and women who have died in this fight knew when they went into it that they were putting their lives on the line. I am not saying they talk about it all the time. I don't think they do. They are not the kind of people who wear their feelings on their sleeves. But they know why they are doing what they are doing. They know the risks. They know the potential cost. And they know, and have resolved in their hearts, why it is worth it.

In conclusion, I hope that those who are close to those who died—and, indeed, all of us—will reflect today that the sacrifice of those who have fallen is a measure of the love they have for their families and the value they place on the freedom of their country.

I yield the floor.

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

Mrs. DOLE. Mr. President, today we remember the thousands of people who so tragically lost their lives in the September 11 attacks. It was just 2 years ago today that terrorists launched an assault on America and everything she stands for—her freedom, her liberty, her democracy. Our hearts were broken, our lives were ever changed and left with the jarring memories of that day, those moments which seemed to last through eternity. We will never forget.

Because these tragedies, those centered in New York, Pennsylvania, the Pentagon, touched the hearts of each and every American across the country, together we mourn. In our collective grief we became the embodiment of an American family, from New York to California to Mississippi to my home State of North Carolina, where we struggled to come to grips with the deaths of several of our own.

Today we pause to remember these men, women, and children and honor their lives—the mothers and fathers, the sons and daughters. I recall something that was said shortly after the attacks by Fred Cranford, of Drexel, NC. He and his wife lost their 32-year-old son, LCDR Eric Cranford, at the Pentagon. Yet even in the midst of a grief most of us cannot even imagine, Fred Cranford said: Even out of evil, God can bring good things.

Two years ago, the very personification of evil sought to tear us apart, but today the United States stands strong, dedicated, committed, and more than ever we are a nation united against terrorism.

We are the most powerful country on the face of the Earth, but 2 years ago our lives changed forever. September 11 and its aftermath have demonstrated that America cannot ignore events in far-flung places such as Afghanistan and Iraq. We can and must act when our security is threatened. Our leadership was decisive and our leadership will continue to be necessary as the war on terror proceeds.

This Nation dedicated itself to winning the global war on terror. We must remain dedicated. And that means continuing to work with the international community to help the Iraqi citizens stabilize their country and establish their government.

Recently, in an editorial in the Washington Post, Ambassador Paul Bremer outlined a clear and well-defined course of action in Iraq. As he noted, there will be bumps along the way, but it is critical for us to stay the course—stay the course. One particular paragraph stood out to me, and his poignant words bear repeating:

Gone are Saddam Hussein's torture chambers. Gone are his mass killings and rape rooms. And gone is his threat to America and the international community.

As we go forward, it is this that we should keep in mind. Certainly the operation in Iraq is proving to be a dangerous and more grinding conflict. The President addressed the fact candidly and resolutely in his address to the Nation Sunday night. But eliminating terror is more than removing the leaders of an evil regime from power. Terrorism must be torn out by its roots, ensuring that there is no toehold for its sponsors to reestablish their violent ways.

More than words, more than negotiations, the President's supplemental spending request sent an unmistakable signal to these sponsors of terror, to the liberated Iraqi citizens, and to the world that the United States of America is staying the course. Attacks on United States troops and other targets in Iraq are aimed at undermining the efforts of democracy. But these will not cause us to shy away from our commitment because we know that failure to follow through in our mission could leave a lethal void, a void that would rapidly be filled by terror and its supporters.

A routine criticism, even from the start of actions in Iraq, is that inadequate resources were dedicated to the Iraqi theater. The supplemental requested by the President not only gives our men and women in uniform the resources they need to succeed in their mission in Iraq and in Afghanistan and elsewhere in the war on terror, it also targets funds to help build safe, stable, and self-governing societies in nations that have been torn apart by the self-serving regimes of rogue leaders such as Saddam Hussein and Osama bin Laden.

For our soldiers engaged in these military operations, the supplemental must equate to equipment that will ensure their safety, supplies that will make their mission achievable, and something else which is essentially priceless—time, even if only 2 weeks, to get away from the tireless effort necessary to maintain peace in Iraq.

These men and women in uniform deserve our highest respect and admiration for the often difficult and dangerous jobs they do. Our troops deserve the very best—the best equipment, the best training, the best housing, and the best leadership.

I have a great deal of confidence in our current leaders—President Bush, Vice President CHENEY, National Security Adviser Rice, General Myers, and my old colleagues Secretary Rumsfeld and Secretary Powell. They understand how and when to ask our military to go into action. But our men and women in uniform must be given the tools to do the jobs we ask of them. To them I say, Congress will not let you down.

Also, it is clear we cannot transform Iraq without more help from the Iraqi people themselves. That is why it is so important that sufficient funds are dedicated to training and equipping an Iraqi police force and helping the Iraqis establish a strong judicial system.

I look forward to hearing how the State Department plans to work with the United Nations to jointly provide assistance and further these and other goals. The evolving Iraqi Government needs the support of the entire international community to gain a credible foothold. While it is important in the near term for the United States to retain control over the military forces to ensure this fledgling government can grow strong without the fear of terrorist sabotage, it is just as important for the long term that a sound structure is put in place so that the Iraqis can govern themselves and ensure their citizens' security when coalition forces leave.

While it has fallen off the front pages of the daily news, Afghanistan remains a key component to peace in this region. In the most recent military operations, United States troops engaged fighters in the southern part of the country who were suspected of being Taliban. Members of this military operation are part of a campaign to combat a major Taliban regrouping effort.

Again, we cannot afford to leave a void for terror—not for a lack of pa-

tience or a lack of resources. The war against terror continues in Afghanistan and Iraq, and it will require a sustained commitment of time and resources similar to our commitment in rebuilding Germany and Japan after World War II—a commitment that resulted in the hard lessons learned after World War I.

This effort will be difficult and costly, but it is critical to our national security here at home. We must continue fighting the war on terror in Iraq and Afghanistan lest the fight return again to American soil.

Two years ago, more than 3,000 innocent lives were lost in a terrible strike against America. We must vow in their honor that our spirit will continue to triumph and ensure those families that America will not shrink from those who seek to destroy our values. We will continue to be a good and great Nation, because we are a good and great people.

God bless this great land of the free—America.

Mr. DOMENICI. Mr. President, I rise today in remembrance of the victims of the September 11, 2001 terrorist attacks on our country. On this second anniversary of that fateful day, many of the emotions we felt are still very real. We continue to feel grief for those who were lost. We continue to feel admiration for the bravery of our policemen and firefighters. And we continue to feel shock over that day's inconceivable violence. The reality is that these emotions may be at the front of America's conscience for years to come, but it is my hope today that for those families who lost loved ones, each passing day brings with it some measure of healing.

In addition to the emotional impact of the attacks, September 11, 2001 also had a profound effect on U.S. national security policy. The use of asymmetrical means by terrorists to inflict mass casualties altered our traditional view of who terrorists are and how we must confront them.

No longer do we view terrorist acts as isolated events committed by a few extremists. Rather, 21st century terrorists have shown themselves to be organized, well-financed, and deeply committed to a doctrine of violence. We know this doctrine is aimed at undermining our economy, our infrastructure, and our sense of personal security. We also know it is based upon a willingness to employ weapons of mass destruction against civilian targets.

This reality has forced both our political leaders and military planners to rethink the American premise about where and how to use armed force. And the result is that the specter of another WMD attack against our population means we can no longer subscribe to the long-held principle that the United States will attack only after being attacked. Instead, we must act preemptively to best protect innocent Americans from a replay of the 9/11 tragedy.

Preemption means taking the offensive. It means taking the battle to the

terrorists before they attack us. It requires good intelligence and cooperation from our friends and allies from around the world. And immediately after the terrorist attacks of September 11, many nations pledged such cooperation and actively supported our actions in Afghanistan.

For example, President Chirac of France was the first head-of-state to visit the United States after the attacks, pledging to join in the fight to defend civilization from the scourge of terrorism. Indeed, no country showed a greater outpouring of sympathy for the United States in the immediate aftermath of the attacks than did France. Similarly, a poll conducted in Germany in the autumn of 2001 showed that after the attacks in New York, Washington and Pennsylvania, an increased number of Germans, 58 percent, saw the U.S. as Germany's most important partner. To be sure, this solidarity was greatly appreciated during our dark time of September 2001.

The tragedy that America experienced, and that elicited such international sympathy, was the same tragedy that prompted us to adopt this preemptive military doctrine. It was the tragedy of September 11 that made us say to governments who would sponsor terrorism and supply terrorists with weapons of mass destruction, "disarm or we will act to disarm you before your weapons can hurt our people." And this is what led us to act against Saddam Hussein, a proven killer who steadfastly refused to prove he no longer had WMDs that the world knew he had after the Gulf War.

Many of our coalition partners understood the imperative of acting against a thug like Saddam Hussein in a post 9/11 world. They remembered the pain we endured and knew our actions in Iraq were a direct response to preventing a similar tragedy. But other nations did not recognize a link between illegitimate regimes like Iraq's and the terrorist threat facing the civilized world. The war on terror will continue to be difficult and will require tough decisions like those faced in deposing Saddam Hussein. It is my hope that all of our allies will join in a unified front in this war both in good times, and in bad.

I want to say in closing how proud I am of many of the contributions that my home State has made in executing the war on terror. It was our F-117 stealth aircraft pilots who answered the President's call to take the first action against Saddam Hussein's regime. Furthermore, New Mexicans have fought and died heroically in both Afghanistan and Iraq. For that, we owe our deepest gratitude and respect.

Our national laboratories have also made immense contributions to the war against terrorism, both ahead of 9/11 and with increasing emphasis post-9/11. They provided critical support in identifying strains of anthrax, and a biothreat detection system that was fielded at the Olympics as well as locations around the District of Columbia.

Sandia invented the material that was heavily used in ridding the Hart building of anthrax concerns. Both labs have led the national efforts to control materials suitable for weapons of mass destruction. From weapons grade materials to materials suitable for dirty bombs, the labs have developed detectors and technologies to help secure and dispose of these materials. The systems used in monitoring international trade for any radioactive materials that could become weapons against us are largely from the New Mexico labs. They are providing computing resources through the National Infrastructure and Analysis Center of NISAC to model complex events that could threaten our Nation and develop mitigation strategies.

I close by again remembering all the brothers and sisters we lost on September 11, 2001, and all those who have sacrificed in the ensuing war. Let our enemies not doubt that we will continue to pursue them wherever they may hide and will not stop until our victory is complete. God bless our soldiers and their families, and may God bless America.

Mrs. BOXER. Mr. President, the images of September 11, 2001, remain etched in our minds and our hearts. On this second anniversary of the attack, we commemorate those who died in the attacks and the unwavering spirit of those who survived. We remember the true heroism that emerged out of tragedy, how strong and united we can be, how we can set aside differences for the greater good and work together.

Californians were part of each tragic moment of that day. Some were trapped in the World Trade Center. Some were at work in the Pentagon. And the fates of others were sealed as they boarded planes bound for San Francisco or Los Angeles. All four planes used by the terrorists on September 11 were headed for my State of California.

I want to remember the more than 50 Californians who were victims of the September 11 attacks. Their memories will live on and their legacies will live on, as will the memories and legacies of every innocent victim who we lost on that tragic September day.

The people of California join the Nation in mourning the loss of these Americans:

David Angell; Lynn Angell; David Aoyama; Melissa Barnes; Alan Beaven; Berry Berenson; Dr. Yen Betru; Carol Beug; Mark Bingham; Deora Bodley; Touri Bolourchi; Daniel Brandworst; David Brandhorst; Ronald Gamboa; Charles "Chic" Burlingame; Thomas Burnett; Suzanne Calley; Jeffrey Collman; Dorothy DeAraujo; Lisa Frost; Andrew Garcia; Edmund Glazer; Lauren Grandcolas; Andrew Curry Green; Richard Guadagno; Stanley Hall; Gerald Hardacre; John Hart; John Hofer; Melissa Hughes; Barbara Keating; Chad Keller; Christopher Larrabee; Daniel Lee; Dong Lee; Joe Lopez; Hilda Marcin; Dean Mattson;

Dora Menchaca; Nicole Miller; Laurie Neira; Ruben Ornedo; Marie Pappalardo; Jerrold Paskins; Thomas Pecorelli; Robin Penninger; Marie-Rae Sopper; Xavier Suarez; Alicia Titus; Otis Tolbert; Pendyala Vamsikrashna; Timothy Ward; Christopher Wemmers; and John Wenckus.

As we reflect on the horror and the pain of September 11, we embrace our Nation and our freedom. We must continue to work together to strengthen democracy in the world, and we must redouble our efforts to erase terrorism's shadow from our lives.

Mr. BAUCUS. Mr. President, two years ago today, our world changed forever. At 8:45 a.m., EST, on Tuesday, September 11, 2001, the first World Trade Center was attacked. Shortly thereafter I remember seeing the chaos on the streets in Washington after the Pentagon was hit. I will never forget the sights and sounds from that day.

On that day, we lost a feeling of security. And we felt a little exposed. We lost mothers and fathers, sisters and brothers, grandparents and grandchildren. But as we united as a nation, we gained strength. What terrorists sought to destroy, what they thought they could topple, is the unbreakable American spirit.

"September 11" will never again just be a date on the calendar. It is a day that marks the largest attack on American soil in our Nation's history. It was a day of confusion, a day of fear, a day of loss. But it was also a day of heroism—a day of standing together.

On the 2-year anniversary, it is important to remember the events and emotions of September 11. As Americans, we are still living in uncertain terms. As Montanans and Americans, we must continue to be determined and steadfast in our dedication to win the fight against terrorism. We must lead an unprecedented effort to eliminate the terrorist networks that threaten our Nation. We must remain committed to defending the rights and freedoms that make us proud to be Americans. From our freedom to express our thoughts and determine our religious beliefs—to our right to openly vote for and elect our political leaders.

Today we stand as one to pay respect and express our gratitude to our Nation's heroes: the countless firefighters, the policemen and women, the emergency medical technicians, doctors, nurses, as well as everyday citizens who risked their lives to save others on September 11.

I remain dedicated to working together with Congress and the administration to protect America and the principles this Nation stands for and to bring those responsible for the September 11 attacks to justice.

On the two-year anniversary of September 11, and in the weeks, months, and years that follow, I call on every Montanan to remember the lessons learned on that fateful day. Remember the solidarity. Remember the countless America flags that flew across the

State and the Nation. Remember the generosity with which people donated to charities and volunteered in their communities. Remember the support we received from the international community.

While September 11 is a horrific day in our Nation's history, it taught us a tremendous amount about ourselves, as Montanans, as Americans, and as a Nation. We must never forget these lessons.

Mr. JOHNSON. Mr. President, I rise today to share my thoughts on the second anniversary of the September 11 terrorist attacks.

None of us will ever be able to forget where we were when we first heard the terrible news of that day. As the day went on, we were riveted to our television sets and saw incomprehensible images of destruction at the World Trade Center, the serious damage at the Pentagon, and the crash site of Flight 93 in rural Pennsylvania. Yet beyond the destruction we also saw remarkable demonstrations of heroism. From the first responders who unhesitatingly rushed into the World Trade Center and Pentagon to rescue survivors, to the passengers and crew of Flight 93 who chose to crash their plane rather than allow the terrorists to complete their plan, September 11 showed us the strength of our country.

The terrorists had hoped to paralyze us with fear, but the American people were somber and resolute in their commitment to honor those who had died, to rebuild from the destruction, and to ensure that we would lessen our vulnerability to future terrorist attacks. Bearing in mind the example provided by the heroes of September 11, people throughout the country began to look for ways that they could contribute to the relief and recovery effort.

I am particularly proud of the contributions made by thousands of South Dakotans in the days following the attacks. Schoolchildren led drives to collect clothing and blankets for those left homeless. Students from Augustana College spent their 2002 spring break in New York serving food to Ground Zero workers. Experts from the Disaster Mental Health Institute at the University of South Dakota went to New York to help counsel family members and relief workers and to assist in the recovery process. Ranchers from my State sold cattle so they could make donations to the victims and their families. And countless South Dakotans lined up at the Red Cross to donate blood. Each of these people, in large and small ways, was doing their part to help our Nation.

As we take this time to look back on how our country responded to the attacks, I want to say a special word about the men and women of our Armed Forces. The members of our military have made extraordinary sacrifices over the last 2 years in the war on terrorism to make our Nation safer. We can never forget the debt of gratitude we owe to those who have fought

and to those who have died in defense of our freedoms.

South Dakota is privileged to be the home of Ellsworth Air Force Base, and on behalf of all South Dakotans I would like to thank the men and women of Ellsworth Air Force Base for their dedicated service and decisive contributions to both Operation Enduring Freedom and Operation Iraqi Freedom. I also acknowledge the important work of the members of the South Dakota National Guard and Reserves, many of whom are still in the middle of lengthy deployments away from their families and friends.

The National Guard is the oldest component of our Armed Forces. Since its earliest days, the Guard has served a dual, Federal-State role. Following the September 11 attacks, members of the National Guard and Reserves were called on to provide additional security at our Nation's airports, to assist at critical U.S. border checkpoints, to fly protective missions over U.S. cities, and to maintain disaster preparedness in the States. In addition, National Guard units have played a crucial role in the war on terrorism; several units from South Dakota continue to serve in Iraq and Kuwait. I know my colleagues join with me in thanking all of our Armed forces, both Active Duty and Reserve, for their continuing service to our Nation.

Rather than defeating us, the September 11 attacks demonstrated our strength and resiliency. In New York, planning and design for a memorial and the future use of the World Trade Center site is well underway. In Somerset County, PA, there are ongoing efforts to erect a permanent memorial to the crew and passengers of Flight 93. And at the Pentagon, reconstruction has been completed for several months.

While our Nation has moved forward, September 11 will always be a day for quiet reflection and an opportunity to honor those who were lost.

Ms. SNOWE. Mr. President, this September 11, we pause once again to remember those we so tragically lost in the horrific attacks on the World Trade Center and the Pentagon, and those aboard United Flight 93 2 years ago.

For people in all of our States, there are individual connections that bind us to that terrible day. In my home State of Maine, families will again mark a tragic anniversary for the victims they knew and loved: Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline and Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. Today, the greatest tribute we can offer is to remember their names, their lives, and their contributions. They are indelibly branded upon our national consciousness.

We feel a pain that will never fade, withstanding even the tempering nature of time. But as we gather around the country on this second anniversary of the attacks, we can see we have been changed permanently, in ways that stand in shining testament to who we are as a nation.

More than 150,000 Americans—from my home State of Maine and across the Nation—continue their brave service overseas, on a mission to ensure the freedom of the people of Iraq and Afghanistan, and to reduce the threat of future terrorist attacks worldwide. In Maine and elsewhere, thousands more are working countless hours to enhance our physical security. That vital work continues to this day. Indeed, we are safer than we were 2 years ago because of those efforts—and we must remain ever vigilant, always identifying ways we can do more.

But 9/11 has had an impact on our society that is perhaps less obvious, yet equally powerful.

Quite simply, we have witnessed the full force of the indomitable spirit with which this Nation has been blessed. The evidence exists in every town and city in America. We all know countless stories of bravery and of quieter but no less significant acts of kindness and compassion—all the more beautiful when viewed through the prism of such incomprehensible inhumanity as was visited upon us.

I cannot help but think of New York City and how her people reacted to the recent blackout. In echoes of 2 year's past, New Yorkers pulled together to face the adversity, relying on each other and looking out for a city that will be forever scared, but also forever proud—and strong. They are changed—not because they were broken but because they are now more united than ever before in the cause of defending that which they love.

It is the same for our entire Nation. America's indomitable spirit shines at events in my home State as it does in all of yours. It shines in Portland and Bangor, Lewiston, and Augusta. It shines in many smaller ways. In the town of Freeport, two women began a simple tribute right after 9/11. They would wave flags each morning, and their fellow citizens would acknowledge—honking their horns and waving. Last year on this date, that simple tribute blossomed into a parade of patriotism down Main Street. And this year, they are organizing a weekend-long event, "The Freeport Freedom Festival."

Our spirit will shine in innumerable other small but heartfelt gestures we make on this second anniversary, just as it shined when people in Maine and across the country lined up at blood banks and donated millions of dollars and tons of food and equipment in the days after the attacks. It is a spirit fueled by freedom, polished with compassion and burnished by pride in our country and the men and women who are risking their lives to protect ours, both here and abroad.

Clearly, even as we have achieved successes, our mission to eradicate terror at its roots—and to secure our homeland—will continue. And just as we did not foresee the tragedies of September 11, 2001, we cannot foretell what will happen next. But we can and must

work together to remember those who have come before us, to maintain our collective vigilance in the face of continued threats, and to remind each other of the principles and people in which we believe.

By working together to help change the world, we are paying the highest possible honor to the more than 3,000 people who lost their lives on September 11, and to those who have made the ultimate sacrifice in the fight against terror in the following days and years. It is a tribute that will resonate throughout the freedom-loving world as we remember. And there should be no mistake—we will always remember.

Mr. ALLARD. Mr. President, today I rise, as I did 2 years ago, to ponder the terrible events that had occurred only a day before. I rose to express my anger and my sadness, my disbelief, and my disdain for the situation. I rose, as did most of my fellow Senators from both sides of the aisle.

I spoke of the strength and resolve of this great Nation. I spoke of the sad reality that thousands of families were directly affected and would never be the same; that some fathers and some mothers would never be coming home again; that some young sons and daughters would grow up to pictures of parents and grandparents lost in New York, Pennsylvania and across the Potomac at the Pentagon.

I also spoke of the horror yet to be seen and I spoke of our determination, as a country, to face whatever challenges lay ahead and I spoke of our President and the strength of character he would need to withstand such an attack and keep this Nation strong.

I rise today and speak of the same issues and my respect and admiration for the men and women of our military, proud of our President's resolve to stand up to such a challenge and leadership during these 2 years of conflict and proud of our country to rally around the cause of liberty and the defeat of terrorism. I am also proud of this body's dedication to support the ongoing war on terrorism.

It was popular and "good press" to support the initial tide of patriotism and rise against the actions of September 11, 2001. We all stood and swore to the world we would not be bowed or broken. We rallied to the cause and professed dedication to righting this most egregious wrong.

Two years have passed and some among us are starting to lose focus and the resolve necessary to wage this battle—and yes this is a battle. I can understand how that could happen. The more time passes the easier it is to allow other challenges, others programs, and other agendas to take center stage and we get back to the daily business at hand. But we, like our President and our military, must do our part to conquer this foe. We must remember the War on Terrorism does not have one lone face or name attached to it nor is it contained to the field of battle.

This war is being waged in Iraq and Afghanistan as we try to wage peace and raise those countries to when they can stand on their own with self-leadership and rule of law by their own people. The war on terrorism is being waged through the financial institutions, diplomatic arena, and the fields of conflict.

What this country and this Senate needs is the same kind of resolve to continue to support the efforts of this administration in Iraq and Afghanistan and whatever lands this fight takes us. Let us not be confused, the cost of freedom is high but the loss of our freedom and freedom of all nations is a much greater cost. Our only choice is to wage this battle and wage it fully. Our only choice is to wage this battle no matter where it takes us. Our only choice is to wage this battle through the courts and the banks, through the intelligence agencies and the embassies, through our combat capability and the United Nations.

In 2001 I spoke of our President and how he prayed the evening of September 11, 2001. As I close, I offer a suggestion to each of my distinguished colleagues. This evening before bed I will take time to pray. I will pray for all of the victims of September 11, 2001 and their affected families. I will pray for all of the victims of terrorism throughout the world whether by the hands of organized terrorism or random acts perpetrated by despicable men with warped ideas. I will pray for all of the men and women of our military especially those that have paid the ultimate sacrifice in defense of this Nation. I will also pray that our military is successful in defeating our foes in this war. I will pray for our President that he continue to lead this country during these trying times as he has done so honorably. Lastly I will pray for this body to continue to have the strength of character and fortitude to continue to support this cause through to completion no matter how long it may be.

Let this day be a day of remembering and a day of pride as well as sadness. Let this day be the day that we gain renewed resolve, clarity of thought and strength of purpose. May God bless this day and may God bless the United States of America.

Mr. STEVENS. Mr. President, in the morning hours of September 11, 2001, our Nation endured a terrible tragedy. In the wake of that tragedy, the response from our "Last Frontier" was overwhelming. Two years ago, Alaskans volunteered their time and their resources to assist the victims of the attacks. One year ago, the people of our State found unique ways to commemorate our Nation's loss. This year we join the Nation once again in mourning and remembrance.

Since the September 11 attacks, the United States has led the campaign to wipe out terrorism and those who support it. John F. Kennedy once warned the world ". . . that we shall pay any

price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty." The bravery and courage our troops demonstrated on battlefields in Afghanistan and Iraq confirmed that Americans will make the ultimate sacrifice to preserve freedom.

Here at home we are a safer Nation. We have established the Homeland Security Department, changed our laws so that agencies can share information, ensured better communication between State and Federal law enforcement, and provided better protection for ports and other points of entry. But the war on terror requires more and we must stay the course.

In his speech on Sunday night, President Bush reaffirmed our commitment to this cause and called upon the Congress and the Nation to once again prove our resolve. I urge all Americans to support the President. History has taught us that freedom always comes at a cost; we must pay the price. New coalitions have formed among terrorists. Those who wish us ill present us with an almost world-wide burden. Nevertheless, we cannot neglect our responsibilities.

I hope all Alaskans will remember the victims of September 11 today by attending a memorial service or prominently displaying an American flag. The victims of September 11 and the volunteer soldiers who gave their lives in the campaign against terror gave what Lincoln called the "last full measure of devotion." Today, we honor their memory and their sacrifice.

Mr. NELSON of Florida. Mr. President, I wish to speak about this day 2 years ago and what it signifies to our country. There is not a soul in this country who does not remember exactly where they were and what they were doing on that fateful day that was so much of a watershed point in our country.

I will tell you where I was. I was with the Senator from North Dakota and a number of others in a leadership meeting about 30 yards from here on the west front of the Capitol. We had broken up our meeting and were watching the television, watching the World Trade Center, when someone burst in the door and said, "The Pentagon has been hit." We immediately looked to the window looking out across The Mall and saw the black smoke rising.

In times such as that, it is interesting how you react. Since my wife and I had just moved into an apartment overlooking the southwest corner of the Pentagon, my instinctive reaction was to leap to a telephone and to try to get word to her to get out of the apartment and get to the basement garage. Of course, I did not know what was happening on that side of the Potomac River.

I went back to the meeting room, and it was vacant. I walked into the hallway and saw everyone pouring down the stairs. I will never forget what I heard at the bottom of the stairs. I

heard the Capitol Police shouting at the top of their lungs: "Get out of the building. Get out of the building."

The memories of that day are seared in the minds of so many of us. And here we are 2 years later still confronting the terrorists and still conducting the war against terrorism.

I am going to close with this because still people come up to me in my State of Florida, as they did so frequently in the aftermath of that fateful day 2 years ago, and they say: "Bill, what can we do?"

Let me tell you what my advice is, and it is the same now as it was then. Loyal, hard-working Americans, what can you do? You can go on about your lives being faithful and hard-working and productive citizens of this country because in defense of this country and our values and our way of life, it is not only that we need military strength for that, we need to continue our moral strength, and we need to continue our economic strength.

It is the strength of that and many other values, if we continue in our normal everyday productive selves that we will overcome. I particularly use that word "overcome" because that is what America is. Our character as a people is that we are overcomers to the obstacles that are put in front of us, to the setbacks with which we are faced. We are overcomers, and our history shows that time and time again. Likewise, this time it will be also.

I thank the Chair. I yield the floor.

Mr. SARBANES. Mr. President, on September 11, 2001, our Nation experienced a daunting tragedy. It touched every single one of us. Our people came together and we spoke with one voice as we mourned the terrible loss of family, friends, neighbors and fellow Americans, and as we paid tribute to the heroes who sacrificed their own lives to save others. We found a new and rich meaning in the phrase, "I am an American."

At the same time, we resolved to move forward, to bring the perpetrators of those terrible attacks to account and to put an end to the scourge of terrorism, so that our people remain free to live rewarding and productive lives. We made a major and fundamental commitment to our homeland security.

Now, however, our rapidly expanding commitment in Iraq threatens to overshadow our commitment here at home.

Earlier this year, I supported a series of amendments to the Department of Homeland Security appropriations bill to increase funding for homeland security needs. These included firefighter and first-responder assistance grants, port security, transit security, border security and chemical security protections. Regrettably, these amendments were all defeated, primarily on party-line votes.

If this administration is prepared to ask for nearly \$90 billion in additional funding for our operations in Iraq, it should and must be prepared to provide

the funds we must have to strengthen the security of America's shores and protect the American public.

The terrible losses of 2 years ago will never be forgotten. But the most enduring memorial we can raise to those we lost is a future of freedom and opportunity, a future without fear. Our response to the events of September 11, 2001, is a demonstration of the great and abiding strength of America. We must be prepared to pledge our resources as well as our words.

Mr. PRYOR. Mr. President, 2 years have past since the tragedy of September 11, 2001, but the visions of smoke rising out of the World Trade Center and the Pentagon, and the pain and terror on the faces of those who lost family members, friends and colleagues remain vivid in our minds. Within seconds, America realized that it was not invincible.

More than a thousand of miles away from Manhattan's ground zero, the Pentagon, and the field in Shanksville, PA, Arkansans felt the vibrations of this tragedy. Families in Batesville, Pine Bluff, Jonesboro and throughout the State learned about the deaths of friends and family members. Just a few months later, thousands of families would celebrate Thanksgiving and Christmas without the moms, dads, sons and daughters who had been deployed in the fight against terrorism. Soldiers began to guard the Little Rock National Airport and Arkansas Nuclear One. And we all began to care for our neighbors a little bit more. On September 11, 2001, life for Americans changed forever.

September 11 is made bearable only by the true heroism displayed on that day and everyday thereafter. We will never forget the selfless acts demonstrated by our firefighters who ran into burning buildings; police officers who went the extra mile to help the frightened and frail; EMTs, doctors and nurses who cared for the injured; and everyday individuals who raised money for the victims of this tragedy.

Along with these heroes, we have hundreds of thousands of servicemen and women who continue to risk life and limb in places such as Afghanistan, Turkey and Iraq in the name of democracy and all it embodies. They put themselves in harm's way not for personal aggrandizement or advancement but for immense love of country, liberty, and family. I ask all Arkansans to join me with continued support for our men and women in uniform.

I ask also that Arkansans pray for the families who lost their loved ones in the tragic terrorist attacks. The healing process is a long and difficult road, and these families need our support and compassion.

Finally, we must ensure that the more than 3,000 innocent Americans did not die in vain on September 11. We must continue taking those steps necessary to protect our homeland. This means ensuring that our first responders have the tools they need to con-

front terrorism at home. It means ensuring that our servicemen and women have cutting-edge equipment, training and technology they need to complete their mission. It means working together by placing our safety and our children's safety above politics.

Americans have endured great hardship and heartbreak as a result of the terrorist attacks, but this has not broken our faith, courage and an unshakable commitment to freedom, democracy and each other. Today, we remember the tragedy of September 11, and we honor its victims. We will never forget them.

Mr. GRAHAM of South Carolina. Mr. President, 2 years ago, our world changed forever. The terrorist attacks on the World Trade Centers and Pentagon were a painful wakeup call to our Nation that we must remain ever vigilant in protecting our freedom. We must confront evil where it exists and defeat it. We must battle the terrorists where they live before they are able to carry out their missions of death and destruction on our homeland. Our hearts still grieve for those who lost loved ones in the terrorist attacks, and we must never forget the painful lessons learned on September 11.

September 11 was a dark day in America history.

While the terrorists were carrying out their evil our national character as a strong, proud people showed through as it produced a new generation of American heroes. The memory of the firefighters who rushed into the Trade Centers before their collapse to save their fellow citizens showed us the best in our Nation, as did the passengers on Flight 93 who decided to storm the cockpit and sacrifice their own lives to prevent the terrorists from carrying out their deadly mission. September 11 was a stark contrast between the best and worst of mankind.

On this September 11, may God continue to protect and bless the United States of America.

Mr. BUNNING. Mr. President, I would like to take this opportunity to pay tribute to those in New York, at the Pentagon, and in the skies over Pennsylvania who lost their lives 2 years ago today.

None of us in the Senate will ever forget the events of that terrible morning, nor will we forget the courage and compassion displayed by Americans everywhere in response to the attacks.

Today my thoughts and prayers are with the victims, their families, and all of those who risked their lives to save others on that awful day.

We faced the worst terrorist attack in our Nation's history on that day and we told ourselves that we would not let our guard down. We have not let our guard down and we will not let our guard down.

The world has changed dramatically over the past 2 years. Under the President's leadership, we have taken on our enemies abroad so that Americans can live in peace at home. With the help of

our allies abroad, our brave soldiers have dismantled the Taliban in Afghanistan and defeated Saddam Hussein's evil regime in Iraq.

We have killed or taken into custody nearly two-thirds of senior al-Qaida leaders. We have chosen to take on al-Qaida on its battlefield to prevent terrorists from choosing the time and place of battle.

Terrorists across the world have been given notice that the U.S. will do whatever it takes to prevent another terrorist attack.

America will triumph and those who want nothing less than to destroy our way of life will fail.

They will fail because of the American spirit. They will fail because of our faith in freedom and democracy. They will fail because of the strength and character of the American people.

I believe that Americans have emerged from the attacks of September 11, 2001, even stronger and more dedicated to our beliefs and to our Nation.

We are safer now than we were 2 years ago, but the enemy will undoubtedly try again and we must be ready. And we will be ready.

It has been said many times before, but it bears repeating again—it might not seem like it, but we are at war. Al-Qaida and its terrorist allies may be on the run, but they are still plotting against peace-loving people across the world.

It's a different kind of struggle than we have fought before. The war on terror will not end next month or even next year. It will take patience and it will take perseverance. But let the world know that this is a war that we will win. This is a war that Americans and our freedom-loving allies will not allow us to lose.

The President has done a superb job leading our country in the war on terror. And we have done our best in Congress to provide him the resources necessary to prosecute and to win that war.

People often ask me how things have changed in Washington since 9/11.

Some things on the surface certainly have changed. There are more concrete barriers, roadblocks, and security precautions. But looking beneath the surface I think the better question is to ask what did September 11, 2001, reveal about us.

It showed that we are still a good and compassion people. And it showed that we have many friends around the world that also love freedom.

It showed that under the worst of circumstances we will come to the aid of not only our friends and neighbors but complete strangers.

It showed that America is still the greatest nation on Earth. And it showed that in the war on terror, we will prevail.

I thank the Chair. May God grant strength to those that mourn the loss of their loved ones in this war on terror and may God continue to bless this great Nation.

Ms. CANTWELL. Mr. President, 2 years ago, our Nation was brutally attacked by terrorists. Thousands of innocent men, women, and children lost their lives on September 11, 2001, in New York, the Washington, DC, area, and Pennsylvania. This week, we honor the memories of those lost, and remember the mothers and fathers, sons and daughters, and other loved ones who will never return to their families.

Yet in the midst of that tragedy, we were reminded about what makes America strong. Firefighters raced into the doomed towers of the World Trade Center, saving thousands of lives, although they would be unable to reach safety themselves. At the Pentagon, even as part of their building burned, the men and women of the military command stayed at their desks to help coordinate information and keep the country's armed forces on high alert. Over Pennsylvania, a group of strangers joined together to fight back against their attackers and saved countless lives by giving their own.

Our strength has always come from the capacity of average Americans to rise to acts of heroism to protect neighbor and stranger alike. Now, our security derives from regular people in a wide range of jobs, in addition to the brave men and women of the armed forces. From Customs agents, to cops on the beat, to baggage screeners, million of U.S. citizens have important roles to play in keeping our country safe.

Today, the fight against terror continues. We face an elusive enemy, willing and eager to take any measure and to murder innocent civilians. To them, the freedoms we enjoy represent opportunities to attack our society and way of life.

This week we remember why we have been drawn into this fight—so that no more families must mourn the loss of loved ones to terror attacks. As we continue this struggle, it is imperative that we do so in a manner befitting a nation of laws. By doing so, we will send a powerful message to the rest of the world: America will not yield to terrorists, and the principles of freedom and democracy will not be bowed by their cowardly tactics. Together, we will prevail.

Mr. REID. Mr. President, Barbara G. Edwards of Las Vegas, NV, Wilson "Buddy" Flagg, a part-time resident of Las Vegas, Lieutenant Colonel Karen Wagner, a 1982 graduate of the University of Nevada, Las Vegas, where she was in the Army ROTC—these three people were killed in the terrorist attacks 2 years ago. Mrs. Edwards and Mr. Flagg were passengers on the American Airlines flight that crashed into the Pentagon and LT Wagner worked in the Pentagon. They were the first three heroes from Nevada to die in the war on terrorism, but sadly they were not the last.

Private First Class Matthew Commons, Boulder City, Staff Sergeant Kerry Frith of Las Vegas, Army Spe-

cialist Jason Disney of Fallon, First Lieutenant Fred Pokorney of Tonopah, Marine Corps Lance Corporal Michael Williams, who lived in Phoenix but had extended family in Reno, Marine Corps Lance Corporal Donald Cline, Jr., of Sparks, Army Captain Josh Byers, Sparks, Staff Sergeant Bryan Sarno, Las Vegas—these eight brave soldiers have also given their lives in the war on terrorism. The most recent was 10 days ago. Sergeant Sarno was killed in Iraq on September 1. Most of these Nevadans died wearing the uniform of our country. Others were simply going about their every-day lives.

We have a duty as Americans to remember every one of them, not just for their sake but also for our own, because, as painful as those memories might be, they will always remind us of important truths. Remembering September 11 reminds us we have the greatest system of government on Earth. For more than 2 centuries, no nation has held the flame of freedom higher or opened the doors of opportunity wider than the United States of America. The cowards who struck America on September 11 understand this. That is why they chose targets that symbolize our free economy and our strong Armed Forces. Those cowards had no reason to hate the people they murdered. They didn't even know these people. But they hated America because we stand for freedom, tolerance, and opportunity. That is why we must never let time cloud our memory of what happened and why we must never forget those who gave their lives in the war against terror.

In this body we are privileged to freely debate the important issues facing our Nation. That means we often disagree with one another. But we have no disagreement today on these issues regarding September 11. Today we stand as one to honor our fallen heroes and to pledge that we will never stop fighting until we have won the war against terrorism.

Mr. GRAHAM of South Carolina. Mr. President, I rise today in honor of the men, women, and children who lost their lives in the terrorist attacks on our country on September 11, 2001.

The morning of September 11, 2001 will forever be remembered as the day America came face to face with the forces of evil and prevailed. Innocent men, women, and children lost their lives and families suffered. Police officers, firefighters, rescue personnel, and Americans from every walk of life rose to the occasion to save others, in many instances losing their own lives in the process. That day, we learned about a new kind of American hero.

In the aftermath of these attacks, our country put aside our differences and came together as one nation to mourn our loss, celebrate our liberty, and demonstrate to the world the strength and compassion of a free people. We united behind a single cause: to root out and destroy those responsible for terrorism around the world.

Two years later, America is still leading that fight. The men and women of our Armed Forces stationed throughout the world are defending our way of life, our principles, and our freedom. They do so because we will never forget the loss to America on September 11, 2001.

Today, I ask all Americans to pray for those who lost their lives, pray for their families, and pray for those who have given their lives in the war on terrorism. I also ask that you not forget our uniformed men and women still stationed overseas in harm's way.

Mr. DOMENICI. Mr. President, I compliment the distinguished Senator REID for his brief remarks regarding this day, and for myself merely say I am among those Americans who never thought it could happen to us. While I sat in my den with my wife on the morning it happened, I was about as incredulous as anyone could be. After I heard more about it, and they told me it was real, I was still disbelieving. I was still incredulous.

But now we look back and we know we are no longer invulnerable. We are no longer so powerful that we can say anything of danger to us will be fought far away. We know the kind of enemy that confronts us is very different than the enemies we have confronted during the lifetime of our Nation.

This is a tough one. This is a unique one. This is one run by crazy men, by people who do not understand or reason as we do.

So I am very pleased, with all the politics at home, that I can stand here and say I feel pretty confident we are doing better, that we are better off than the day this happened, that we are safer than the day it happened, that our big cities are safer. Certainly we are not totally safe. But I wonder whether anybody will ever be able to tell us we have done everything, we have spent every nickel, we have done every program, and we are totally safe from terrorists. I doubt that very much.

In some regards we are lacking. Let us hope we have the wisdom so on the third anniversary we can stand here and say we have even done better, and it is more farfetched that they would succeed. Let's hope we can do that.

For now, I am very proud of an open and free society that made changes to accommodate to this scourge of venom. We had to change a few things, but we did it. We had to spend some extra dollars, but we did. We had to make some cities much safer, but we helped them do it. And then we fought a war for it.

Clearly, when you look back at it all, we did pretty well. For a free nation, we did pretty well. It is pretty easy to mobilize when you are not free. It is pretty easy to fight when you are a dictator. It is pretty difficult to fight against terrorism when you are a democracy and you have to do it openly, in public, and fight them openly, in public, and be criticized openly and in public. It is very hard, but we have done it.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is agreed to, the preamble is agreed to, and the motion to reconsider is laid upon the table.

The resolution (S. Res. 224) was agreed to.

The preamble was agreed to.

Mrs. DOLE. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. 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. MCCONNELL. Mr. President, we mourn the many lives lost 2 years ago today, both the victims of terrorist attack and the heroes, the first responders who rushed to try to save them. In various ceremonies around the country today people are contemplating once again what the war on terrorism involves.

Mr. President, only two years ago, we awoke to the threat that global terrorists posed to the security of the American people and, for that matter, freedom-loving people around the globe, and Americans resolved to fight back against these enemies of freedom.

Our Nation committed to fighting terrorism knowing full well it would require risks, and sacrifice, and time, and, yes, money. We committed to fighting terrorism because the terrorists had already committed to fighting us.

Fortunately, America does not stand alone, because the same terrorists who target the United States also plotted and carried out attacks against European, Asian, and moderate Arab governments who do not share their violent ideology or rationalized interpretation of Islam.

We are now only 24 months into a global war against terrorism and that fact alone is worthy of some reflection.

For 53 months, between June 1914 and November 1919, World War I engulfed Europe. More than 110,000 Americans lost their lives in defense of global security.

For 72 months, between September 1939 and September 1945, World War II raged across the globe, and required years of peacekeeping and reconstruction efforts afterwards. During this tragic conflict nearly half a million American troops gave their lives not only to bring security to America but also to liberate millions of innocent victims suffering under the jackboot of totalitarianism.

For 37 months, between June 1950 and July 1953, American troops battled Communist forces on the Korean Peninsula. American troops remain in South Korea today to maintain a sometimes fragile cease-fire and defend a democratic ally in a war that has yet to end. More than 30,000 Americans

were killed while defending against North Korean and Chinese Communist aggression.

And for nearly 50 years of cold war conflict, American troops were deployed to the edges of the Earth in support of our country's efforts to protect free societies from the threat posed by Soviet totalitarianism. During these tense and difficult decades of cold war, America did not shirk its responsibility to defend its people and the rights of all freedom-loving people. Nor did American politicians put price tags on the defense of democracy and liberty.

The global war against terrorism requires, like the Cold War, a sustained level of commitment by the United States that is equal to our moral commitment in all of these previous conflicts—perhaps even more so—because the terrorists who now confront America do not seek merely territory in a far-off land but are dedicated to the destruction of the United States and the elimination of free societies wherever they may exist. We are fighting an enemy which seeks weapons of mass destruction, not to blackmail democracies but to destroy them.

Under the leadership of President Bush, America has made tremendous progress over the last 24 months. We have jailed or otherwise dealt with nearly two-thirds of al-Qaida's leadership and have dismantled terrorist sleeper cells, severely curtailing al-Qaida's ability to plan and carry out terrorist attacks.

We have cooperated with international police organizations to arrest thousands of terrorists throughout the world, to freeze terrorist assets, to increase surveillance of terrorist organizations, and to keep terrorists on the run.

We routed al-Qaida from Afghanistan and destroyed its many terrorist training camps. Under the Taliban government in Afghanistan, terrorists freely plotted the destruction of our cities and the mass murder of our citizens, while an evil government tortured, raped, and killed those who dared to oppose its misrule. The Afghan people are now building a democratic government and terrorists are no longer welcome in Afghanistan.

In addition, we ended the regime of Saddam Hussein, a long-time sponsor of terrorism and a potential terrorist clearinghouse of weapons of mass destruction. We liberated nearly 25 million Iraqis, who for generations had suffered under Hussein's brutal regime. Now we are helping the Iraqis build for themselves a multiethnic and moderate democracy in the heart of the Middle East.

All these efforts have helped to prevent another terrorist attack on American soil despite al-Qaida's unremitting desire to carry out such an attack.

However, despite our successes, more challenges lie ahead. The terrorists are making a desperate stand in Iraq and Afghanistan and we must be firm in

our resolve to defeat them. As President Bush said to the Nation this very week:

The terrorists have a strategic goal. They want us to leave Iraq before our work is done. They want to shake the will of the civilized world. In the past, the terrorists have the examples of Beirut and of Somalia, claiming that if you inflict harm on Americans, we will run from the challenge. They are mistaken.

For 24 months we have fought to keep America safe from terrorists, and with Osama bin Laden calling for American troops to return home, we must not shrink from our responsibilities now.

We must confront the terrorists where they live and train; otherwise, they will face us in the streets of our cities. We must continue to bring the fight to the enemy or surely he will bring it to us.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 11:45 am.

The Senator from Nebraska.

#### IN REMEMBRANCE OF SEPTEMBER 11, 2001

Mr. HAGEL. Mr. President, today is a day for remembrance and reflection. The attacks of September 11, 2001, affected all Americans as individuals, as families, and as a Nation. On that day, 2 years ago, I told the Omaha World Herald: "America is forever changed."

We remember today those who died 2 years ago in New York, at the Pentagon, and in Pennsylvania, as well as those who have since lost their lives to terrorism in Iraq, Afghanistan, Indonesia, Saudi Arabia, Israel, Jordan, Pakistan, the Philippines, Yemen, and elsewhere. Their sacrifices and service should reinforce our commitment to defeating this new scourge of mankind.

History has allowed America no quarter from the heavy burdens of leadership. The post-cold-war era of the 1990s now seems like an interlude between two epoch challenges: the cold war and the war on terrorism. Just as previous American generations defeated Nazi tyranny and contained Soviet expansion, today's war on terrorism requires new thinking, commitments, sacrifices, and responsibilities by a new generation of Americans.

Americans can take pride in the courage and determination we have shown over the last 2 years. Our young men and women have participated in the liberation of Iraq and Afghanistan from brutal tyrannies, and we continue

to kill and capture al-Qaida leaders and terrorists and disrupt their cells and networks worldwide.

Our Foreign Service officers, policemen, firefighters, and health and immigration professionals are on the front lines, at home and abroad, in keeping our homeland safe. Their roles have been redefined, along with our understandings of personal and collective security. These are battles joined but not yet won.

Two years is but a blip in the span of generations. America is still finding its way, seeking a new center of gravity and balance between power and purpose in world affairs. America must approach its foreign policy with a principled realism that reflects our values, acknowledges the realities and challenges we face worldwide, and conveys an awareness of the costs and consequences of our actions. Decisions made today will have global implications for years to come, at a time when there is very little margin for error.

America is playing for the next generation around the world. The battle against terrorism cannot be considered in a vacuum from the breeding grounds of poverty and despair in the Islamic world. We need to turn the tide in our favor. Our military power and policies must be balanced with a nobility of purpose that conveys America's commitment to helping make a better world for all people.

The perception of American power will either enhance or diminish our influence, trust, and respect in the world. America's success will be determined not only by the extent of its power but by a judicious and wise use of it. America must enhance its relationships, not just its power. And America should not meet those world challenges alone.

At these historic junctures, international alliances and institutions will change and be redefined, as events unfold and realities demand. America must lead in reshaping these alliances, institutions, and relationships that have helped support peace and prosperity since World War II. America's interests are not mutually exclusive from the interests of our friends and partners. Our actions abroad cannot be separated from our priorities at home.

I have spoken across the country and to many Nebraskans about their concerns of the costs of the war on terrorism and building Iraq and Afghanistan at the expense of America's economy, health care, agriculture, and environment. But we have to understand all of this is connected. Our commitments abroad will require resources and sacrifices. But America cannot prosper at home in the absence of security and stability abroad. Issues critical to Nebraskans, to America, such as trade and economic growth, do not flourish in conflict; they wither and die.

In thinking of the post-9/11 world, I think of my children and the world that they and all of our children will inherit. The stakes could not be higher.

Today America looks upon a world of danger, of risk, but yet opportunity. The world looks upon an America that stands astride the globe as no other nation in history. How will the future of the world play out? That is up to us. The world is made up of 190 nations. These 6.2 billion people represent many religions, cultures, traditions, histories, and ideas. But there is a fundamental common denominator among all people—the desire to be free. America's course in the world will be guided by the hallmarks of our national character: courage, compassion, humility, and respect for others.

The memory of September 11, 2001, will focus our prayers, lift our spirits, and renew our purpose. That is the way those Americans who gave their lives on that day would have wanted it.

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

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

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. 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.

Mrs. FEINSTEIN. Mr. President, I ask to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mrs. FEINSTEIN. Thank you very much.

Mr. President, I come to the floor to add my words to those of my colleagues as we take time to remember those who died and who were injured 2 years ago on this very day and at this very time.

America will never be the same again. The changes are visceral and they are real. So many innocents were killed by a vicious and evil act. We still can't really comprehend how people could do this kind of thing.

It has truly been a living nightmare for so many children, wives, mothers, fathers, and loved ones. There have been so many candles, so many shattered dreams. September 11, 2001 was a true day of infamy.

But the rebuilding has begun and the page is turned. I cannot imagine what the survivors and family members and friends of those killed have endured. My sorrow, my sympathy, and my condolences go to those who lost so very much. I hope they understand that they still have the love and respect of a sympathetic nation.

Here in the Capitol, in the wake of 9/11, we have come to see that many loopholes exist in the security of this great and free Nation. Some of these are the very result of what we have treasured as part of our freedom, our openness, our democratic way of life. And while acknowledging this fact, we in the Senate have participated in plugging a number of these loopholes in ways we hope are designed to pro-

tect our country from another catastrophic terrorist attack.

First, we passed the USA PATRIOT Act, which is legislation that aims to make it easier for the FBI and other law enforcement agencies to monitor terror suspects and investigate their financial and personal records, to improve the sharing of information between law enforcement and intelligence-gathering agencies, and to bring Federal law up to date with recent advances in communication technology.

It is still amazing to me to realize that 19 terrorists were able to come into this country—most of them on legal visas—and launch an attack that killed thousands of our people. But we should also be very much aware that the 9/11 attacks were no anomaly. In fact, there are thousands of other terrorists, just like those 19 hijackers, who are poised to strike at the United States and our interests.

The CIA Counterterrorism Center estimates that 70,000 to 120,000 individuals trained in Afghanistan terrorist training camps between 1979 and 2001. Think of that. The Center also says that between 15,000 and 20,000 are believed to have been trained by Osama bin Laden. These people are now spread all over the world and in many areas of this country now.

The number of terrorist cells in this country is classified. I cannot share this on the floor of the Senate, but if I did, many people would be both shocked and surprised. So there is no question that the danger is real and, unless we find out who the enemy is and stop them before they try to kill us, only suffering and death can result.

The USA PATRIOT Act was aimed at helping solve some of the problems that led to missed opportunities before 9/11. This legislation was spurred by the fact that key agencies in our Government had bits of information that, when viewed together, may have revealed details about the hijackers and their plans and prevented 9/11. Unfortunately, these bits of information were often held by different law enforcement and intelligence agencies and not widely shared—or, in some cases, not shared at all.

Given the urgency of the war on terror and the inevitability of future attacks against our country and our interests, I believe there is a compelling need for our law enforcement and intelligence agencies to be able to gather intelligence to prevent attacks. But the challenge is, how can we do this without violating cherished civil rights and liberties?

Now, the PATRIOT Act was passed with the knowledge that it had been drafted and negotiated quickly. Mr. President, you yourself serve on the same committee I do—Judiciary—and I think it was about 6 weeks from start to finish that we held hearings, debated the bill, and then finally enacted it. Congress needs to exercise vigorous oversight to prevent abuse and to solve

unintended problems with the legislation. That is one of the reasons some of these sections in the PATRIOT Act are scheduled to sunset in 5 years.

The USA PATRIOT Act was also passed with the expectation that the executive branch would limit its new powers to the intended purpose of fighting terrorism. Indeed, the breadth and depth of these new powers in the act demand careful application and close oversight. And the jury is still out as we evaluate the actions taken under this new law.

Secondly, after September 11, I learned at a hearing on the Technology and Terrorism Subcommittee of Judiciary that the security controls for anthrax, smallpox, ebola, and 33 other deadly pathogens were too lax. The FBI and the CDC could not tell us at that time how many people were working with these deadly agents, how much they possessed, where these agents were, or where they were being used or stored. Moreover, labs conducted no background screening of workers who handled these dangerous agents. As a result, Senator KYL and I introduced legislation to heighten security and restrict possession of these pathogens. Ultimately, Congress incorporated many of these provisions into the comprehensive bioterrorism bill that was passed in June of last year.

Thirdly, Senator KYL and I also coauthored the Enhanced Border Security and Visa Entry Reform Act of 2002, which seeks to plug loopholes in our border security. We have seen over the years that our borders are like swiss cheese. This legislation enhances border security by, among other things, putting more Federal officers on the border to try to stop possible terrorists from entering our country.

Last month, for example, two Pakistani nationals at Seattle-Tacoma International Airport paid cash for one-way tickets to John F. Kennedy International Airport. The customer agent at the desk checked a terrorism-related "no fly" list and found both men's names on it. Local police then detained the two men and handed them over to the FBI.

The new border security law requires the Federal Government to take concrete steps to restore integrity to the immigration and visa process. It requires that all visas, passports, and other travel documents to be fraud- and tamper-resistant and contain biometric data by October 26, 2004.

Word has reached me that the administration may be requesting a delay in this deadline. I hope they will not. I hope that, instead of taking the easy course and saying let's delay that deadline, they take the more constructive and important course and say let's find out what we can do to comply with the law. It is critical and important that they do this.

This law also requires all foreign nationals be fingerprinted and, when appropriate, to submit other biometric data to the State Department when applying for a visa.

These provisions should help eliminate fraud, as well as identify potential threats to the country before foreign nationals gain access to the United States. That is why that October 26, 2004, deadline is so important.

Now, when we put deadlines into the border security bill, we actually considered the need to come up with the new technology and the time it might take. We believed that the 2004 date was one that could be met. I, for one, think we should meet it.

Finally, this law tightened up two programs that were highly unregulated and ripe for abuse and have been abused by terrorists: the Visa Waiver Program and the Foreign Student Visa Program.

Much other work remains to be done. We know all of our ports, all 361 one of them, are the soft underbelly of homeland security. To emphasize this point, "ABC News Primetime" tonight will have a segment announcing the results of an investigation that shows just how porous our borders are.

As a test, they shipped a suitcase with 15 pounds of depleted uranium from Jakarta to Singapore to Hong Kong to mainland China, and finally to the port of Los Angeles—all without being detected. The suitcase was in a 20-foot container filled with teak furniture.

This investigation demonstrates how easily a terrorist could put a dirty bomb on a container, ship that container to a port in the United States, then place the container on a train unopened, and move it out anywhere into the heartland of our country.

To help solve this sort of problem, earlier this year, Senator KYL and I introduced the Antiterrorism and Port Security Act of 2003. This bill is still pending. Our distinguished colleague, Senator SCHUMER, is a cosponsor, and we are grateful for his support.

This legislation would close loopholes in our criminal laws that would allow terrorists to strike against our ports to escape appropriate punishment. Many criminal laws don't deal appropriately with port security and were never even contemplated as deterring and punishing a terrorist attack on a port, so there are enormous loopholes in them.

The bill would also help safeguard ports by strengthening security standards and requirements and ensuring greater coordination, and it would better focus our limited cargo inspection resources by improving the existing shipment profiling system and substantially bolstering container security.

The "ABC News" show airing tonight will show that our container risk profiling and inspection system is inadequate. Today, the administration is putting a handful of Customs agents in other countries, to try to push the borders out, and using a risk profiling system that includes much less information and intelligence that it could. Moreover, fewer than 2 or 3 percent of the containers that come into our country are searched.

I would add that over 40 percent of all imported containers in the U.S. come through two big ports in my State. I would hate to see a dirty bomb come in through the port of Los Angeles, the port of Long Beach, or the port of Oakland and be detonated somewhere in the United States. That is all too easy to do still today.

Rather than criticize ABC for this show, we should be grateful to them because, once again, their investigative efforts have shown dramatically a loophole in the homeland security of this great, free society.

I have also come to truly believe that we need to look deeply at our entire intelligence structure in this country. I have been privileged to serve on the Select Committee on Intelligence now for a couple of years, and I have seen many indicators that our intelligence structure needs dramatic improvement.

Some recommendations for improvement are in the report by the joint inquiry into intelligence community activities before and after the terror attacks of September 11. One of the most important of these recommendations is the creation of a statutory Director of National Intelligence who shall be the President's principal adviser on intelligence and have the full range of management, budgetary, and personnel responsibilities necessary to run the entire United States intelligence community.

Our intelligence community is so big—more than a dozen separate departments—and yet the individual who is head of the CIA is also supposed to be the head of this entire community. Yet he does not have budgetary and statutory authority over all of the departments. Consequently, he cannot transfer positions, and he cannot set strategies among the more than a dozen departments.

I believe this is a shortcoming. And I have been joined by others in this belief. I am pleased that the joint inquiry report included the creation of a Director of National Intelligence as one of its recommendations. I am also pleased that Senator GRAHAM of Florida makes this one of the provisions in his bill implementing the report's major recommendations.

The current structure of our intelligence community was designed for post-cold-war intelligence-gathering agencies in a symmetrical world where two world powers—the Soviet Union, and the United States—dominated. That structured world is no more. We are now in an asymmetrical world where intelligence-gathering agencies have to move to entirely new and different dimensions. Our current intelligence structure is not set up to allow that to happen.

One of the things that has concerned me greatly is that many people have shied away from considering real reform in this area. If I ask questions about restructuring our intelligence community, I am told: Well, now is really not the time.

I proposed the Director of National Intelligence bill in June 2002 and have introduced it again in this Congress. Yet we still have not had a hearing on that bill. It still has not moved. When I make inquiries, I am told: Now is really not the time. When is it going to be the time?

The Intelligence Committees of both the House and Senate are charged with oversight of the intelligence structure. But I do not believe we are doing our job in that respect with respect to the organization of our intelligence community.

One of the things, also, that I have learned is that man is capable of unspeakable violence, and in the case of 9/11, violence was the product of learned hatred—hatred that was conscientiously taught, that was drummed into tens of thousands, maybe millions, of people. Such hatred sows a field of violence and now this violence is all over our world.

As The New York Times points out today, in the 2 years since 9/11, the view of the United States as a victim of terrorism deserving the world's sympathy has changed. Remember the Le Monde headline right after 9/11 in France? It was: "We are all Americans today."

That view has given way to a widespread vision of America as an imperial power that has defied world opinion through unjustified and unilateral use of force. We must take heed of this and move to remedy it. We must listen more; we must build alliances; we must move multilaterally; and we must recognize that we need the help of others. Yes, we need the help of the United Nations.

In a world of asymmetrical warfare and terror, unilateralism is a flawed and unworkable doctrine. I believe the last 2 years have demonstrated that point.

I hope we take heed, I hope we listen. And I hope as we commemorate this very solemn day that we will dedicate ourselves to that listening, to working with alliances, to building partnerships, to encouraging the United Nations to work with us, and to dispelling arrogance and becoming the humble nation that we said we were going to be.

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

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER FOR RECESS

Mr. SUNUNU. Mr. President, I ask unanimous consent that at 11:45 a.m., the Senate stand in recess until 1 p.m.

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

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

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for not more than 6 minutes.

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

Mr. LEAHY. Mr. President, we remember the victims of the attack on this country 2 years ago today. Last year, Congress held a special session in New York on this day. As part of those proceedings, the poet laureate of the United States, Billy Collins, read a poem written for the occasion entitled "The Names." He dedicated it to the victims of September 11 and to their survivors. I believe it appropriate to reread that poem again here today:

#### THE NAMES

Yesterday, I lay awake in the palm of the night.

A fine rain stole in, unhelped by any breeze,  
And when I saw the silver glaze on the windows,

I started with A, with Ackerman, as it happened.

Then Baxter and Calabro,  
Davis and Eberling, names falling into place  
As droplets fell through the dark.

Names printed on the ceiling of the night.  
Names slipping around a water bend.  
Twenty-six willows on the banks of a stream.

In the morning, I walked out barefoot  
Among thousands of flowers  
Heavy with dew like the eyes of tears,  
And each had a name—

Fiori inscribed on a yellow petal  
Then Gonzalez and Han, Ishikawa and Jenkins.

Names written in the air  
And stitched into the cloth of the day.  
A name under a photograph taped to a mailbox.  
Monogram on a torn shirt.

I see you spelled out on storefront windows  
And on the bright unfurled awnings of this city,  
I say the syllables as I turn a corner—

Kelly and Lee,  
Medina, Nardella, and O'Connor.

When I peer into the woods,  
I see a thick tangle where letters are hidden  
As in a puzzle concocted for children.

Parker and Quigley in the twigs of an ash,  
Rizzo, Schubert, Torres, and Upton.  
Secrets in the boughs of an ancient maple.

Names written in the pale sky.  
Names rising in the updraft amid buildings.  
Names silent in stone

Or cried out behind a door.  
Names blown over the earth and out to sea.  
In the evenings—weakening light, the last swallows.

A boy on a lake lifts his oars.  
A woman by a window puts a match to a candle,

And the names are outlined on the rose clouds—

Vanacore and Wallace,  
(let X stand, if it can, for the ones unfound)  
Then Young and Ziminsky, the final jolt of Z.

Names etched on the head of a pin.  
One name spanning a bridge, another under-  
going a tunnel.

A blue name needled into the skin.  
Names of citizens, workers, mothers and fathers,

The bright-eyed daughter, the quick son.  
Alphabet of names in green rows in a field.  
Names in the small tracks of birds.

Names lifted from a hat  
Or balanced on the tip of the tongue.  
Names wheeled into the dim warehouse of memory.

So many names, there is barely room on the walls of the heart.

Our thoughts and prayers are first and foremost with all those who sacrificed their lives on September 11 2 years ago.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 1 p.m.

Whereupon, the Senate, at 11:44 a.m., recessed until 1:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. BUNNING).

#### DISAPPROVING FEDERAL COMMUNICATIONS COMMISSION BROADCAST MEDIA OWNERSHIP RULE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 17, which the clerk will report.

The legislative clerk read as follows:  
A Senate Joint Resolution 17 (S.J. Res. 17) disapproving the rules submitted by the Federal Communications Commission with respect to broadcast media ownership.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin with a brief opening statement about why we are here and what brings us to this point. My colleague from Arizona, who will speak in opposition to this resolution of disapproval, is here to make a presentation and my colleague with whom I have worked on this resolution of disapproval, Senator LOTT from Mississippi, is here and will make a statement. I believe others will arrive as well.

Let me describe what we are doing. There is a provision in Federal law that allows the Congress to effectively veto a rule offered by a Federal agency under certain circumstances. This is called the Congressional Review Act. I call it a legislative veto. It is rarely used. In fact, this is only the second occasion on which it will be used. It requires 35 signatures of Senators to discharge a proposition from a committee and bring it to the Senate floor, with 10 hours of debate. Following the 10 hours of debate, there is then a vote on the resolution of disapproval.

The specific rule that brings us to the floor today with a resolution of disapproval is a rule by the Federal Communications Commission dealing with broadcast ownership rules. This is an issue that is controversial. It is highly charged and very significant. Some

Members believe very strongly that what the Federal Communications Commission has done is horribly wrong for the interests of this country.

I said at the Commerce Committee when we discussed this, especially in the aftermath of the FCC making and announcing its rules, never have I seen a Federal agency that is supposed to be a regulatory agency cave in so quickly and so completely to the large economic interests. That is exactly what I think has happened. It has happened at the expense of the public interest.

The foundation of our democracy is information. The free flow of information is what nourishes and refreshes this democracy of ours. When what the American people see, hear, and read is controlled by fewer and fewer interests, in my judgment, it is detrimental to this government and to our country.

The ruling by the Federal Communications Commission says, among other things, this will be just fine in the future; in America's largest cities, one single company can own the dominant newspaper, the dominant television station, and two other television stations, eight radio stations, and the cable company in that same town. It is just fine. And they can do it in that town and another town and another town and another town, and that is just fine, according to the FCC rule.

Pardon my expression, but I think that is absolutely nuts. It is not fine—not fine with me, not fine with a good many of my colleagues. What we design to do is to pass a resolution of disapproval in the Senate to say to the Federal Communications Commission: Do it over, and do it right.

The Federal Communications Commission held only one public hearing before embarking on the largest rule change in the history of this country with respect to ownership of broadcast properties. Having held only one hearing, they then said: Well, let's do this Katie-bar-the-door approach to allowing the additional concentration and this new orgy of mergers that almost certainly will occur as a result of this rule. They said: Let's allow newspapers to own television stations in the same town, have the same television stations and radio stations marry up.

We know what has happened since the 1996 act. Ownership rules have changed; we have seen galloping concentrations. One company in this country now owns nearly 1,300 radio stations. In one city in North Dakota, we have eight radio stations. One of them is a religious station, one is a public broadcast station, and six are commercial stations. All six are owned by the same company.

I ask my colleagues, does anyone think there is a public outcry in this country for the need to have more concentration in broadcast ownership? Has anyone heard that public outcry? I have not.

The airwaves in this country belong to the American people. They do not belong to the broadcast companies.

They do not belong to a television or radio company. They belong to the American people. We license them for use by companies that want to send a television or radio signal and we say that, attendant to that use, you have certain responsibilities and obligations: Competition, diversity, and localism.

What does localism mean? It means we anticipate that when you have a property to broadcast radio or television signals in your local community, you have a responsibility to that community to broadcast some of those local basketball games, talk to the people in the community about the local charity event this weekend, tell them about what is happening on Main Street. That is localism.

What do we have these days? All too often we have the concentration that has developed in all broadcast media. Now we have something instead of localism; it is called voice tracking.

Do you know what voice tracking is? With this massive amount of mergers, with one company owning many stations, voice tracking is that which occurs when you drive down the street in Salt Lake City, UT, and turn on your dial on the radio station and hear someone saying, "It is sunny out here in Salt Lake City this morning," and that person may be in a basement in Baltimore, MD, broadcasting from a broadcast booth. Do you know what that is called? Voice tracking; ripping a sheet off the printer from the Internet that shows the sun is shining in Salt Lake City so they can pretend they are broadcasting from Salt Lake City, UT, from a Salt Lake City station, when in fact they are not 1,000 miles near Salt Lake City, they are halfway across the country pretending there is some local element to that radio station.

That is not moving in the public interest.

As we engage in this debate, I want someone to tell me that localism is old fashioned. I want someone to tell me that what I consider to be a transcendent truth about the value of requiring localism in exchange for being able to use the airwaves with a radio or television license is somehow an old-fashioned value. For me, it is not.

There is so much to say about all of this, and I will speak at great length, but I have a chart that shows where we are with respect to these broadcast properties these days. I will not attempt to tell you about all of this, but the News Corporation, of course, is Fox and Rupert Murdoch; Clear Channel; Viacom; Disney; AOL/Time Warner. Let me use Disney as an example: Ten television stations, including in New York, Los Angeles, Chicago, Philadelphia, San Francisco, Houston, Raleigh, Fresno, Flint, Toledo; 53 radio stations. The ABC Network, Disney Channel, ESPN, A&E, SoapNet, History Channel, Lifetime, Disney Pictures, Touchstone, Hollywood, Caravan, Miramax. It goes on and on and on.

People say: What is the big deal here? We have so many more outlets in which you can get information. We now have the Internet. We didn't used to have that. You have so many different outlets. Do you know something. Go to your cable system and find out who owns the major channels. The same people. Go to the Internet and find out who owns the top sites on the Internet. The same people.

So you have many different voices; yes, from the same ventriloquist. Many voices, one ventriloquist or two or three or four—at least fewer ventriloquists in terms of what the American people see, hear, and read.

I do not accuse the Federal Communications Commission of bad faith. I happen to like the Federal Communications Commissioners. I believe I know all of them personally. The chairman is someone I have had lunch with a couple times. I like him a lot. I just think they have made a horrible mistake, and I think they did it without the due diligence that is required of those in a regulatory commission position.

We expect them to be the referees of sorts. We expect them to wear the striped shirts with the whistles that say: We are here to call the fouls. We are here on behalf of the public interest to call the game. The fact is, this regulatory agency did exactly what the big economic interests and the broadcasting industry wanted. And they did it cleanly and quickly, with minimum nuisance of public participation. There was only one hearing in Richmond, VA.

Well, they did get three-quarters of a million pieces of mail and communications over the Internet saying: Don't do this. It is against the public interest. But it did not matter to the FCC. They did it anyway.

As a result, I hope this Senate will send a message to the Federal Communications Commission: This rule is a bad rule. This rule opens the gates to massive additional concentration, mergers, and acquisition to fewer and fewer companies owning more and more properties, at least in the circumstance with respect to broadcasts and newspapers. And, by the way, they also eliminate the ban on cross ownership. At least in this circumstance, we don't think it is in the public interest. That is what I hope the Senate will tell the Federal Communications Commission today.

By this vote, it will be the first step—a big step—in a process of saying to the Federal Communications Commission: We in Congress veto this rule. You must go back and do it again. Do it over and do it right.

Mr. President, I have a lot to say today, and I know my colleagues do as well. But I think in the interest of time, having described why we are here, and the origin of this effort, I will yield the floor. My colleagues from Arizona and Mississippi want to make presentations, following which I will again then amplify my remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from North Dakota for, as always, informing, and sometimes with very startling information. I still find it very difficult to understand the situation that happened in his State. When there was a toxic spill, and the radio stations were attempted to be contacted to alert the population, the citizenry, there was not a single soul in any of the six radio stations. All the broadcasting was done from somewhere else. That, obviously, was not the intent of the law, the intent of Congress, nor, indeed, the intent of the Federal Communications Commission. But these examples happen today.

I rise to speak in opposition to S.J. Res. 17, which has already been described by my colleague from North Dakota. As a result, pursuant to the Congressional Review Act, these rules would have no force or effect, and the FCC would not be able to adopt any similar regulations until Congress authorized the Commission to do so.

I share many of the concerns expressed by my friends from North Dakota and Mississippi. I oppose the resolution because I believe that rejecting the rules without providing further guidance is not an appropriate congressional response. In addition, the nullification of all of the FCC's new media ownership regulations is, in my opinion, too sweeping.

Whether we agree with them or not, the FCC's actions are a direct result of the direction given to it by Congress in the Telecommunications Act of 1996, which should have been called "Leave No Lobbyist Behind Act of 1996."

And might I add, as we are all responsible for our votes, my colleague from North Dakota voted for that bill, as did my colleague from Mississippi. I voted against it. I voted against it because I thought it was an outrageous exercise of lobbying power and special interest power and would have enormous unintended as well as intended consequences; and the unintended consequences we are dealing with today.

So let's be clear, all of my colleagues, what is the genesis of this problem. That is the 1996 Telecommunications Act. I say so because the DC Court of Appeals vacated the 35-percent cap and remanded it back to the FCC. The DC Circuit Court of Appeals found that:

Congress set in motion a process to deregulate the structure of the broadcast and cable television industries [in the act].

In fact, the court—I think very appropriately—characterized the 1996 act's deregulatory tone as not subtle but quite explicit, likening it to "Farragut's order at the battle of Mobile Bay—'Damn the torpedoes! Full speed ahead.'" That is how the court described the 1996 deregulatory act that my colleagues are on the floor now examining and wanting to reverse.

Let's at least take responsibility for our action that set this train in mo-

tion. I agree with my colleagues, particularly on the issue of radio. When there is an example such as what happened in Minot, ND, and testimony before our committee that there is an organization, Clear Channel—let's say who they are—that owns, as the Senator from North Dakota mentioned, 1,300 radio stations, the ticket sales, the promotions, and the concerts—artists have come to us and stated unequivocally that they have been basically blackmailed and told to do concerts at a certain place or their works would not be played on the radio stations.

Now, I can't prove that. I am only telling you what information was given us. So we have a tough situation.

The resolution offers neither congressional direction for the FCC's next review of these rules nor a remedy for the infirmities of the existing statute that pushed the FCC to its recent decision. Moreover, the resolution would throw out the entirety of the FCC's action, including some rules that would actually tighten radio ownership limitations. Finally, the resolution could result in significant uncertainty about the status of the FCC's media ownership rules.

Let me mention one other thing before I go into a little bit more about this process.

As usual, unfortunately, tragically, the Appropriations Committee has now gotten into the act. The Appropriations Committee, I understand, on the Commerce, State, and Justice appropriations bill is now going to remove the provision of 35 to 45 percent media ownership, but they are not—they are not—going to touch the cross-ownership aspect of the rules that the FCC issued. Why? Why would that be?

Well, my dear friends and colleagues, I only know one reason: The National Association of Broadcasters supports the 35 to 45 percent and opposes the cross ownership. Which is worse, that a conglomerate owns now 45 percent of the television stations in a market, or a conglomerate owns three television stations, the newspaper—the Los Angeles Times—the Internet, the cable company, and 8 radio stations? That is okay according to the Appropriations Committee. But they are going to take care of the 35 to 45 percent aspect of it and jam it into an appropriations bill, by the way, without a hearing before the Appropriations Committee, as usual.

The Commerce Committee acted with a piece of legislation that is on the calendar. S. 1046, which passed through the committee, addresses the entire issue. Do you think we will get S. 1046 before this body before this year ends, my friends? No. But we will have to fight like blazes a one single shot provision that has been placed in an appropriations bill, in clearly a gross excess of their responsibilities, which are to fund authorized programs.

So I guess if there is any lack of cynicism amongst my colleagues about

this whole process we are undergoing right now, any lack of cynicism should be dispelled by the actions of the Appropriations Committee.

Whether we agree with them or not, as I mentioned, those actions are a direct result of the 1996 act.

In short, if the Congress is unsatisfied with the result of the FCC review, it should step in to provide new direction. Simply saying, "You got it wrong, try again," in my view, is not an appropriate response.

Although they are not provided in the resolution before us, new directions to the FCC have been provided and reported out of the Commerce Committee. The bill is on the Senate calendar awaiting action. The bill would establish explicit, sustainable media ownership limits while preserving new radio ownership rules tightened by the FCC in its June 2 order.

While I don't support the resolution, I do support S. 1046. I have not always supported retaining strict limits on media consolidation, and in the past I have spoken frequently about the merits of deregulation of media markets. Over the years, I have written letters to the FCC insisting that they deregulate in this area of media markets. Moreover, even a few years ago, I offered legislation to raise the national television station ownership cap to 50 percent and to eliminate limits on newspaper and broadcast cross-ownership. I continue to believe in the principle of allowing markets, and not government, to regulate the way businesses operate.

After chairing seven hearings on media ownership and observing unprecedented public outcry, it is apparent to me that the business of media ownership, which can so affect the nature and quality of our democracy, is too important to be dealt with so categorically. As a result, I have come to believe that stringent, but reasonable, limits on media ownership may very well be appropriate.

It is a testament to the vitality and health of our democracy that the public mobilized to defend what they perceived as a challenge to this democracy. If Congress is displeased with the Commission's new rules, however, we must accept some responsibility for them. Congress and the courts gave the Commission little choice but to deregulate the media industry. When the D.C. circuit court of Appeals vacated the 35 percent cap and remanded it back to the FCC for further consideration, it found that "Congress set in motion a process to deregulate the structure of the broadcast and cable television industries" in the Act. In fact, the court characterized the 1996 Act's deregulatory tone as not subtle, but quite explicit, likening it to "Farragut's order at the battle of Mobile Bay—'Damn the torpedoes! Full speed ahead.'"

Led by the able chairman, Michael Powell, the Commission followed the direction of Congress and the courts.

The commission incrementally increased the network ownership cap to 4.5 percent finding that a "modest relaxation of the cap will help networks compete more effectively with cable and DBS operators and will promote free, over-the-air television by deterring migration of expensive programming to cable networks."

I ask unanimous consent that an article by Michael K. Powell that appeared in the Wall Street Journal this morning be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 11, 2003]

AND THAT'S THE WAY IT IS  
(By Michael K. Powell)

The days of free television may be numbered. We are in the midst of change that is having a dramatic effect on how we watch television. Consider how much the television landscape has altered in the past two decades. It used to be that the "big three" networks, ABC, CBS and NBC were just about the only game in town. In those "glory days" of television, when Walter Cronkite left us each night with his famous "And that's the way it is," the big three were "the only way it was"—our only sources of television programming. If you wanted to watch sports you turned to the big three. Want to watch the movie of the week? Turn to the big three. Saturday morning cartoons? Turn to the big three. With over 80% of the viewing audience watching free TV, it was good to be a broadcaster.

Today, much of the high-quality sports (ESPN, Fox Sports), movies (HBO, Showtime, Starz, Independent Film Channel), mini-series (Hallmark Channel), documentaries (History and Discovery Channels), children's programming (Nickelodeon, Disney Channel, Cartoon Network), minority-oriented programming (BET, Univision) and breaking news (CNN, MSNBC, Fox News) can be found on pay television. The migration of top programming to pay television is demonstrated by the fact that cable, for the first time, surpassed broadcast television in all-day viewing share and this summer cable claimed an all-time high 60% of the primetime television audience. And the quality of programming now on pay television is embodied in its unprecedented success in recent Emmy awards and nominations.

Why is this happening? For those in the business of pay television, there are two main sources of income, subscription fees and advertising. Free television has only one source—advertising. As the cost of quality programming increases ("Friends," for example, costs a reported \$10 million per episode), so too does the pressure to place those shows on cable or satellite. To stem these rising programming costs, free television has turned to low-budget programming such as reality shows and daytime talk shows.

Moreover, producers and creators of television shows often are lured to the greater creative freedom of pay television. Pay television programmers enjoy greater first amendment protection against government content regulation than their broadcast counterparts. This is why a show like "The Sopranos," too risqué for the big three networks who passed on airing the series, can be enjoyed by millions each week on HBO. It also allows the possibility of running a show commercial-free. For us viewers, pay television offers programming that is tailored to our personal interests, be it 24-hour tennis, golf, news, history, food or game shows. On

free television, we get television created for the masses, on a date and time of the network programmer's choosing.

To survive, free TV must improve its competitive position against pay television and find a way to innovate and offer personalized television experiences that today's viewers have come to enjoy and expect. The future of free television is, at best, uncertain and, at worst, in peril.

The shift to pay television and the value it has brought to the television viewer over the course of the last 20 years begs a question—do we even need free television? From a public policy perspective, I believe the answer is yes—we absolutely need to maintain a viable free television service for the welfare of our citizens. Free broadcast television remains an important service for those citizens that cannot afford pay television. Additionally, free television continues to play a vital role in informing the public during national and local emergencies and in serving the interests of their local communities.

That's why this past June, the FCC passed a new set of broadcast ownership limits, modernizing a regulatory regime that was made for the bygone era of the big three to reflect today's dynamic media marketplace. Those rule modifications were made, in part, to strengthen free television to give it a chance to remain viable for our citizens to enjoy for decades to come. For example, by setting a slightly revised national television ownership limit, the FCC will help the networks attract and maintain quality programming, from the World Series and Olympics to the next great TV series like "Everybody Loves Raymond" or "The West Wing." Other rule changes, such as allowing cross-ownership or the ownership of more than one local television broadcast outlet in some markets, will bring consumers more and better quality local news coverage and will help fund the transition to high definition digital television, potentially giving free television the ability to provide new innovative services to the public well into the 21st century.

These changes have been under attack from some in Congress. A rush headlong into re-regulating free television is afoot, and if successful, would prove disastrous. Bringing free television into a more hostile regulatory environment will continue to drive investment to pay television and drive more sports and creative programs to pay television. It may just drive free television to pay television altogether, as Bob Wright, CEO of NBC, once suggested that he might shut down NBC and simply move it to cable. Moreover, in its wake, this hostile regulatory climate will stymie the transition to digital broadcast television leaving broadcasters with ill-suited analog tools to work in a digital world—in turn denying the American public the use of a primary spectrum for future wireless innovation and services.

Free television will not disappear tomorrow. Many remain profitable with low budget reality shows and other programming. In the face of increasing competition from an ever expanding array of pay television programming, however, the government must be careful not to hasten its demise. Free television has been an important service to the American public for over 50 years. If our efforts do not provide free television with the ability to better compete in today's vibrant media marketplace, we risk losing its services for the next 50 years. And that's the way it is.

Mr. MCCAIN. Mr. President, two networks, Viacom/CBS and News Corp. have been operating at almost 40 percent for almost 2 years now due to stay from courts and waivers from the FCC.

The Commission also relaxed its cross-ownership rules by permitting combinations of multiple television, radio, and newspaper outlets in more American media markets.

The Commission had limited discretion in its decision-making process. We, however, do not. If Congress is displeased with the results of the Commission's review, it should legislate a solution, not just disapprove of the Commission's actions. Unlike the Commission, Congress consists of elected officials who must consider the views of the American public, not court mandates and statutory directives, when tackling difficult questions like the ones posed here.

The public has strongly voiced its dissatisfaction with the new rules. The Commission received more public comments about its media ownership proceeding than any other proceeding. My office continues to receive numerous letters, phone calls, and e-mails from the public addressing the new rules. As representatives of the public, Congress should take a lead role in examining these rules, and if necessary, crafting new limits.

As William Safire wrote recently in an Op-Ed piece in the New York Times, itself a large owner of several media outlets: "The effect of the media's march to amalgamation on Americans' freedom of voice is too worrisome to be left to three unelected commissioners. This far-reaching political decision should be made by Congress and the White House, after extensive hearings and fair coverage by too-shy broadcasters, no-local-news cable networks and conflicted newspapers."

In discussing this resolution, we must also be mindful that its passage would roll back all of the FCC's rules, even those that tightened radio ownership limits. The Telecommunications Act eliminated the national radio ownership cap thereby allowing one company to grow at an unprecedented pace from 40 to more than 1,200 radio stations, including ownership of 6 of the 7 commercial radio stations in Minot, ND. At a hearing before the Commerce Committee, all five FCC Commissioners agreed that the consolidation of radio that has occurred in local markets has been excessive.

This brings me to the issue we must continue to discuss and to which I don't know the answer: How much is too much? In my home State of Arizona, Gannett owns a newspaper and a television station. Is that bad? I have seen no ill effects of it. I have seen no consolidation problems, no collusion between the two, no problem with the citizens of my State receiving correct and accurate and unbiased information. What if Gannett owned two television stations, or three stations or four stations? What is the point, I ask my colleagues—and that requires an incredible amount of knowledge, which I admit I don't possess, as to what the proper degree of media concentration is allowable.

Then you have a difference in markets. Minot, ND—with all due respect to the large population of North Dakota—I think has 27,000 or 37,000 people—higher than that. The valley which I was just describing has over 3 million people. So it is not only a problem of the criterion itself for ownership, it also has a lot to do with large or small populations.

I don't think a small town is going to have five television stations or eight television stations. So should the owner of the television station in Greenwood, MS, be allowed to own the newspaper? Is that control there? That may be excessive. But in Phoenix, AZ, ownership of one television station and a newspaper clearly is not of significant impact.

So this is why it is important that we continue to examine these issues carefully and try to get the best knowledge and information we have.

But I think there is one area of agreement, whether we succeed or whether the proponents of the CRA succeed: There is too much concentration in radio. I know of no credible person who disagrees with that. While it received little credit amid the outcry against the regulations, the FCC attempted to address this problem by prescribing new market definitions designed to tighten the limits on local radio ownership.

This resolution would therefore have the perverse consequence of eliminating efforts taken by the Commission to strengthen its radio ownership rules—a move that surely would be applauded in the corporate offices of large radio station groups that hope to perpetuate their ability to benefit from existing loopholes. Moreover, the resolution would limit the FCC's ability to reinstate its more stringent radio market definition, because the CRA precludes the FCC from adopting rules "in substantially the same form" as those that have been disapproved without further direction from Congress.

Finally, the use of the CRA in the present case will create a regulatory void likely to be filled only by uncertainty about the status of the FCC's media ownership rules. The absence of an affirmative Congressional directive will cast considerable doubt on the enforceability of the FCC's previous rules, given that one of the FCC's previous attempts to retain the rules was found by the D.C. Circuit to be arbitrary and capricious, and another was found not to have justified that the rules are "necessary in the public interest." In both cases, the D.C. circuit remanded the rules to the FCC and directed the agency to either articulate a justification for retaining the rules or modify them. The lack of an enforceable FCC order will leave these court orders unanswered, risking additional court action that relaxes the rules even further, or even invalidates them entirely.

Moreover, passage of this resolution would appear to set up the FCC for fail-

ure when conducting its next biennial review in 2004. In that proceeding, the FCC will likely have to justify its new rules before a court that has stated that the Telecommunications Act sets in motion a process of deregulation, while remaining mindful of Congress' disapproval of its 2002 Biennial Review. Chairman Powell has stated that the courts placed "a high hurdle before the Commission for maintaining a given regulation, and made clear that failure to surmount that hurdle, based on a thorough record, must result in the rule's modification or elimination." Moreover, the Commission will also be forced to explain how it reached a different conclusion after previously having made extensive findings that undercut the network ownership cap and cross-ownership limits. Whatever action the Commission takes will be ripe for challenge by an unsatisfied party.

These rules have been mired in litigation for too long. If Congress believes that it is appropriate to retain certain ownership restrictions under today's market conditions, then it should pass legislation explicitly stating so. Again, S. 1046 is the appropriate legislative vehicle to achieve this goal.

The Commission did its job by promulgating new rules after completing an intense twenty-month review. During that time the Commission reviewed twelve studies it commissioned to gather empirical evidence on the media industry, and studied over 500,000 public comments to better understand the media marketplace. As Mr. Safire suggested, it is now time for Congress to do its job. Congress has spent the past few months studying the previous rules, digesting the new rules, and holding multiple hearings on this issue. I have come to appreciate the importance of appropriate limits on media ownership. The media has a tremendous impact on the everyday lives of all Americans. By selecting and framing issues and ideas and promoting public discourse, the media facilitate a critical function in our democracy. It is now time for Congress to offer guidance, not simply reject the FCC's rules.

My decision to oppose this resolution has been a difficult one for me, in large part, because I hold the senior senator from North Dakota in such high regard. I commend Senator DORGAN for his leadership in bringing the issue of media ownership to the attention of his colleagues. Earlier this year, he raised the now-famous issue of radio ownership in Minot, ND, in the Senate Commerce Committee. That issue was the catalyst for the Committee's subsequent review of media ownership, which included seven hearings this year. Few, if any, members of the Commerce Committee or the Senate understands the intricacies of this issue better than Senator DORGAN.

Finally, I thank colleagues for their interest and involvement in this issue—especially three colleagues on the Commerce Committee: Senators WYDEN, LOTT, and DORGAN. They have

been incredibly involved in these issues. We have had some of the best hearings I have ever participated in on these issues. I think we have contributed not only to the knowledge of our colleagues but to that of the American people.

I want to commit, no matter how it comes out today, that we will continue to bring the Commissioners before the committee, bring the smartest people we can find before the committee, and move forward in an orderly legislative process. I hope one of the things we can do as early as possible is get consideration of the legislation that we passed through the committee, after careful deliberation and discussion and a very spirited markup.

So I thank my colleagues. I think this is an important part of the debate and, for sure, we will be discussing this issue for a long time.

I ask Members to vote against S.J. Res. 17 but support passage of S. 1046.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise in support of this resolution which would disapprove the new media ownership rules passed by the Federal Communications Commission on June 2 of this year. I must say, in listening to the chairman of the Commerce Committee, I share a lot of his concerns and questions. I know from my discussions with him, and he knows, we need to do more in this area, and he believes the FCC ruling may not have hit the target in every area. He makes a good case about the difference in the size of the markets, from Phoenix to Jackson, to Minot, and other areas. Maybe he has touched on the answer. Maybe we need some sort of a tiered arrangement.

I think in this case the fundamental policy is the one that really matters; that is, cross-ownership is not good. I think there are things you lose when you have the same newspaper chain owning one or two or three of the local radio stations and the same number of local television stations.

I have a background, to a degree, in radio. My mother worked for a local radio station, WPMP/WPMO, which served Pascagoula and Moss Point. She was a bookkeeper. She did the logs, and then she did some announcing. She was the first woman's voice I had ever heard on a radio. And I did a program in high school for the local high school. This station was local, personal, and involved in the community. They were part of the community, and they were involved in the Chamber of Commerce. They had remotes, and if you opened a new furniture store on Market Street, they would go down there with a remote and would say: Come down to see the new furniture store here and maybe win a lamp. It was very personal.

We have lost that involvement. I have a different attitude than Senator MCCAIN in my thinking: It's OK to have these big radio chains, but I have to acknowledge that we have lost something

in the process. We have lost some localism. We don't have any in my hometown anymore. WPMP and WPMO have limited exposure. I don't know who owns them. If you want local news, you have to listen to a radio station 19 miles away in Biloxi, WBMI.

This is my question: If that has not worked out, if there are consolidations, if one or two companies own an overwhelming number of radio stations, do we want that to happen in television? We already have all these chains that gobbled up our local newspapers. I don't know where these people come from or get their ideas that come in with these big chains. They worry me about some of the things they do and their idea of how they should report the news in local communities.

I have a real problem with what happened at the FCC in this instance. I want to emphasize this: This is not a newfound position. This is a position I have had for basically 30 years in Congress.

First, I am not one who thinks big is always bad. I don't believe we have to keep it small. I want the American people to have more of everything—more choices, more opportunities, more diversity, more competition. That is great. I am all for that.

I am also one who has voted many times for deregulation. It has not always worked out perfectly. I am not as theoretically pure on deregulation as I used to be. I voted to deregulate trucking and deregulate the airlines, and I am for deregulation as much as possible in this area. But this is a little different now. This gets into First Amendment rights. It does get into the airwaves and who owns them. It does get into what happened with the networks and the chains.

Do the American people really feel good about what is happening with the media in America? No. Check the polls. Check the people.

This very morning I talked with my mother. She is 90 years old. She said: You weren't born in the backwoods.

I said: What are you talking about?

She said: You were born in Grenada Hospital, a small town, but it wasn't the backwoods, and they always make it sound like you are Abraham Lincoln coming out of some log cabin, which is fine, I like that politically. But my mother was offended that they had reported incorrectly as to my background.

I said: Mother, relax, nobody pays attention to that. These people write stuff they think will make the story sound more interesting, embellish the truth. You know that. This very morning we talked about this.

This is not about personality. This is not about revenge. This is not about prevailing in a position. This is about doing what is right and in the best interest of the American people.

I recommended the Chairman of the FCC Michael Powell to President Clinton for a Republican vacancy when I was serving as Majority Leader. That

was my prerogative. That is the way we worked things out with President Clinton and, by the way, he had been recommended to me by Senator MCCAIN. This is not about personality. I like the Democrats and Republicans on the FCC. I find them to be highly qualified, good people. I just think they missed the target this time. By the way, who has the ultimate say for the American people on something such as this? Should it be these Commissioners? Should it be this agency? Or should the Congress have a little say in this? Shouldn't we at least have the right to say: Wait, this is a dangerous thing for freedom, information, and democracy in America. Go back and do it again. We have that right. In fact, I think we have that responsibility.

This is not partisan. In fact, there are 20 cosponsors, or more, of this disapproval resolution. I know for sure in addition to myself there is Senator HUTCHISON from Texas, Senator SNOWE from Maine, Senator COLLINS from Colorado, and Senator CHAMBLISS from Georgia both signed the discharge petition for this resolution. So you see there are Republicans and Democrats, small State Senators, big State Senators. Colorado, Texas, and Georgia are not exactly small places.

By the way, they have seen some pretty interesting examples of what happens in Dallas or Atlanta with that sort of consolidation.

What would this disapproval resolution do? If it is passed, if it gets through the Senate and House and the President signs it, the FCC will have to take another look. They might come back and say: We will do these modifications or we will go with half of this or not all of this, and they may need more action from the Commerce Committee and from the Congress. Great, we can do that. The President may veto this resolution. I think that would be a mistake.

We are coming at this issue on all fronts. We are going after the issue with a resolution of disapproval and we will go after it in the appropriations bill, if we have to. I prefer we do it through the authorization bill, as Senator MCCAIN said. I don't like the Appropriations Committee always having to do our work because we will not or cannot find the time to get it done.

The Commerce Committee voted. We reported out S. 1046. I am a cosponsor of it. Senator STEVENS of Alaska is for that bill. I believe Senator MCCAIN said he would be supportive of that bill. If we fail here, we will be back here, there, and everywhere because this is a very critical issue.

Let me go back to the process. I was worried when I saw this developing. I had a feeling it was not going right. The proof was that we were having trouble getting information about exactly what they were going to do.

On April 9, 2003, I joined a large bipartisan group from Congress in sending a letter—most of the signers are on

the Commerce Committee—to Chairman Powell and the Commission saying we were disappointed that the FCC-revised ownership rules would be released in final form June 2 without any opportunity for the Congress or the public to review them beforehand, in effect saying: Wait a minute, have more hearings; come see us about this. They pretty much summarily ignored that letter.

I ask unanimous consent that this letter to the Commission be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, April 9, 2003.

DEAR CHAIRMAN POWELL: We note with disappointment your announcement that the FCC's revised media ownership rules will be released in final form June 2nd without any opportunity for the Congress or the public to review them beforehand. We believe it is virtually impossible to serve the public interest in this extremely important and highly complex proceeding without letting the public know about and comment on the changes you intend to make to these critical rules.

While the Commission and its staff have amassed a significant record of comments to date on current media ownership rules, the Commission has not put forth any specific changes it is planning.

Dramatic changes in the structure of our media marketplace could have long-term consequences on the diversity of voices and free expression in our nation. Given the gravity of this proceeding, we are puzzled as to why the FCC would not insist on having a thorough discussion about any proposed changes before these would take effect. Openness in this process is the best path to ensure that Congress and the public support the agency's direction.

We again urge the Commission to provide full disclosure of any proposed changes before they are made final.

Sincerely,

Olympia J. Snowe, Byron L. Dorgan, Ernest F. Hollings, Trent Lott, Kay Bailey Hutchison, Daniel K. Inouye, John D. Rockefeller, Ron Wyden, Barbara Boxer, Bill Nelson, Maria Cantwell, Frank R. Lautenberg, Susan M. Collins, Patty Murray, Wayne Allard, U.S. Senators.

Mr. LOTT. Mr. President, I don't think they reached out and listened enough. I know the committee was worried about it. Then they—poof—made their decisions, and then they came before the Commerce Committee to explain it. I have to tell you, I scratched my head at some of their explanations, particularly their explanation of the media ownership cap at 35 percent and why it should be raised to 45 percent. The 35 percent cap is a position I supported back in the midnineties and earlier. We had a huge debate as to whether it should be 25 or 35. Senator DORGAN wanted 25. I think I supported that, but we finally went along with 35 percent.

When questioned on that issue, the chairman said something to the fact that a couple of the networks are above or at this cap now so we should raise it to 45. Does that mean when they get to 45, we are going to raise it to 55? I

admit we can have disagreements on the cap. Maybe it should be this level, a little higher, a little lower. I would rather have no caps than have this creeping raising of caps.

Should we have some restraint on the reach of one network owned by these corporate giants? I think so. Am I mad at one network or the networks versus the cable? No. This is ABC, CBS, NBC, CNN, Fox—it is all of them. I just think that some limits are appropriate, which would give a greater variety of voices—and also I worry about more and more dominance by the networks.

Local affiliates, if you get them off in a corner, say they don't want the cap to be raised. Local affiliates say: We don't like a lot of the programming; it is trashy, worthless; we would rather have local programming. Boy, they have trouble now. You don't think the networks don't tell them: You are going to run what we send you in Jackson, Mississippi, or Portland, Oregon, or a small town in Oregon? I don't like that.

Again, localism is good for the people—some choice, some discretion. That is one of the things at risk here.

Let me emphasize, we have an unusual alliance on this issue. We have the Actor's Equity Association. I generally don't team up with actors, other than in the Senate. We have the AFL-CIO, the National Organization for Women. Then we get over to the Family Research Council and the National Rifle Association. This is the far, far, far left and the far right, and everything in between, I think.

Here is an interesting thing about this alliance. This is a diverse group, and they generally represent people, individuals. That is why they have had this avalanche of mail at the FCC opposing these regulations. I understand perhaps it is the largest number of comments to the FCC of any issue in history. The groups here represent individuals, generally speaking, not big or corporate interests. I like being identified with those people.

I like worrying about what the fishermen in Biloxi, Mississippi, are going to be able to hear and see, and that they have choices. So this is a very important issue and it is one we should act on.

The Majority Leader has been very cooperative with this. He could try to maneuver this around or push this off, but he was reasonable, as was Senator DORGAN, and I am glad to be involved in this effort.

I do want to emphasize that personally I am less concerned about the cap than I am about the cross-ownership. I think we ought to repeal the new rules as to both, but my major worry is this consolidation of newspaper, television, radio, cable, the works, and how in towns the size of Jackson, Mississippi, one entity is controlling everything. I do not know that it is that dangerous to people. People are smarter than we are, and the media, for sure. They would just watch it, dismiss it, and not

put much stock in it, but I would still like for them to have that choice.

By the way, we should note that the court has also stepped in. The Third Circuit Court of Appeals in Philadelphia placed an injunction, a stay, of the new rules so Congress could have more time to officially override them if we see fit. That is what this is all about.

I do not think anybody should be apologetic for supporting this or worried about what the impact is. This is part of the process. I do not want to get all caught up in process, but I think what is at stake here is bigger than process. This will have long-lasting effects, and once we start down this trail unwinding that Gordian knot we would be tied to in community after community in America, it would be difficult, if not impossible, to do something.

I urge my colleagues not to worry about the personalities, not to worry about the threat of a veto, not to worry about the threat of a network or a newspaper or a chain. What can they do to each and every one of us that they have not already done? Worry about what is at stake, and it is really fundamental. This gets to what makes this country great, and that is the ability to have diversity of opinion and arguments, different points of view.

So I urge my colleagues on both sides of the aisle to step up, let us vote for this disapproval resolution. We put this process in place for a reason. We have been very careful about using it. This is only the second time in the history of this disapproval resolution process that it has been used, but this is a good one to do it on. I am delighted to join with my colleagues on both sides of the aisle in supporting this disapproval resolution and I thank Senator DORGAN for the courtesies he has extended along the way, and I am glad to work with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise today in support of the resolution. I particularly want to commend my colleague from North Dakota, Mr. DORGAN, and our friend from Mississippi, Senator LOTT, as well, for their bipartisan efforts.

I believe I have sat through every minute of these hearings because I believe what the Commerce Committee has been looking at is extraordinarily important. I want to take a few minutes today to outline for the Senate and others who are just beginning to get involved in this issue what I think is at stake.

First, I think it is important to be clear about what is ahead. In my view, the big media conglomerates want to make a meal out of the Nation's small media outlets, and I believe the Senate needs to step in and cancel this feast. That is what this resolution would do and why it is so important.

I would like to begin, in discussing this issue, by talking about the fact

that the Senate has been down this road before. In the discussion with respect to radio, there was considerable debate about the deregulation of radio at the time. Extensive testimony was taken. Arguments were made that this was an experiment that should be allowed to go forward. In 1996, the Congress relaxed the limits on radio station ownership. What we heard during our hearings, and I asked Chairman Powell about this specifically with respect to radio, was truly alarming.

Chairman Powell, under questioning that I engaged him in in committee, admitted now there was a problem with respect to concentration of radio. Chairman MCCAIN attested to it as well this afternoon. So the challenge now for the Senate is to make sure the Senate does not allow a repeat of the failed media experiment.

What went on in radio is something that has not worked. It is an experiment, where the drawbacks outweigh the advantages. The Senate has an opportunity to make sure that the failed experiment that has taken a toll on localism, choice, and diversity across this country is not to be repeated. In my view, it is the centerpiece of the argument as to why this resolution is so important.

There are not a lot of rallies outside the offices of Senators for big media kind of feeding frenzies. All of the input has essentially been the other way. The public has been concerned that as the conglomerates get bigger, the diet of news in particular is going to get blander and certainly less diverse and less locally oriented and more mass produced.

We have been very troubled about what we have seen in our home State of Oregon. In Eugene, OR, for example, a network affiliate wanted to shift around program time slots so it could offer the city's first 10 p.m. newscast. It was not going to cut programming. It was going to shift some of the schedules. The network said no, because they wanted to maintain what they described as a consistent nationwide distribution pattern.

As a result, Eugene residents still have no 10 p.m. news program even though the local station, a family-owned business, wanted to offer it.

The lesson has been clear. For the network, nationwide business judgments trump local interests. That is the story of what has happened in Eugene. The big networks may claim they are fully committed to localism, but in practice they behave differently than a truly local owner would.

When they came before the committee, I asked about this issue and they said, it is a free country. That local network affiliate does not have to take network programming 7 to 8, or 8 to 9, or 9 to 10. It is a free country. They can make their own choices.

Essentially, the freedom they have described for a local affiliate is the freedom to go broke. A local affiliate cannot, in effect, write off network

programming for most of the evening because they are committed to public service news and the opportunity for citizens to be heard.

There has to be a balance. There has to be a balance between national judgments and local judgments, and I believe the Federal Communications Commission would skew that balance. They would skew it towards a media that was less sensitive to local concerns and local interests, and would be less diverse and offer fewer choices. I believe that is why these rules need to be maintained so as to have a proper balance rather than a skewed approach to media regulation in our country as the Federal Communications Commission's approach would do.

If we look at the media landscape today, it is pretty hard to argue that the Federal Communications Commission is holding the reins too tightly at present. Concentration is already on the rise in television, radio, cable, and newspapers. Viacom, News Corporation, AOL/Time Warner, Walt Disney, and others have amassed a very broad and extensive array of media properties, and it would seem to me that given the trend towards concentration at present, the current FCC's rules are even more important than before.

I think what it comes down to is that the Federal Communications Commission's approach is going to take a toll on several vital areas of the public's interest. I believe, for example, that the diversity of viewpoints in medium-size towns across the country will be reduced if the same company owns the local newspaper, the most watched television stations, local radio stations, and perhaps the cable system, too. We heard testimony to that effect in the Senate Commerce Committee.

If each of these media outlets at the local level are part of a big nationwide chain that is making programming decisions at corporate headquarters thousands of miles away, what is going to be the bottom line emphasis? Are those people at distant conference tables thousands of miles from our local communities going to put the kind of focus on local news and local programming that my constituents want? The evidence suggests otherwise.

With respect to creativity and independent content, if the local cable system, the local broadcaster, and the main satellite providers in effect are able to control substantial programming interests, we do have a way to preserve the kind of local orientation that our citizens feel so strongly about. If that changes, and I believe it would change under the Federal Communications Commission approach, I think what is going to happen in the future is everywhere independent programmers turn, they are going to be told by the national interests, by these national economic powers: Sorry, but we have to give preference to the programs that we produce in-house, rather than the local cable system, the local broadcaster, the main satellite providers

who, today, offer so much creativity and diverse programming for local communities.

Finally, it seems to me that the Federal Communications Commission approach is going to take a toll on objective news coverage. With respect to news outlets reporting independently on issues that affect the parent companies, you ought to begin the discussion just by noting that ABC—and it has already been reported with respect to this matter—that ABC News, owned by Disney, quashed an investigative story on Disney theme parks. It seems to me that more cross-ownership is going to create more opportunities for conflicts of interest in news coverage and that will reduce the kind of independent reporting that has consistently been in the public interest.

A lot of the advocates for these changes, these powerful conglomerates, point to the idea that these are tough economic times; that some media outlets may be hurting. Their argument has been that it may be efficient, as they describe it, from a pure dollars and cents perspective, to allow different media businesses to combine their operations.

I would only say to those who make that argument that efficiency is not the only thing at stake in this debate. Sure, if all anybody cares about in the United States is efficiency, why not just have one single nationwide news bureau? They could run everything and people could say we sure have efficiency now. We wouldn't have all these reporters and commentators running around trying to beat each other and scoop each other and the like. But I think it is pretty obvious to Senators that would not be in the public interest because it would reduce diversity and reduce choice and reduce the kind of robust public debate that America wants.

So there are other values besides efficiency. That is the point of the current rules, that they help to balance these competing interests.

I will wrap up because I see other colleagues waiting to make their remarks. I think what has happened in this country, and with the FCC's set of initiatives in this area, is that the Federal Communications Commission has rung the dinner bell—they have rung the dinner bell for these powerful conglomerates who are out there licking their chops at the prospect of making a meal out of these small outlets.

As I said earlier, I hope the Senate, when it looks at the facts, when it looks at what has gone on in the failed experiment of radio—and I want to emphasize that—I think the Federal Communications Commission will say: All right, these big media companies are at the dinner table. They want to gobble up these small outlets.

I hope the Senate votes in favor of this resolution and cancels the Federal Communications Commission's feeding frenzy. I hope the Senate will do that when we vote next week.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Colorado.

Mr. ALLARD. Mr. President, are we under managed time?

Mr. DORGAN. I yield such time as he may consume to the Senator from Colorado.

Mr. ALLARD. Mr. President, I rise today in support of the resolution of disapproval regarding proposed changes in the media ownership regulations by the Federal Communications Commission. I personally thank Senator DORGAN for his leadership on this issue, as well as the rest of the Commerce Committee for so vigorously exploring the potential impact these regulations would have on the nature and content of the American media. These issues are of vital importance to the public, and I am pleased to be part of this effort, utilizing the congressional review process to ensure that the rulemaking process reflects the public interest.

Frank Blethen, the publisher of the Seattle Times, eloquently testified before the Senate Commerce Committee earlier this year. Mr. Blethen stated:

The America newspaper, large and small, and without exception, belongs to a town, a city, at the most to a region.

There is a certain pride and comfort to be taken from the notion that the media that so pervades our lives could be so rooted in focus and accountability. That comment reflects a core value that has led me to the position that I take today, that the Federal Communications Commission has proposed a series of historically broad rules changes that would make it easier for large media corporations to gobble up a greater share of local media, including television stations, in the same market.

The Commission, and those who already hold enormous control over the content of the press, claim that this will only enhance the ability of the media to meet the needs of the consumer. The world, they claim, has grown so large and so complex that only vast resources and centralized control can carry important stories across the globe. I respectfully disagree.

Consumers benefit from technology more today than in any time in history. In an age of satellite television and the Internet, I am not as convinced as some that the greatest hole in news coverage is the world beyond our region. The Consumers Union has correctly pointed out that the opposite is the case: Satellite provides no independent local news information and is struggling just to make local stations available to subscribers.

Radio provides another acute example. Prior to 1996, there was a 40-station national ownership cap in the radio industry. Today, Clear Channel alone owns almost 1,240 stations, and between one-third and one-half of all independent radio stations have been absorbed or run out of business, including many in Colorado. Suggesting allowing increased cross ownership does

not strike me as a policy in the greatest interest of the public whom the FCC is chartered to serve.

The current generation of Americans has seen the number of independently owned newspapers dwindle from 1,700 to 280. As Commerce Committee Chairman MCCAIN noted this spring, this often equates to a loss of diversity of opinion in the pages of those newspapers with a common owner. I share the Chairman's opinion on this matter and am profoundly concerned with the homogenization of information being funneled in to local communities by multi-market media corporations. As Mr. Blethen stated in his testimony, the secret of the free press and vibrant public discourse depends upon voices in the communities themselves.

While those facts stand on their own, it is instructive to examine what we have witnessed in my home State of Colorado in recent years.

A number of family-owned newspapers in Colorado have recently been absorbed by a media giant, the Media One Corporation. In Northeastern Colorado both the Ft. Morgan Times and the Sterling Journal Advocate, as well as the Southeastern Colorado paper the Lamar Daily News, have gone from being locally owned family papers to being part of an enormous media machine headquartered far from those who rely on the news and information of those papers. I ask my colleagues, particularly those from States with large rural areas, what will happen to the information available in those communities if the rules are relaxed even further? Will those in Lamar, CO, receive all of their news from newspapers, radio and television outlets owned by the same company?

In my community of Loveland, CO, for example, I have seen a locally owned radio station become part of a syndicate of radio stations. We don't have the coverage of the local football games by the radio station anymore. We don't have local newscasters. A new station came in which was created by the city so you can tune into the station to get driving information in that small community in which I live. All of this was provided by a small radio station at an earlier time, before that larger conglomerate bought up that radio station in Loveland, CO.

This represents an enormous fiscal impact on large and small businesses as well as individuals, infringing on their ability to reach the consumers they relied upon for years. Those who can still afford to advertise are forced to pass these increased costs to consumers. It is important to note that this is the market today, without the new, more loose FCC regulations in effect. What will happen with newspapers and television stations are owned by the same corporation?

That is legitimate question. Capitol Broadcasting Company makes the following estimates for what will happen in Colorado under these proposed regulations:

One company could own six Colorado television stations.

One company could own an unlimited number of both daily and weekly newspapers in the Denver area or a combination of television stations and a majority of the print media.

The local cable company serving every Colorado home could be owned by one company.

The issue before the FCC and the Senate is not whether we need to re-debate the Telecommunications Act of 1996 or specific Joint Operating Agreements. The issue today is whether the public will be well served by another round of consolidation, particularly the wisdom of enhancing the ability of a large corporation to purchase broadcast outlets and newspapers in the same market. On several occasions I have contacted FCC Chairman Michael Powell to express my concern over the direction the FCC has taken and the speed with which it has moved.

In my opinion the FCC did not give the public nor Congress an adequate chance to comment on changes of such enormous consequence prior to the adoption of the new regulations.

I have been impressed and encouraged by the broad coalition of organizations expressing similar concerns over the FCC's press for action. The Consumers Union, National Rifle Association, Common Cause, the Traditional Values Coalition, CodePink Women for Peace, the U.S. Conference of Catholic Bishops, and the Future of Music Coalition are just a few of the organizations that share my concern for independent and diverse media in the United States. Given the actions of the FCC, we must carefully consider the prudence of these rule changes and the overall public interest at stake.

Reed Hundt, FCC Chairman during the passage of the Telecommunications Act, stated well the intention of the Congress. "The Commission's goal in this proceeding is to further competition, just as we seek to promote competition in other communications industries we regulate. But in our broadcast ownership rules we also seek to promote diversity in programming and diversity in the viewpoints expressed on this powerful medium that so shapes our culture." What we must encourage is locally driven news coverage as opposed to national news that attempts to find a local perspective. National news for the sake of simplicity or sensationalism never gives local communities the in-depth coverage they should have. Do we want top down coverage or bottom up coverage? I opt for local to national.

I feel much more comfortable with news stories originating out of my hometown in Colorado and then, on their own merits, rising to the national level. I am not particularly comfortable with national news being created and local stations trying to find a local perspective for the national headline. So I think that the top down is a bad alternative; the bottom up is the best approach.

It is my hope that this body will listen to the many voices that are asking us not to chart a dangerous, wholly business-driven course for media and consumers in the coming years.

The FCC would have been wise to maintain the existing commitment made to the public, facilitating greater opportunity for Americans to do business, seek information, and enjoy entertainment from a vibrant, diverse, and healthy media. The FCC has failed in doing this by passing a sweeping slate of rules that will do only one thing for certain: put fewer hands in control of the Nation's media. Thanks to the tool at our disposal, the Congressional Review Act, Congress has the opportunity to prevent these rules from going into effect.

I urge my colleagues to stand up and send a loud and clear message to the FCC by voting in favor of this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Presiding Officer.

Mr. President, and anyone who may be listening to this "debate"—which is really not a debate yet but probably will be a debate when we vote on Thursday when the time is allocated for Members to speak to present their positions on the resolution that is before the Senate—let us remind ourselves that the resolution that has been introduced, S.J. Res. 17, is a resolution to completely throw out all the work of the Federal Communications Commission that they have spent 2 years in crafting. That is not something this body should consider doing without a great deal of thought and understanding.

The Federal Communications Commission is a body of experts—people who have made careers of understanding the communications industry in this country—who are charged with looking after the best interests of the people of this country with regard to communications policy, and also to make sure that the system they devise, in keeping with what Congress has done, is a system that allows American industries to prosper, thrive, and to be successful in bringing about good communications to the people of this country, and at the same time try to create a level playing field that really balances the national interest with the public interest and with the interest of legitimate communications companies.

It is no question that it is a public interest we are talking about because the airwaves do belong to the public; they do not belong to the companies. The real challenge the Federal Communications Commission has always had is to create the proper balance that protects the public interests for those who use the public airwaves and at the same time allows companies to be able to make a sufficient profit to be able to operate and provide the services which are expanding at an incredible rate.

There is no question that America has clearly the best communication system in the world. We have more services available to more people at a price that is more affordable than any other country anywhere in the world. You can argue the Internet is not fast enough or we do not have enough choices between cable companies or that the rates are too high; those are basically issues we deal with through the commission, and they make recommendations.

Congress has enacted overall communication policy and the FCC has to follow what the Congress has said. They have come up, after 2 years of study and hearings and public debate, with recommendations dealing with ownership rules as to who can own and in what degree of concentration television stations and radio stations and newspapers to try and make sure we do not get out of balance; that the American public is protected by having a different choice and fair choices about what they want to watch, what they want to hear, and what they want to read. That is what the Federal Communications Commission does.

The resolution before the Congress says after 2 years and what has been presented as rules under the FCC, we will throw all of that out; that the Congress, in its wisdom, will take a couple of hours, debate this issue, and throw out 2 years of work by the FCC, 2 years of hearings, 2 years of debate, 2 years of discussion and we will have a hearing in the Commerce Committee that will last a couple of hours and debate it 30 minutes apiece on Tuesday and then vote on whether to throw out what the Federal Communications Commission has done for 2 years as a matter of public policy.

It is clear the administration says this is not the right thing for the Congress to do. I ask unanimous consent to have printed in the RECORD a statement of administration policy.

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

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

*Washington, DC, September 11, 2003.*

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 17—DISAPPROVING THE RULE OF THE FEDERAL COMMUNICATIONS COMMISSION ON BROADCAST MEDIA OWNERSHIP

The Administration strongly opposes Senate passage of S.J. Res. 17, a resolution disapproving the rule submitted by the Federal Communications Commission (FCC) with respect to broadcast media ownership. The Administration believes that the new FCC local and national media ownership rules more accurately reflect the changing media landscape and the current state of network station ownership, while guarding against undue concentration in the marketplace. S.J. Res. 17 overturns all of the FCC's new media ownership rules—negating almost two years of careful study, detailed analysis, and thorough review; creating significant regulatory uncertainty; and preventing the implementation of important new rules which will improve the quality of local news and

support free over-the-air broadcast television. If S.J. Res. 17 were presented to the President, his senior advisors would recommend that he veto it.

Mr. BREAUX. It says if Congress passes this, we will veto it. It is very clear. The administration says the new FCC local and national media ownership rules more accurately reflect the changing media landscape and current state of network station ownership, while guarding against undue concentration in the marketplace. They point out this resolution throws all of that out the window, replaces it with nothing, and says we do not like it. Maybe some people like some of it and do not like other parts, but they got rid of everything the FCC recommended.

That is bad policy and not something the Congress should do. I strongly oppose the resolution. I hope the Congress, in the wisdom of the Senate, will not adopt this resolution. Or at least I hope we do not adopt it in such a large margin that it prevents it from being successfully vetoed.

Many of the arguments, when talking about television, newspapers, and radio come down to big is bad and small is good. That is obviously a simplistic statement and a simplistic argument.

Many of the people who support the resolution talk about three areas: localism, diversity, and media concentration. In reviewing what the FCC has done in each of these areas, you will see we have a fair approach to guiding how the industries operate in the 21st century. This is not 1930, before we even had television. When Americans finally got a TV, citizens had a choice of maybe one network and then three. We have so many choices now people do not know what to pick. I have 150 television stations I can watch with diversity and differences of opinion.

When they talk of localism, they say we have to get rid of this resolution because of localism, we want to have more local people able to own the stations. I remember a group of businessmen came to me and argued about localism and how they wanted to make sure the networks did not own all the television stations because if the networks located in New York City owned all the local TV stations, everything would come out of New York. I am reminded of the television commercial. When they ask where they are from and they say New York City, they said, String 'em up, as if people in New York cannot be fair and make sure that local people get what they want, because they can.

They argued if the networks owned all the local television stations, somehow everything would be directed out of New York by the network owners who own the local station down in Louisiana. These people own stations in my hometown down in Louisiana. I asked them where they were from and they were from New York City. The idea that local ownership means a local group of people in the local town will

own the local television station is not in keeping with the facts. Stations not owned by networks are not owned by a local mom and pop, people in the local community. They are, in turn, also owned by a large corporation, many headquartered in Los Angeles or New York or large entertainment centers around the country.

The argument falls when you talk about localism by saying if networks could own stations, you are preventing local stations from owning a local station in a community. It is simply not true. It is very rare indeed when a group of local owners happen to be from the local community as opposed to being very large companies and corporations that own the stations themselves.

They say if you have the local owners, you get better local news, because they will have more interest in providing what the local community wants. It is not borne out by the facts. In fact, studies we have received in the committee clearly show—and this is a factual determination—that the network-owned stations—ABC networks, NBC, CBS networks that own the local stations—on average present as much as 37 percent more local news than the non-network-owned stations. That is important for those who argue you have to throw the rule out because we do not want the networks to own the stations, because if the networks own the station you do not get local news coverage. The actual facts show when you look at the programming, the network-owned stations, on average, show 37 percent more local information programming, more local community needs shows and information-providing shows on local events, and they provide 37 percent more coverage of local events than the non-network-owned facilities. The fact is most of the locally owned stations are not locally owned but are owned by corporations all over the United States. The networks do a much better job of providing local input and local news than the network affiliates.

The argument some make that we need this resolution to throw out this rule because we do not want the networks to own the stations because we want to have more localism is clearly not borne out by the actual facts, just by reading the schedules of the local news available on network programming and network-owned stations as opposed to non-network-owned stations.

The other argument is you have to have diversity. I mentioned a little bit about this in my first argument. They say if the networks own the stations, you will not have diversity; you will not have diversity of opinion; you will only have the network's opinion broadcast and no diversity or difference of opinion. What we have to look at is who actually owns the non-network stations. They are, indeed, large corporate entities. Nothing wrong with that, but large corporate entities,

many of them on the Fortune 500 list of some of the most profitable corporations in America. Nothing wrong with that. But it is not a lot of difference, if any, whatsoever, from the networks that own the stations.

The Tribune Corporation, Gannett, Hearst-Argyle, Cox Communications—are these mom-and-pop operations? Of course not. They are large corporations that operate all over the United States. They operate cable companies, newspaper companies, television stations all over the United States. They are not going to bring about any more great adversity than the networks that own their share of stations.

The final contention is media concentration. The argument that some would make is, well, the amount of media concentration is so bad, when you have the network-owned stations, with a rule that says you can go from 35-percent penetration in the market to 45 percent, it would allow this media concentration to exist to a certain extent that would be very bad for the American public.

We have about 1,721 full-power television stations operating in the United States of America. There are a little over 1,700 of those stations. The concentration of the networks owning these stations is indeed very small.

CBS, through Viacom, owns about 3.4 percent of the total television households in this country. On average, their concentration of the network-owned stations is about 2.27 percent of the stations in the country. Fox—we all know the Fox network—owns about 2 percent of the stations. NBC owns about 1.69 percent. ABC owns .58 percent of the stations that operate full-time, full-power television in this country.

Our hearing in the Commerce Committee showed very clearly that no one tried to defend this existing 35-percent so-called cap that we have as a rule right now; that the FCC moved up to 45 percent because the measurement of concentration is totally unjustifiable and unsustainable.

The current rule says if you have a television station in a market or in several markets that add up to 35 percent of the population, you have reached the cap. That is absolutely a totally inadequate measurement of media concentration. It is like saying if I sold cars in New York City, which has 6 percent of the U.S. population, therefore I am selling cars to 6 percent of the population of the United States, when, in fact, I just have one car dealership in a city that has 6 percent of the population.

If there were no other car dealers in New York, yes, then I could say that I am selling 6 percent of all the cars in America because I am selling them in the city and I am the only dealer there. But that is the problem with the measurement we are using today and the reason moving it up to 45 percent certainly makes sense.

If I had television stations in Los Angeles, New York, Houston, and Miami,

I would probably pass the cap—even if no one in those cities ever watched my television station. The current measurement assumes if you have a TV tower and a station in each one of those cities, in those cities everyone is watching your station every day, all day, and only your station.

Well, some of these cities have 150 television channels that people watch. They don't just watch NBC or CBS or ABC or Fox. They have 150 stations they can look to. Yet the current rule says if you have one station in each one of those big markets, and the population of those markets adds up to 35 percent of the population of the United States, you have reached the cap, and you cannot go over the cap, and you can't have another TV station—when, in fact, no one in the city may be watching your station or maybe only a few people in the city watch your particular station.

So when you are talking about concentration, it is not where the TV tower happens to be located; it is how many of the people in an area are watching your station. If you look at the ratings, you see that none of these operations in prime time come anywhere close to having 35 percent of the people in the country watch their station.

For Viacom, what, 3.4 percent is the amount of people watching. It is 3.4 percent of total TV households. It is not 35 percent; it is not 45 percent; it is only 3.4 percent. But the way the FCC and Congress measure it, because they have stations in large cities, such as Los Angeles, somehow they have reached the cap and they can't go over the cap, and, therefore, the idea of raising it to 45 percent some believe is so bad because of this media concentration; when, in fact, it has nothing to do with concentration. The current measurement is really outdated and makes no sense whatsoever.

So when people say the FCC is raising the cap to 45 percent, and a station can have 45 percent of the viewing audience in the country, it has nothing to do with that. The measurement only indicates the number of people in a city who could possibly be watching the station. If they were the only station in Los Angeles, that may be true, but when they have 150 other TV stations they are watching—you see the highest concentration is CBS with 3.4 percent, Fox is 3.1 percent, ABC is 1.5 percent, NBC is 2.8 percent—I think it really does not make the argument on the question of diversity and media concentration by saying that because you are located in a large city, you have media concentration merely because there are a lot of people in that city.

It is just like back to my example of owning a car dealership in New York. Obviously, just because New York is 6 percent of the population does not mean because I own an automobile dealership in New York I have sold every single car that is bought in New

York. If I did, I would have 6 percent of the concentration of car sales in the country. But there are probably 1,000 car dealers in New York, and, obviously, everybody has a little piece of the action, but nobody has 100 percent. Yet the measurement the FCC uses really measures not the amount of concentration, it merely measures the population of the city.

So those who say what the FCC did was incorrect because it allows greater media concentration, that is simply not true. So I think the resolution should be rejected. If Congress does not reject it, this administration will veto it, and the result ultimately will be the same.

But on the three principal arguments of localism, diversity, and media concentration that are used in order to say why this resolution should pass, I think the evidence and the facts, as opposed to the rhetoric, are very clear that those three reasons are not sufficient to overturn the Communications Commission that has spent 2 years in bringing this to us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I suggest the absence of a quorum.

Mr. President, I withdraw my suggestion.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

Mr. President, let me begin with a chart that I had used previously. There is the suggestion that somehow concentration is not of any significant interest and, gosh, there is nothing wrong. This is all localism and mom-and-pop operations. I used this chart before. I mentioned Disney.

Let me just say that although I picked Disney out, I happen to like Disney. Disney has given me some of the more rewarding moments of my life when I was young. Disney is a great company. But it is a very large company doing a lot of things.

Let me go to News Corp: 22 TV stations including duopolies in New York, Los Angeles, Chicago, Dallas, Washington, Minnesota, Houston, Orlando, Phoenix. They have newspapers: the New York Post, the Times, the Sun. They have books: Harper Collins, Regan Books, Amistad Books, William Morrow & Co. They have sports teams: the Los Angeles Dodgers, the Los Angeles Kings.

I could go through all of this and describe the largest media companies, and you would see these are significant concentrations, dramatic concentrations in broadcast ownership, newspapers. And I don't know. Maybe some say it doesn't matter much.

I think it does matter. Let me describe at least one part of why it matters. The issue of localism, by which we say you may use the airwaves—they belong to the American people, but you

and your radio or television company may use these airwaves—not own them, but use them—in exchange for certain requirements. One of them is localism. That means you have to serve local interests.

The question is, how do you serve local interests from a thousand miles away, where you create some homogenized music and run it through a board and play it through your radio or TV operation in that hometown. Earlier, I described voice tracking. Someone may be driving down the road in Salt Lake City listening to the radio station, and the announcer, with a sonorous voice, says, "Good morning, the sun is shining here in Salt Lake City; what a wonderful day to wake up and be in America." You would think, what a great resident to have broadcasting for our radio station.

The problem is, that person isn't in Salt Lake City; he is in a basement in Baltimore, MD, in a studio, ripping off a printer something that came from the Internet that says it is sunny in Salt Lake City. It is called voice tracking—pretending there is a local announcer on that radio station. That is going on all over the country now.

There is something called central casting on television. You can turn on two television stations in two cities and see the same television personality giving the news—homogenized regional news, because they cannot quite do it locally. They are trying to convince people this is a local news person. Let's pretend there is localism. That is what it is all about.

When you have these concentrations of ownership, this orgy of mergers that has occurred in recent years in both radio and television, it hurts there isn't much localism. We have had testimony before the Commerce Committee by a man who runs a pretty substantial television station. He said:

I can't decide that my viewers don't want to watch a piece of trash that will come down from the network. Even though it is awful stuff they say you have to run it.

Here is an interesting letter. It is dated July 25, 2003, by a television station in Kansas City, Missouri, to someone who complained to them:

We received your letter dated June 30, 2003, regarding the content of [a certain show] that aired on [this date].

We forwarded your letter to the . . . Network. The Network, not [our station], decides what shows go on the air for [this network-owned station].

So it says that they don't decide what goes on the air in Kansas City. You can complain to us, but we don't decide. The network does. Is there localism involved in that?

One of my colleagues, on the floor of the Senate a number of years ago, when we were debating all of this, said something interesting. I decided to pull it out and read it today because it relates to this issue of localism. Should we care about whether someone in Bismarck, ND, or Chattanooga, TN, has an opportunity to decide this is not a pro-

gram that meets our standards? Or should we say, look, let the networks decide, and whatever they decide to produce in New York or Hollywood is going to be shown in Bismarck, ND, or Chattanooga, TN, and it doesn't matter what the local folks think. My colleague, Senator Sam Nunn, in 1995, when we were debating this prior to the 1996 act, talked about violence on television, what was on television. He said:

To follow up on this issue, one member of my staff voluntarily conducted an unscientific survey of the topics on daytime talk shows. Every hour or so, he would scan the television on his desk and see what the day's topics were for the daytime talk shows.

The reason I point this out is this:

The first day, one show was called "Stop Pretending To Be a Girl" and featured young boys whose parents were upset that their sons dressed and acted like a girl. Another show offered a show entitled "Boys Who Only Have Sex With Virgins." Yet another show offered a girl dumping her boyfriend on national television and asking her new "significant other," another girl, to commit to her.

He said:

Mr. President, I thought that surely the next day's shows would pale in comparison to these. I was wrong. Subsequent days' reviews of these shows found titles such as "One-Night Stand Reunions." Another show was entitled "I Am Ready to Have Sex With You Right Now." And another show was called "I Cheat and Am Proud Of It. One show featured a woman who chose to tell her fiancé on national television that she cheated on him with her sister's boyfriend. . . .

It goes on and on. He said:

Perhaps the most appropriately titled show of all was the one entitled "You Look Like a Freak."

Localism. Trash on television. Should someone who owns a television station in Tennessee have the ability to say, you know, what you are sending us in this time period is a show I don't think represents any kind of standard that makes sense for us. The answer is that too often the station are not allowed to do that because someone else calls the shots, not the local folks.

When you have this concentration, local standards no longer matter. Will there be more concentration as a result of what the FCC has done with its rules? Of course. In fact, I will read a letter written by W.B. Grimes & Company that was written before the FCC even ruled. They wrote it to the publisher of a newspaper in Seattle:

As you know, the FCC is considering elimination of the ban on cross-ownership of media properties within a daily newspaper publisher's given markets.

They can then buy the television station in the same market.

It says:

In anticipation of that ruling, several newspaper groups are already forging alliances and cutting handshake agreements with both radio and television broadcasters in their markets. If you are considering broadcast acquisitions to bolster your market presence, we believe the time to act is now.

We would like to be your broker.

This was before the FCC acted. Most people thought the FCC was going to do what the big interests wanted them to do. Here is a broker saying, let us get involved so we can help you buy television stations. Once again, more and more concentration.

I will talk about some of the voices opposed to this. Some of my colleagues talked about this. William Safire, a very conservative columnist, who worked for President Richard Nixon as a speech writer, and for the New York Times for many years, said:

The overwhelming amount of news and entertainment comes via broadcast and print. Putting these outlets in fewer and bigger hands profits the few at the cost of the many. Does that sound unconservative? Not to me. The concentration of power—political, corporate, media, and cultural—should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

U.S. Conference of Catholic Bishops:

Without diversity of ownership, our meaningful alternatives to syndicated shows and info-mercials, and public affairs programs, are in jeopardy.

NRA's executive VP Wayne LaPierre said:

Most cities have only one major newspaper to begin with. Add ownership of the dominant local TV station, the top AM and FM bands and the local cable TV provider. Then do the same thing in 20 or 50 cities, and you see how a multibillion-dollar corporation corners the market in the marketplace of ideas.

Minority or unpopular causes—think of women's suffrage in 1914, or civil rights in 1954—would be downplayed or dismissed to keep viewers watching and advertisers buying. That's no way to run a democracy.

That is the executive vice president of the National Rifle Association. That is not a liberal organization.

Walter Cronkite:

The gathering of more and more outlets under one owner clearly can be an impediment to a free and independent press.

I could go on and on.

Parents Television Council:

Almost 80 percent of families rely on their hometown papers and TV for local information. People can't turn to a national news network over the Internet. They provide one-size-fits-all programming, controlled from an office hundreds, perhaps thousands, of miles from your town.

Barry Diller, former head of Universal Studios, who has acquired a rather substantial enterprise in information:

The big, bad truth is—and I don't think it is given enough importance—the big four networks have in fact reconstituted themselves into the oligopoly that the FCC originally set out to curb back in the 1960s. They may have controlled 90 percent of what people saw, but they operated with a sense of public responsibility that simply doesn't exist for these vertically integrated media conglomerates, driven only to fit their next piece in the puzzle of world dominance.

Let me speak for a few moments about my colleague, Senator MCCAIN, someone for whom I have great respect. -

He gave a statement and I told him I was certainly not going to be supportive of his contention that anything we are doing here or any reason to come to the floor of the Senate on this issue has to do with the 1996 Telecommunications Act. That was his contention. Nothing could be further from the truth, in my judgment. I just disagree with that.

In 1996, when we rewrote the Telecommunications Act, beginning in 1995, we addressed these very issues. I offered an amendment on the floor of the Senate in 1995 to S. 652 during debate on the Telecommunications Act—an amendment by Senator DORGAN of North Dakota: To strike the provisions of the bill that would allow television networks and other chains to own no more than 35 percent of the Nation's households and take it back to 25 percent.

We had a vote on that amendment. Guess what. I won the vote by three votes. Senator Dole was standing at that chair—at that point he was majority leader—and Senator D'Amato from New York was at the desk in the back. I won the vote by three votes, to roll back the 35 percent, which was in the telecommunications bill, to say: You can't own more than 25 percent of the reach in this country when you own television stations.

Guess what happened? Dinner intervened. The worst thing in the world around here is dinner because over dinner—we call it supper back in my hometown—over that period when you eat your evening meal, although I had won by three votes at 4 in the afternoon, three of my colleagues had some sort of epiphany over their main course, apparently. Senator D'Amato came back and asked for reconsideration, and he and Senator Dole decided to overturn the vote by which I had won at 4 o'clock that would have prevented the 35 percent and gone back to 25 percent. They changed three votes. We came back 3 hours later and I lost. So I won for 3 hours.

My colleague—incidentally, Senator MCCAIN made the point I voted for the 1996 Telecommunications Act, which I did, to be sure—my colleague Senator MCCAIN voted against my amendment that would have rolled back the 35 percent back to 25 percent.

I was fighting then to stop this gross concentration that is going on in the broadcast industry, and I won for 3 hours. Then I forgot, when you get people out of this Chamber and get arms twisted, you can have a re-vote and several people will apparently come here with a different mind-set. Winning is temporary in those circumstances, and it certainly was that day.

This is a situation I understood then exactly what was going to happen, and it has happened wholesale. I mentioned earlier we have one company that has well over 1,200 radio stations in this country. The same is happening in television and happening very quickly.

With newspapers, this new FCC rule says: Oh, by the way, in addition to al-

lowing more concentration in radio and television, let's let the newspapers own the television stations and more radio stations in the same marketplace. I was taught long ago never argue with anybody who buys ink by the barrel. I guess I never quite understood that lesson.

Here we take on the American Newspaper Association and the publishers, and they are lobbying furiously because they are opposed to what we are doing. They want to be able to buy television stations in the same city.

I said the extension of what the FCC is going to allow to happen as a result of their rule is this: That in the largest American cities one company will now be able to own the dominant newspaper, the dominant television station, two other television stations, eight radio stations, and the cable company, and they can do that in city after city. If you think that is in the public interest, then I say look up the term "public interest" in the dictionary or understand the public interest in the context of what we ask of radio and television stations, of what we need for the free flow of information in our democracy. It is not in the public interest.

I seldom ever come to the floor to say "I told you so," but it is almost too tempting to avoid at this moment. In 1995, following what happened on the floor of the Senate when I was attempting to stop this orgy of mergers that was going to occur, when I won a vote for 3 hours and then lost because my colleagues left to have something to eat, this is what I said:

If these changes are enacted, the media industry in this country will be controlled by a handful of conglomerates in the future. The long-held principles of localism and diversity will suffer.

I said that on June 15, 1995, when I was fighting then for the same principle I fight for today, and that is to stop the massive concentration. What the American people see, hear, and read will increasingly be controlled by a very few voices. That is not in the interest of this country.

I have more to say. I believe the Senator from Virginia wishes to speak either perhaps strongly supporting this resolution or maybe he will oppose it. Perhaps the latter. What I would like to do is allow him to speak, and I understand the Senator from New Hampshire is also going to be on the floor. I am going to make some concluding remarks this afternoon.

I yield the floor so the Senator from Virginia can make his presentation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be allowed to consume as much time as I may require to speak in opposition to this proposed resolution.

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

Mr. ALLEN. I thank the Chair.

Mr. President, I rise today to urge my colleagues to oppose this resolution

which will essentially throw out six media ownership regulations issued by the FCC on June 2. There are a variety of issues to cover, and I hope to do that in a coherent and cogent manner.

Let me first say to my friend from North Dakota, the issues we are talking about are media ownership of 35 percent versus 45 percent; the issue of cross-ownership, whether newspapers and TV stations can be owned by the same entity or enterprise; and the other issue is whether medium and smaller sized markets are afforded the same opportunities for working together as are allowed in large media markets.

Those are the three issues. A lot is focused on just one issue, but the cross-ownership and the so-called duopoly or multiple ownership issues are also very important.

It was said by the Senator from North Dakota that the local TV cap and cross-media rule are going to allow one company to dominate sources of news and information in one community. This is simply not true. It is an alarmist argument that may get folks all fired up.

The rules the FCC put forward modify the rules that represent long overdue reactions to very extensive and well-researched and documented changes in the marketplace. The new ownership rules that are being put forward ensure no company can dominate a local media landscape.

In reality, the newspaper cross-ownership will continue to be completely prohibited in all markets with three or fewer TV stations while only cross-ownership will be allowed in mid-sized markets with between four and eight TV stations. Only in the Nation's largest market, representing approximately 70 out of the 210 TV markets in the United States, would cross-ownership restrictions be removed.

Even in those markets, however, parties will continue to be subject to the FCC's separate local television duopoly and radio ownership limits. So any newspaper-broadcast combination thus will be subjected to competition from at least three and generally more independently owned television stations, numerous radio outlets, not to mention the wealth of cable, DSS, the Internet satellite print competitors, as well, that make up the contemporary media ownership spectrum that is available to consumers.

From the very beginning, in the 1930s, the core principles that drove the Nation's communications policies were localism, competition, and diversity. Ownership rules are a byproduct of this public interest and in constructing rules, our Government seeks to preserve these principles, and they continue to be preserved with the FCC's regulation.

After 20 months of decisions, comprehensive, exhaustive analysis by the FCC, they have finally done what the

courts and the Congress commanded them to do—to adopt new ownership rules that are based on empirical evidence and also the present marketplace.

On June 2, the Commission made positive steps in crafting updated rules to take into account the new media outlets that are available to consumers for news information and entertainment.

Every 2 years, the FCC is required by the Telecommunications Act of 1996 to review the media-ownership regulations. Over the past 2 years, five of the six ownership rules were challenged in court. In each case, the FCC's prior regulations, or regulations at that time, were overturned. Indeed, both Congress and the courts have given the Commission a high standard of establishing legally sustainable ownership limits that most importantly remain in the public interest.

Unfortunately, many have turned this important policy debate into a political one, substituting opinion for fact. Allegations that these rules will allow four or five companies to dominate all major sources of news and information in one community make for good headlines but are simply not grounded in fact.

Over 40 years ago, in the era of black and white television, three networks controlled the TV airwaves, providing only 15 minutes of evening news and 5 minutes of brief news snippets throughout the day on an irregular basis.

Today, the fact is there are more choices available to the consumer in terms of how they access information than any other time in our Nation's history—in fact, more than any time in the history of mankind. Even in small towns, the number of media outlets, including cable, satellite, radio and TV stations, has increased by over 250 percent during the past 40 years.

Independent ownership of these outlets is far more diverse with approximately 139 percent more independent owners than there were 40 years ago. Today, there are three 24-hour all-news networks, seven broadcast networks, and over 300 cable networks. The multiple news programs, independent commentary, public affairs channels are all fueling our democratic economy and opportunities. There is more programming, more choice and more control in the hands of citizens today than ever before.

Sure, times have changed, changed for the better, and the rules governing this burgeoning industry also ought to change to reflect the current state of innovation and new technologies. Otherwise, the rules that were once designed to help consumers, if this resolution passes, have the potential to harm consumers, limiting quality and opportunities for choice programming.

Much of this debate gets focused on the 35-percent versus 45-percent broadcast ownership cap and whether that ought to be increased. Our opponents maintain that increasing the cap pre-

sents a problem because the five major broadcast networks already own 80 to 90 percent of the top cable channels. In truth, the five companies do not control the majority of the channels. Eighty to ninety percent, that statistic, is what the opponents refer to as actually related to viewership.

Now, we heard earlier about Disney and we do not want to be against Disney. Well, let's just take last Sunday night's ESPN broadcast of the Raiders-Titans game which was played in Nashville, TN. I did not particularly like the results, but it sure did score big ratings, averaging 10.8 million viewers, averaging 7.8 million households. However, this number only amounts to approximately 11 percent of all households that subscribe to cable or satellite programming. This is by far the No. 1 for ESPN for an opening Sunday night game. At any given time, a consumer watching television actually has an opportunity to look at 54 different stations.

Sunday night's game was the highest rated regular season game in the Nashville TV market since the Titans moved to Music City. Of the sixty-eight percent of the televisions that were on in Nashville, two-thirds of them were watching the Raiders-Titans game. That is about 48 percent of all TVs, so not every TV was on. Nevertheless, those that were on, 68 percent were watching that game. It was the sixth highest rated TV broadcast overall in Nashville since 1997. The top four, and five of the top six, highest rated TV programs in Nashville since 1997 are Titans games. That was led by last January's AFC championship game, in which case I was more happy in that the Raiders beat the Titans, but that was the No. 1 Sunday game of all-time back in January.

With this approach, since people in the Nashville, TN, area, or maybe in the Oakland area or elsewhere, two-thirds of them wanting to watch that game, does that mean we ought to be prohibiting or regulating or punishing ESPN or ABC or Disney because they have programming that people actually want to watch? What do we want to make them do, watch something we think is better for them than popular programming?

This is a rare situation that there is such viewership, but that will happen. It is consumer choice to see it. In my view, what we ought to do is trust free people. I would never advocate limiting consumer choice or American's ability to access information.

We are all concerned about consolidation. We all are opposed to monopolies and care about antitrust. We want to preserve diversity and competition in the media marketplace, but if we look at the real number of options that are available to consumers today across media outlets, consumers have an unprecedented abundance of choices.

We get statistics from 1943 to 2000, and there are obviously big increases.

Newspapers are about the same or slightly less. In 1943 there were about 1,700 daily newspapers. Now there are approximately 1,500. In 1943 there were 931 AM stations. In 1978, there were about 4,500. In 2001—the best statistics we have presently—it has gone up to 4,700-plus AM stations. In 1943, there were 59 FM radio stations. In 1978, there were 4,069. It has doubled since 1978 to over 8,285 FM stations.

Full-power TV stations have gone from 6 in 1943 to 988 in 1978, and in 2001, there were 1,686 full-powered TV stations. In 1978 there were zero lower powered TV stations. In 2001, there were 2,212 low-powered TV stations. Cable started kicking off in the 1970s, and it had about 13 million subscribers. Now, in 2001, there are 69 million. DBS subscribers, of course, there were zero if we are talking about to 1990. In 2001, there were 16 million plus.

There are a variety of other areas: Internet access, big difference. Nobody was using Internet access back in the 1990s. Now there are literally hundreds of millions of people on the Internet, and Internet access is about 72 percent. Broadcast networks in 2001, 7 in English and 2 in Spanish; cable networks are now approximately 300; and there are over approximately 2,454-plus channel cable systems. That is what is in the power, in the discretion, in the choice of the American people. They are the ones who see the competition. They are the ones who have control and are making the choice as to what they want to watch.

On the issues of newspaper cross-ownership and the local television ownership or duopoly issues, if the resolution were debated today and passed next week, we would be reverting back to the rules that were created in the 1970s. In both cases, the rules are outdated and largely unnecessary, given the increase in the number of media outlets. In some cases, cross-ownership may actually benefit consumers in smaller markets where broadcast companies and newspaper owners face financially challenging conditions. If this resolution passes, local television stations in smaller markets will be prohibited from combining to pool their resources to provide better programming and more local coverage.

We all know local news and reporting is expensive to produce, both in getting digital equipment and quality news staff. Those are major expenses, especially in smaller markets where there is less advertising; therefore, less can be charged but there are still pretty much the basic same costs as a large market would have. And while the large market can get all that advertising revenue because they are potentially having contact with more people, they can get their costs recouped. In the smaller markets, there are pretty much the same costs with less of a revenue stream, which makes it more difficult to operate stations in those smaller markets.

I am aware of at least two markets in Virginia—Harrisonburg and Charlottesville—that would benefit from the new media rules the Commission issued on June 2. Both of these markets are very small in comparison to the big markets of New York City and Los Angeles and simply don't have the same resources available for comprehensive news programming and so forth that the New York City and LA markets may have. But they still try to make it in a smaller market.

Another interesting nuance, ignored in this, is what this does to some markets that were grandfathered, before the 1996 act. In some Virginia markets, and one shared with Virginia and Tennessee, back in 1975 they were grandfathered, or waived, under the ownership rules. If this resolution passes, they potentially will no longer be able to provide local news—if this resolution passes. This is where you have cross-ownership. Previously, and currently under the present rules and law, both the Roanoke and Lynchburg markets as well as the Tri-Cities—which, as the President knows, are Bristol, Johnson City, and Kingsport—were grandfathered. If this resolution passes, potentially they will no longer be able to provide local news.

You also have in the Lynchburg market the local television station and the two local newspapers, the Lynchburg and Danville papers. Both of these media sources have been permitted to combine resources, and that has led to expanded news coverage and increased program offerings for their customers and constituents.

I am increasingly convinced by these successful examples in Virginia—this is not theory but it is fact—that we should be relaxing the newspaper cross-ownership rules and regulations. If this resolution passes, it will harm the ability of these voices and these markets to be able to pool their resources for more effective and better reporting and production. I think these FCC rules, by the way, preserve the key, core principles of localism, diversity, and competition.

A duopoly—local TV cap. I was visited by several constituent station managers from the Shenandoah Valley, Roanoke area, and Bristol. They raised the local television ownership rule which, if this resolution were to pass, would restrict ownership of more than one station in a market with eight voices or fewer.

These small, local television managers confirm that revenue and facility sharing would help keep struggling stations afloat in small markets and actually, and logically, would improve the quality and diversity of programming currently available to viewers.

It is certainly the prerogative of the Senator from North Dakota to use the Congressional Review Act and bring before the Senate this resolution of disapproval. At issue are some of the founding principles of government: Freedom of speech and the press, free-

dom to associate and to petition the Government, freedom to acquire and hold property in accordance with the law.

Our Founding Fathers understood that government should not have the power to restrict speech without deeply compelling justifications. I believe the public interest is ill served when Congress forces the FCC to revert back to ownership rules that were overturned by the courts for being outdated and not guided by solid factual records.

In my opinion, the congressional mandate established in the 1996 Telecommunications Act and the court order forced the FCC, in a positive and proactive way, to conduct a thorough and exhaustive review of the media ownership rules. I am confident that the Commission's June 2 order established legally sustainable ownership limits that accomplished these three goals: No. 1, promoting diversity, localism, and competition; No. 2, updating the rules to reflect a multitude of new outlets for news information and entertaining; and, No. 3, striking a careful balance that promotes the public interest while ensuring no one company can monopolize any one medium of communications or limit any American's ability to access information.

I will conclude by asking my colleagues to oppose this resolution, stand strong for freedom, and support the FCC. Don't foul up. Look forward. Look forward into the reality of opportunity today in America. Let's move forward with that rational, logical approach promulgated by the FCC.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. 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. SUNUNU. Mr. President, I rise in opposition to the Dorgan resolution. This is a debate and an issue that does bring us in touch with a number of the important issues discussed by the Senator from Virginia: free speech, media concentration, consolidation. It certainly affects our media markets and the shape of those media markets for years to come. But, at its heart, this is really a question of regulation, a new set of regulations, a different set of regulations put forward by the FCC, dealing with who can buy, who can own different kinds of media outlets—newspapers, TV, radio stations, and the like—and what kind of limits we are going to put on them.

So it is a debate about regulation and how much regulation is the appropriate amount on the part of the Federal Government. To what degree do we want

the Federal Government interfering with, limiting, and manipulating the media that we as consumers enjoy and use in our daily lives? What level of regulation is appropriate and is really required to uphold some very important principles that you have heard the Senator from Virginia and the Senator from North Dakota and many others speak of—principles of localism, competition, and diversity, principles that we support, that the FCC works to support anytime it looks at a regulatory issue such as this one?

How much regulation do we really require to protect these important principles? This is not a debate about the poor quality of the TV that we might go home and look at, or look away from, every night. In some ways, I wish this were a debate about improving the quality of television because if we could just do that by a simple adjustment of these regulations, then we probably would all feel much better about the quality of television. But we can't.

To suggest this is about the quality of the television we see in any part of the country is to suggest that you believe limiting, say, Fox Corporation to the 35 stations it owns today versus the 40 or 42 or 44, or some number it might own at a future date with the new regulations, that somehow that would affect the quality of the programming we see. I think that is ridiculous. I don't think that program quality would be improved if we forced NBC to get rid of 8 of its 29 stations or 10 or 12 stations within the limits that we are talking about that any one of these companies owns. I don't think it would in any way affect the quality of television.

I am the father of three children. I am as frustrated as any parent about the search for good quality programming. I am frustrated about the poor quality of programming that is often put on television in the prime time hour. But that is the nature of modern media—whether it is cable or radio or television or even newspapers. We are not all going to be happy as Americans with everything that comes across the channels.

At the same time, I very much support the process that the Senator from North Dakota is using here, the Congressional Review Act. I think it does bear some emphasis because some people have come to the floor and have been somewhat critical of the process being used here—using the Congressional Review Act resolution to repeal a regulation that a Member of Congress or a Member of the Senate doesn't like. But that is exactly what the law was intended to do.

It is a law that was passed, I am pleased to say, when Republicans took control of Congress back in 1995. They said we ought to have as a Congress—as a House or as a Senate—a way to register disapproval; to repeal regulations that are put forward all the time

by very large bureaucracies, or different branches of the executive regulating commerce, or regulating the environment, or regulating the forestry issues, or, in this case, regulating the media. It is a very appropriate use of the act, but it is a resolution with which I strongly disagree. I will talk about those reasons this afternoon.

We are here obviously because the Senator from North Dakota has submitted this resolution of disapproval, or rejection of these new regulations, but the regulations were put forward in the first place primarily because of a couple of issues.

The first was in 1996. The Telecommunications Act sets the guidelines under which the FCC acts; that calls on the FCC to reconsider regulations that do not serve the principles of localism, competition, or diversity, and doesn't seem necessary to promote these competitive forces, or to serve the public.

The 1996 act actually calls on the members of the FCC to do exactly what they did; that is, reconsider these regulations and modify them if they believe it is in the public interest and the right thing to do.

Second, related to that legislation but even more current is the action of the courts recently. The courts struck down or remanded several of the media regulations—in particular, the 35-percent cap which we will talk about—and called on the FCC to either revise or justify the regulations that were on the books.

So you have two forces coming to bear. I am sure the FCC Commissioners weren't dying to throw themselves into the issue, but they were called upon effectively to do so by the courts and by the legislation that this very Congress passed in 1996.

These are proposals—I think as the Senator from Virginia discussed—which were very long in the making. It was not a spur of the moment recommendation or a spur of the moment change in regulations. For 20 months, there were deliberations, collecting comments, soliciting comments, and several hearings that took place. People came forward and spoke for and against different rules and for and against different concepts for changing those rules and to argue their point of view—to argue the very reasons they thought a change in the existing rules might be in keeping with the goals of the 1996 act and the three principles of localism, competition, and diversity.

There was a thorough process, not one that was without any disagreement but a great country, a strong country, and one where we take great pride in our ability to debate and discuss these issues with one another.

Let me talk about three of the proposals and the reasons I think at the end of this very thorough and very complete process, resulting in the rules put forward by the FCC, the reason I think the rules make sense, and why I don't think we should be rushing to re-

peal them or reject them. I believe there are several negative consequences of repealing these rules, which I will speak about at the end of my presentation.

First, we are talking about a proposal that will take the current 35-percent cap to 45 percent.

What does the 35-percent cap mean? Is it 35 percent of the television market share? It is not 35 percent of the television viewers on any particular night or any particular hour. It is not 35 percent of the television station. It is a cap on owning stations that can reach 35 percent of the population, the immense concentration that we hear about. Take NBC, for example, which owns 29 television stations. That is less than 2 percent of the number of full-power television stations in the country. I think they are the largest owner of stations. Perhaps Fox Corporation may own 35 stations, close to 2.5 percent of the full-power television stations. This is just a limit on the amount of viewers you can reach if every viewer out there happens to be watching your station.

If you look at, as I said, the number of stations that are owned, we are talking about a very small number on a percentage basis. Opponents of the rules and supporters of this resolution will say, well, let us talk about the six big companies. Those six big companies control 75 percent of the television viewers.

First, to suggest you are being controlled when you choose what you want to watch on television any given night, I think, misunderstands what television viewers are all about. But even if you look at those numbers—six companies, 75 percent of the viewers—let us go back 20 or 30 years; it used to be that there were three companies which had 90 percent of the viewers. I think things have changed in that regard for the better. But the numbers are even more striking if you break them apart further.

Those six companies may have 75 percent of the viewers because their shows happen to be popular, but they have fewer than 25 percent of the channels that would typically come through your cable or your satellite outlet.

On that cable dial, all channels are created equal. We used to be segmented in VHF and UHF. But today a majority of people receive their television through cable or through satellite. Channel 85 and channel 42 are just as likely to attract viewers, depending on the quality of their program.

It is a pretty fair fight when you think about it—pretty fair competition among the dozens of stations on the dial. Those six companies only control or own fewer than 25 percent of the channels. There is greater competition in that regard and greater diversity in that regard not only than we had 30 years ago but, quite frankly, than most people could have imagined 30 years ago.

With all the discussion about localism—it is a very important thing, in-

deed—there has been no connection shown between localism and a larger concentrated owner of these stations. Simply because a TV station is owned by one of the larger corporations does not mean it shows less local programming. It is a very important point. This has been studied. You can look at it empirically, look at NBC, Fox, or ABC-owned stations, and measure how much local programming they put on any given day and compare it to independently owned stations around the country and measure how much local programming there is on any given day. There is no difference. To the extent there is a difference, one of the most comprehensive studies the FCC relied upon showed a slight increase in local programming among those owned by the larger media entities.

Localism is important. To be sure, the FCC maintains its ability to press for and emphasize localism, diversity, and competition when they make decisions of who can and cannot purchase a license. And all of the purchases of licenses—radio, TV—are still subject to FCC review and still subject to antitrust laws that govern monopoly power in this country. So that is one of their regulations. Probably the one that gets the most discussion is the movement from a path of 35 to 45 percent of the audience that could be reached by all the stations.

The second regulation that received a lot of discussion is the issue of cross-ownership, whether you can allow a company that has a newspaper to also own a TV or radio station. Here we actually have cases we can look at. The FCC did look at it and asked the question, Where cross-ownership occurs, are localism, competition, and diversity poorly served? Do we have problems? Do we have conflicts of interest? Do we see a reduction in the responsiveness of the media outlets to local community needs? We can look at existing evidence because there were 40 markets that were grandfathered by the FCC, 40 markets where entities already engage in cross-ownership. There was no harm found by the FCC. That certainly does not mean everyone is happy with everything that newspaper or radio station or TV that has cross-ownership produced. I am sure we will hear from Members that might in their remarks speak to personal experiences where they do not feel they were treated well by a newspaper or radio station. That is unfortunate for them.

But that is the nature of the country's free media and free markets. It is something that ultimately, when we get over the personal feelings, every member of this Chamber is proud of, that this country allows such a free and open media.

Again, where cross-ownership issues come into play and purchases of TV or radio station and all spectrum come into play, the principles of localism, competition, and diversity will be protected, but antitrust provisions still hold. That is important to remember.

A third and final area of regulatory change or regulations that has been discussed in this debate is radio ownership. There is a little bit of irony here because this is something that cuts close to home for the Senator from North Dakota, the celebrated case in his State where one company was able to acquire six or seven radio stations that all covered one particular region of the State, a very clear case of dominance of radio in a particular region of the State. But with regard to radio ownership limits, the FCC actually tightened the regulations. There is no change to the regulations on the number of stations you can own in a particular market in an attempt by the FCC to actually tighten the definition of market areas in order to prevent that unfortunate situation from happening again.

We can critique the radio stations or the large radio station owners, talk about their business practices or things we liked or disliked about them, and there are important points to make, but they do not really have any bearing on this debate because even if this CRA provision offered and were to pass, there would be no significant modification to the radio ownership structures.

If the resolution passes, it does have a number of other counterproductive effects that concern me. First and foremost, it would surely send these issues back to the courts. That is one of the reasons—not the only reason but one of the reasons—the FCC acted in the first place because the courts had said there is no justification for the regulations as currently structured. So if this resolution passes and were to pass the House and get signed into law—which is unlikely to happen, and I certainly do not support it—if it were to be signed into law, this would all be thrown back into the courts and we would have a very uncertain environment for ownership, for media, for evaluation, and for business. Whether you are an entity large or small, independent or corporately owned, it would create an uncertain marketplace.

Second, this resolution turns back the clock. I don't believe that is a good thing, in that turning back the clock would ignore the enormous changes we have seen to the industry over the last 10 years, let alone the last 20 or 30 years. A number of the regulations that are modified or adjusted by the FCC date back 30 or 40 years to their original crafting.

I know it is difficult to picture what the state of television was for many of the younger Members of the Chamber, but I amaze my children constantly when I describe it in a world where you had to walk across the room to change the channel on your television. I am old enough to remember those days and they seem not so long ago, indeed. Times have changed enormously. Regulations dealing with this industry and with the media markets need to be updated to keep pace with the evolution of technology, to protect the values of

localism, competition, and diversity, but they do need to evolve with the changes in technology.

A third and final concern if this resolution were to pass was raised by FCC Chairman Michael Powell in a piece he authored yesterday or today for publication. That is, it could well portend the end of free TV. Rolling back these regulations with the passage of this act could result in the end of free TV. It sounds like a pretty dramatic claim. I think it bears some additional description. How could that be?

Free TV depends on advertising for its revenues. Cable TV depends on both advertising revenue and cable subscriptions—monthly fees or per-show fees paid to watch programming. Simply put, that is a better business model. Anyone can see that. Pay TV has a better, stronger, more robust business model. If you do not believe it, look at the migration of so-called quality programming—sports, entertainment, even certain forms of news programming from free TV to cable TV over the last 3 or 4 or 5 years, let alone the last 10 or 15 years. Go back 10 or 15 years, it is a wholesale migration, but you can see changes in the last 3, 4, or 5 years.

If we repeal the rules, we create a tougher competitive environment and more restrictive competitive environment for the free TV networks or stations. You put them at a competitive disadvantage relative to cable and pay TV. So the acceleration and the movement of that so-called quality programming to cable TV will only accelerate and make it tougher and tougher to sustain any level of quality among free TV in the marketplace.

I could be cynical and say, That is fine with me. I don't care. I have cable TV and I will still continue to get lots of channels, lots of entertainment, lots of news, and lots of sports. Many people would argue, and part of me certainly would argue, that there is a value and a benefit to free TV especially in those areas of our country that are at an economic disadvantage, where cable TV does not have the penetration of urban areas and where people simply cannot afford to pay for cable TV.

Those are serious considerations. The effect of free TV, turning back the clock with regard to the evolution of technology and throwing the issues back into the courts, all of those would be cause to reject this resolution in and of themselves.

But on top of that, we see that the radio ownership regulations are effectively untouched. Cross-ownership has already proven its ability to work in the marketplace without harming the principles of localism, competition, and diversity. And the adjustment from 35 percent to 45 percent of national ownership cap, I would contend, is modest. It is very modest, indeed, when you look at what the true market share numbers are and the number of channels.

This is an important debate. I appreciate being given time to talk on these issues. I do hope my colleagues step forward to reject this resolution, although, as I say, I certainly respect the way in which it has been offered and the process the Senator from North Dakota has gone through to get us to this debate.

We respect the ideals of free speech, of democracy, and we work to promote the idea of competition and diversity in media ownership. I believe that is exactly what the FCC has done and attempted to do in crafting these regulations. I hope we will reject this resolution and continue to move forward in a thoughtful way, and to a world and to an age of technology and media that, frankly, we can't quite picture today which will be exciting, will provide opportunities, and will continue to promote the ideals of free speech upon which this country was founded.

I thank you, Mr. President, and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, this has been an interesting discussion on the floor of the Senate today on an issue that I think is very important and one that will affect the life of every American citizen. It is complicated and difficult to understand. In some circumstances, it deals with cases of law in Federal court, deals with arcane rules, and the history of the Federal Communications Commission with respect to broadcast ownership. So it has all of those aspects.

I respect the fact there are those who feel strongly on the other side of the issue. I believe very strongly, of course, that the Federal Communications Commission has created a set of rules that will benefit the largest corporate interests in this country in broadcasting. I think they will, however, be a significant detriment to the American people.

I was sitting here thinking about the issue of radio and television. Of course, we have not had radio and television in the lives of humankind for very long. It is a relatively recent phenomenon. And I was thinking of the statement that was attributed once to David Sarnoff. I don't know for sure that it was his. But he was asked to comment about the advent of the radio when he was presented with this new invention, and he said: "The wireless music box—which he called it—has no imaginable commercial value. Who would pay for a message sent to nobody in particular?"

That was his vision of radio. But, of course, radio has become a very significant feature in our lives, and television as well.

Television is a central part of the lives of many Americans. I am told that when children go to school in this country, by the time they are a senior in high school and graduate from school, they have spent somewhere around 12,500 hours sitting in a classroom in our schools and around 20,000

hours in front of the television set. It tells you a little something about the importance of television in the lives of at least children.

Let me respond to just a couple of the thoughts that have been expressed by my colleagues. My two colleagues who just spoke are on the Commerce Committee, and on the Commerce Committee they supported the FCC and believe these rules are appropriate. They indicated, for example, that in many ways these rules are for the purpose of protecting—they don't use the term "mom and pop," but let me use it—this is really for mom and pop television stations—you know, the little guy. It is helping the little television station out there that you know is going to go by the wayside if we don't let the big guys buy them up, I guess is the contention.

In fact, Commissioner Powell has an op-ed piece in the Wall Street Journal today. He begins his Wall Street Journal op-ed piece by saying: "The days of free television may be numbered."

That is Commissioner Powell in today's Wall Street Journal. And he uses the title "And That's the Way It Is." I guess that suggests Walter Cronkite, who actually opposes what Commissioner Powell is doing. "And That's the Way It Is."

The days of free television may be numbered.

Interesting. This rule is nothing about free television. It certainly is nothing about mom and pop. It is nothing about saving small television stations. Its point is that we are in the midst of a lot of change that has a dramatic impact and the only way the television industry can make it is to allow this concentration.

Well, perhaps we could just separate some fact from fiction. There is no evidence anywhere that the television industry or television stations or mom and pop stations are in any kind of financial trouble. We have a substantial amount of evidence, in fact, that that is not the case.

Let me quote Barry Diller, who is a giant in this industry. He recently said: "Anybody who thinks the networks are in trouble hasn't read the profit statements of those companies. The only way you can lose money in broadcasting is if somebody steals it from you." That is Barry Diller.

The Wall Street Journal reports that: Fox's president for sales said, "We all knew that it was going to be big, it just turned out to be the biggest year that we had ever had." The chairman of Fox Entertainment noted that Fox will generate significantly more revenue this year than in its previous 17 years, with revenue growth up more than 20%.

So free television in financial trouble? I don't think so. It is interesting to hear this discussion, that somehow the rule the FCC has developed—that is really just a high dive on behalf of the largest corporate interests—is being done in order to save the little guy. I have heard a lot of things on the floor

of the Senate but never anything quite as entertaining as that. But it is so far from fact that it is almost hard to respond to.

The FCC, we are told, in another argument, did what the court said it had to do. The court said: The rules you have on broadcast ownership cannot be justified. You must change them.

That is not what the court said. I have what the court said in my hand. The court said: "It is entirely possible that the Commission will be able to justify a decision to retain the cap." It just said that in the response the FCC provided, it did not provide the justification. It did not say: Go change the rule and give the largest corporate interests everything they want. It said: Justify it.

The FCC did not even appeal the court's ruling, and now has not tried to justify it. It just said: Well, apparently the court said we must cave in here and decide that there is a kind of "Katie bar the door" limit, and we will do what the big interests want.

Again, this is a regulatory agency that ought to be concerned about the public interest but, in my judgment, with respect to these rules, is not concerned much about the public interest.

My colleagues say: This is all about the market system and the Constitution. The first amendment says you have the right of free speech and the right to buy what you want to buy. One of my colleagues talked about being able to acquire property you want to acquire.

That is not an inalienable right in this country. We have things such as antitrust. We have laws dealing with antitrust. When somebody wants to steal from you by creating a cartel and jacking up the price, that is called stealing. It violates the law, and we put people in jail for it. So you do not have an absolute right to do whatever you want in the marketplace.

We have had some experience with this over time. The most recent experience, of course, is the Enron Corporation. And I suppose some of those Enron folks are going to get 2 years of hard tennis at some minimum-security institution some place.

Some of them are still waiting to see if indictments and charges will come. Hundreds of millions of dollars were bilked from people because of concentration in the marketplace monopoly, pricing, and so forth.

Look, the point is this: If, in this circumstance, what people see, read, and think is controlled by fewer and fewer interests, it is, in my judgment, detrimental to the democratic way of life and system of government that we have because the foundation of this system of government is the free flow of information.

Now, if somebody decided tomorrow, look, we are going to buy up all the hamburger stands in America, and instead of driving down the street and seeing a McDonald's or a Burger King or a Wendy's, one company decides we

want all the hamburger stands in our name. We just want to call all those hamburger stands "The World's Best Burger Stands," and we are going to buy them all. That would be awful, would it not? It would not affect our lives very much. We might have indignation once in a while, and there would be no variety. Somebody would probably say it violates the antitrust laws for a company to own them all, but I wouldn't have an apoplectic seizure on the Senate floor because I don't stop at those stands much.

But what about instead of hamburger stands, we talk about information? Information is what makes a democracy work. What about the control of information in fewer and fewer and fewer hands? Is that something we should be concerned about? Yes, of course. That is something that is important. They say, well, but the market system should make this judgment. Look, that market system is wonderful; it is a great thing.

I used to teach economics briefly. I taught about the market system. I love the market system. It is a wonderful allocator of goods and services. But it is not perfect. That is why we have regulators and regulations. Under the market system—Judge Judy, that woman on television with an attitude, gets \$25 million a year. Good for her. That is the market system. Judge Rehnquist, Chief Justice of the Supreme Court, gets \$180,000 a year. That is the market system.

A shortstop for a Texas baseball team makes the same amount of money in a year as 1,000 elementary school teachers. Good for him. Is that a market system judgment that you think makes sense? I don't. But that is the market system.

The market system is not perfect. In circumstances where you are dealing with ideas, and the free flow of information in a democracy, we need to be concerned about making certain that we don't have fewer and fewer people, fewer companies or institutions, determining what we see, read, and hear in this, the greatest democracy on Earth. That is what this is about.

I mentioned earlier that there are some trashy things in the media. I talked about the television programs that my colleague, Senator Nunn, talked about on the floor of the Senate. I could have updated it and used the same things for this year or last year. I should hasten to say, however, there are also some wonderful things. I don't want to just tarnish an industry. I think there are wonderful things, gripping things, things with such incredible, utter beauty that you can hardly describe them, on television and on the radio. It is really quite remarkable.

Some of the things that we are able to see and experience are great. I don't want anybody to think that I am somebody who doesn't watch television, doesn't appreciate television, or radio. I just want there to be some vibrancy with respect to the use of the airwaves,

which belong to the American people and are licensed to companies. I want there to be vibrancy with respect to serving the local communities they serve. The reason we license a radio station in a community is to be responsive to local needs and interests in that community. It doesn't attach at all when properties are purchased by companies that only want to run homogenized music from a thousand miles away. They are selling advertising and making profits, but they don't do anything with respect to the localism requirements in those local communities. That bothers me.

I offered this amendment with my colleagues, Republicans and Democrats. This isn't a partisan or political issue in any way. Senator LOTT from Mississippi and I, and many others, including Senator KAY BAILEY HUTCHISON and others, have been very concerned about what is going on with respect to concentration in the media. This battle that has shaped up in the FCC to write a new rule is a battle between the public interest and the special interests.

Frankly, the special interests won everything. They won the whole pot. By that, I mean it was put in the middle of the table and they turned over a card and the FCC said: You win, big interests; you get it all.

We have a procedure called the Congressional Review Act by which we can, as the Senate, vote on whether we want to disapprove this rule. I want the Senate to decide that now in this time we will say to the FCC that we disapprove of that rule. That rule is not in the public's interest. That rule is not what we expect this regulatory agency to do on behalf of the American people.

I mentioned earlier, I come from a very small town. We didn't have a radio or television station. I come from a town of 350 people in a southwestern corner of a sparsely populated State. North Dakota is a wonderful place, but we have 640,000 people spread out in a landmass the size of 10 Massachusettses. The nearest television station to where I grew up was 125 miles away. The first television in our little town was at a place called the Regent Garage. The people in town—at night, especially, because that is when you can catch disparate signals being broadcast—would gather at the Regent Garage. With this one television set—the only one in our town, they would all peer into that set and see this grainy, snowy vision coming from Bismarck, ND, 125 miles away.

Occasionally, there would be some sort of a skip and they would pick up professional wrestling from West Virginia, or a strange program from way out East. The people in my hometown thought it was just incredible. The people began to get television sets. It wasn't just the Regent Garage; they got sets in their homes. So it has gone for some 60 years.

There wasn't any question years ago about localism. When stations were developed, one developed closer to my

hometown. It is still the closest television station now. It was 60 miles away—KDIX television in Dickinson. As television stations developed, they were locally owned. The only way they got a television station in Dickinson is folks in the region put in money. They asked people to contribute \$100. So my dad contributed \$100. He was one of a lot of people who contributed to building a television station in Dickinson, ND. So we had localism, local ownership.

But that has changed dramatically. The question is, Do we want it to change more? Do we want most of our properties in broadcast radio and television to be owned from a thousand miles away? Do we want, in most of our big cities, the dominant newspaper to own the dominant television station? Do we want, in most big cities, to have one company own three television stations, eight radio stations, the dominant newspaper, and the cable system? Does anybody think that will benefit the consumers of this country? The answer ought to be no to those questions.

That is not what we want or expect from the FCC. It is not the direction that we anticipated when we created the 1996 Telecommunications Act.

Mr. President, there is a lot to say. I want to correct one other thing with regards to the discussion about the quality of programming. Somebody talked about the quality of programming and said network-owned stations, where you have one big owner, you get higher quality programming from those folks because they have the money and they are big shots and they have it all going. They are producing great things.

Well, here is something I think is interesting. Two organizations, NASA (Network Affiliated Stations Alliance) and the National Association of Broadcasters (NAB), were highly critical of a study that the FCC did on the quality of news programming between affiliates and network-owned stations. While the original study indicated that network-owned stations did better than affiliates because they won more awards, NASA and NAB demonstrated that the conclusion was untrue once the study was adjusted to take market size into account. After controlling for market size the data showed that independent affiliates outperformed network-owned stations on all measures of news quality. Affiliates win substantially more Dupont awards and substantially more Peabody awards. In addition, the Project for Excellence in Journalism study showed that affiliates are superior to network-owned stations in terms of news quality. I think that is important.

Finally, it is also important in the context of what kind of program is going to come into your community. Is it going to be programming that someone in your community can decide they do not want? We see the programming these days on some of the national shows. It is almost embarrassing to

read the names of the programming, and yet if you tune in some evening, when your television set comes on you will see someone standing in front of a bowl of maggots and they are beginning to eat this bowl of maggots. I forget the name, "Fear Factor"—it is one of those shows. I have only seen it momentarily.

When I saw somebody trying to eat a bowl of maggots, I thought: It is a good thing there is an off button on the television set. Maybe there ought to be an off button with the person who owns the local broadcasting company saying: I happen to think that is not the program I want to sell in Tallahassee, FL, or Chattanooga, TN. What I would like to do is put on an alternative program that I think is better than someone eating maggots.

You know what. They cannot do that. I described earlier letters from local stations who say: We can't do that. So the more stations you get under this umbrella, under single ownership, the less opportunity anybody anywhere at any time will have to say: I don't happen to like that program. You might have put it together in the recesses of a closet in Hollywood someplace where you thought it was wonderful, but back in our hometown, we think it is trashy. I don't want to play it. I want to play something that more reflects the values of our hometown.

They cannot change it. If you want more of that, if you want to move more in that direction, then you ought to vote to sustain the FCC. Like a cheerleader, shake some pom-poms, jump up in the air and say: We really like what you do; bigger is better. Katie bar the door, let them have anything. Let's have one big company give us a crooked smile every morning and say: We are for America, and we decide what you ought to see, what you ought to hear, and what you ought to read from Sunday to Saturday. Don't like it? Tough luck, we own it all.

If that is your philosophy, then you need to vote for this resolution of disapproval. But if you believe in enterprise, in local control, in owning up to the responsibility we have given those who own local stations, if you believe in that, then you ought to vote for this resolution of disapproval.

Mr. President, I yield the floor.

Mr. REID. Mr. President, the Federal Communications Commission regulations must serve the public interest by guaranteeing that a wide range of local voices can be heard and by promoting competition in the marketplace.

As a public trustee, the FCC has a duty and obligation to include the public in its decisionmaking process. That was not done in this case.

I support this resolution that has been engineered by Senators DORGAN and LOTT because the FCC did not hold a single public hearing to present its proposed rules for comment. Chairman Powell refused to hold a hearing even after Commissioners Copps and Adelstein personally requested such a hearing.

Even though the FCC's flawed process makes it impossible for me to support its action, I am deeply concerned about the situation in rural communities where many TV and radio stations are struggling.

The FCC cross-ownership provisions would enable a newspaper to more easily acquire a troubled and failing broadcast station in situations where it might not be cost efficient for another entity to purchase the station.

Newspapers have the business expertise, the financial stability, and the news-gathering resources to supplement local news and informational programming. If the FCC and Department of Justice have determined that a transfer of title would serve the public interest and would not present an unfair market advantage, newspapers should be permitted to use these strengths to serve their communities.

Although pre-June 2 newspaper-broadcast cross-ownership prohibitions provided for a waiver that would allow a newspaper to purchase a failing broadcast company, only four such waivers have been granted in the past 28 years.

Under the current cross-ownership provisions, the smallest broadcast markets would be protected from monopolies, and a limited cross-ownership rule will remain in effect in markets of between four and eight broadcast companies.

The FCC newspaper-broadcast cross-ownership rules will benefit communities in Nevada. For this reason, I support the cross-ownership part of the FCC's action.

I hope the final outcome of this will be to drop the number of stations a company can own but allow the cross-ownership. This will not only stimulate competition but will allow rural America to have some of the programming that simply will not be available unless a newspaper and/or a TV station join together. This is the way it is all over America, not just Nevada.

Mr. INOUE. Mr. President, I rise today in support of S.J. Res. 17, the bipartisan resolution offered by Senators DORGAN, LOTT, and others that would repeal rule changes recently adopted by the Federal Communications Commission that, if allowed to go into effect, could dramatically alter the shape of the American media landscape.

The foundation of our democracy is based on the free flow of information guaranteed by the first amendment. As the Supreme Court explained more than 50 years ago, the first amendment "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the people." Unfortunately, the FCC's recent changes to its broadcast media ownership rules call into question that agency's commitment to this fundamental principle.

On June 2 of this year, the FCC voted to significantly relax rules that protect

the American people from the ill-effects of concentrated media power. Already, in television and in print, large media conglomerates control an alarming amount of what Americans see, read, and hear. In fact, 75 percent of what Americans watch during prime time and 90 percent of the top 50 channels on cable are controlled by just 5 media companies.

Against this backdrop, the FCC's decision to allow greater concentration of ownership is clearly a step in the wrong direction. If allowed to go into effect, these rules will result in fewer creative outlets for independent television and content producers; higher ad rates for large and small businesses; fewer antagonistic sources of news and opinion; and less air time for community groups. In addition, there may be growing reluctance by local station operators to take on network executives in rejecting nationally produced programming that violates community standards.

Some Members contend that "[t]here should be reasoned debate on each of the rules" rather than disapproving the entire package. I fully agree that there should be reasoned debate on each of the rules. That is exactly what I, along with 14 other Senators, asked FCC Chairman Michael Powell to do—to give Americans the opportunity to review and comment on the specific rule changes before any final decision by the FCC. Our request was denied.

While recent action by the Third Circuit Court of Appeals in staying the implementation of these new rules is an encouraging sign that these changes may not survive judicial scrutiny, we in Congress should not rely on court action. Instead, we must act decisively to protect the public interest and to rescind these recently adopted rules.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the Senate will proceed to the consideration of H.R. 2754, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Mr. DOMENICI. Madam President, while we are now on this energy-water appropriations bill, let me first thank my friend, Senator HARRY REID from Nevada, as the ranking member of this subcommittee, for the hard work he and his staff put into this bill. We have a great bill. The Senate will find that out in the next 2 or 3 days. I am hopeful there will only be a few amendments. We kind of know what they are. We do not intend to discuss them until those proponents come to the floor and offer them, but we know about them and we think we can have a serious debate Monday. I understand maybe we

can't vote on Monday. If we can, we will, and dispose of that serious nuclear amendment—antinuclear development amendment. If not, we would do it on Tuesday.

But I hope nobody intends to use this bill as a Christmas tree for authorizations. I can assure them they will meet great resistance from this Senator. This is not an authorization bill for electricity. That is somewhere else, another bill. It is in the conference. We have already voted. We will not consider that, and if we do, it will not matter because I will not bring back from conference any energy amendments that belong on the authorization bill, creating the policy for the energy future of our country.

With that, I move now to the business before the Senate.

Today the Senate is going to consider one of the 13 appropriations bills. It is a small one, but it is a very important one. We worked very hard this year to put together what we think is a fair bill under extremely difficult circumstances. This fiscal 2004 allocation to the subcommittee is \$27 billion, an amount that is only \$367 million over the President's request. This situation posed a daunting challenge to the subcommittee.

Let me put that in context. All of the Members here know the President's request dramatically cut water projects. The occupant of the Chair knows that—it cut water projects well below the current year level and left out many projects we had to do.

Furthermore, the President proposed to fund a portion of the Corps of Engineers budget, an amount of \$145 million, in a way the Congressional Budget Office says is not permissible. If it is not permissible and we did it, it would be subject to a point of order—even though the Congressional Budget Office gives the President credit for the mechanism in this scoring request.

Thus, we have included a provision that will make an additional \$145 million available to the Corps to spend on the enactment of the provision in authorizing legislation that is required under the rules of the Congressional Budget Office. We think that is the way to do it.

But for now, the long and the short of all of this is that the President's request was \$530 million below the current year level for water projects, and we only received an increase from the appropriations process of \$367 million.

There is nothing that Senators and House Members are more aware of than water projects in their home States. I do not know if they are as important as the Members think. But I only can tell you that if you are chairman of this committee, you cannot get by without Senators stuffing your pockets with the requests and sending them to your office, saying: Don't forget; don't forget. We have a pile of them. I didn't bring them to the floor. There are more than a few hundred.

The bill spreads the increased allocation generally as follows:

An additional \$233 million to the Corps water projects; an additional \$67 million to the Bureau of Reclamation water projects; an additional \$80 million to independent regional commissions which were badly cut in the President's request, such as the Denali Regional Commission of Alaska, the Appalachia Regional Commission, and the Delta Regional Commission; and we held the Department of Energy at just about the President's request level.

I believe—and I think Senator REID will agree with me—that this was the fairest way to distribute the very limited resources. It was the fairest in any sense of the word, and also in the sense of the word of what our Members expect of us and what they can expect of us in doing our job correctly.

The bill provides \$4.43 billion for the Corps of Engineers. That is \$233 million above the President's request but \$212 million below the current year's level. We have included no new construction projects and have focused our resources on restoring the cuts to existing construction projects.

For the Bureau of Reclamation and related activities, the bill provides \$990 million, which is \$67 million above the President's request but only \$17 million above the current year level.

For nuclear weapons activities of the National Nuclear Security Administration—known as NNSA—the bill provides \$6.47 billion, which is \$96 million more than the President's request and \$492 million over the current year level.

The budget increases are consistent with a major Defense Department initiative to restore our nuclear weapons complex.

Mr. President, I told you when we opened the bill that it was a small bill. But it has a lot in it. It pays for the National Nuclear Security Administration. That is the laboratories and the administration. Among its charges is making sure scientifically, with the science-based Stockpile Stewardship Program—meaning these laboratories have to engage in all kinds and varieties of science—that they tell us our weapons are valid without testing them.

For most of our adult life we tested them, so we had no doubt. Great scientists hooked them up and the great desert provided the test site. And we tested them. But we voted to quit it. We didn't vote to stop having nuclear weapons; we just voted not to test them.

Somebody has the responsibility when you stop testing them to be in a position of reporting to the Chief Executive and, thus, then to us whether the weapons are still valid. Some of them are 30 or 35 years old. I don't know whether they are 40 years old yet. But they are pretty old for nuclear weapons. So somebody has to do that. That is the work of the National Nuclear Security Administration and the laboratories, and this bill has to pay for that.

For nuclear nonproliferation activities, it is important that we understand this little bill funds \$1.34 billion, which is the same as the President's request, and \$171 million above the current level. The committee continues its leadership role in countering nuclear terrorism. The budget request, coupled with \$148 million added in last year's supplemental, gives a strong boost to this highly important program.

When we speak of terror in the world, we now have almost stopped talking about nuclear terrorism because we speak so much about biological terrorism and chemical terrorism. But we cannot forget that the granddaddy of all terrorist activities is a nuclear terrorist activity.

Nonproliferation is the effort of our Government to try to keep the things that people might use for nuclear weapons or to keep them out of the hands of those who might put them together and use them. That is a big job.

This is a little bill with a lot of money—\$1.34 billion for that effort. We have great laboratory people engaged in that.

Then there is the "Isn't good news provision." We have been paying to clean up energy sites for many years. These are the sites that remained from the cold-war era in the development of nuclear weapons and plutonium in various parts of America, such as the Savannah River area, areas in the west coast and Washington—environmental cleanup sites.

This bill provides an incredible amount of money—\$7.6 billion. But believe it or not, that is \$62 million below the President's request. For the first time in many years, it is less than the previous year—\$238 million less.

The subcommittee was not required to add huge additional amounts to maintain cleanup budgets around the country. This is an unknown—almost secret—success of this Department of Energy. They said they would do it when they took office, but they have been saying it as they took office in that Department for 12 years, that I am aware of, and each year it was more—not less.

We finally have a couple of projects—led by one in Colorado—which have timeframes for completion which is credible and near at hand. There are some that are going to go on for a long time. But at least since this money comes out of the defense of our country, the Defense Department might be hopeful that as they increase their defense dollars we will not have to suck away large amounts to pay for this cleanup, although I am not yet making that as a promise because there are a few of these sites for which we are not absolutely certain how long it will take and how much it will cost. But they have become extremely, extremely expensive sites with thousands of people employed.

The frustration level for a Senator such as me paying for it year after year

is very high. I didn't think the cleanup sites were supposed to be public works projects. I thought they were supposed to be cleanup sites.

But there is a lot of justification and a lot of reasoning, and we are not responsible for all of them. But some of them we have to fix, and we are trying.

Then there is a great issue in the State of my friend, HARRY REID, of Yucca Mountain. The project at Yucca causes the Senate to provide \$425 million for 2004 construction. That is \$166 million below the President's request, and \$32 million less than the current level. But this project will be a major point of contention in conference with the House, which has increased the project by \$180 million over the request.

This is a very important matter to many members of the subcommittee, each for various reasons, and it will require additional work as we move through the process.

For renewable energy research and development, believe it or not, we even found the money—\$459 million, which is \$15 million more than the President's request and \$40 million more than this year—for renewables.

The committee funds the President's new hydrogen technology initiative.

For nuclear energy research and development, the bill provides \$437 million, which is \$447 million above the President's request and \$63 million over a comparable current bill level. The Members know this is a great priority of mine as we continue to make investments. I believe it will eventually result in the construction of a new commercial power reactor, or more than one, in the United States. We will provide a total of \$35 million toward the development of a new reactor in Idaho that could produce both electricity and hydrogen. We are not alone in this goal and in this kind of project. Japan is on the way. Japan is substantially ahead in terms of a timeframe for hydrogen engines in automobiles. Yet it is not something that will happen quickly. It is a few years away even for them, like 10, and, who knows, more than that for us. But we had better get started since we know we are hugely dependent upon oil from foreign countries.

Basic research for the Department of Energy: \$3.36 billion, which is \$50 million above the President and \$88 million above this year. We talk about research. We had a big debate last night about research at the National Institutes of Health, a huge debate. We are researching the human body and the ways we might give health where the bodies are sick and find solutions to illnesses that besiege us. We are spending a huge amount of money in that field. I think the figure was well over the \$25 billion mark.

The other agency that does research, but in physics and other sciences, is the Department of Energy. We do not treat it right; we only have \$3.36 billion. That is \$88 million more than last year for all of their research.

The bill provides \$48.5 million for the Denali Commission, \$58 million for the Appalachian Regional Commission, and \$7 million for the Delta Regional Authority, an increase of \$5 million over the President's request and \$1 million below the current year level.

The bill also provides a total budget of \$619 million for the Nuclear Regulatory Commission, the same as the budget request and an increase of \$41 million over the current year level.

Given the overall constraints, we worked hard but were unfortunately limited to accommodating only the highest priority requests of Members where possible. This is going to be a difficult year, but I look forward to the recommendations of other Members.

Finally, the Senate should be fully aware that the committee reported bill includes a provision regarding the Middle Rio Grande River in New Mexico. The provision does two things. First it prohibits the use of outer-basin water for endangered species purposes. Second, it establishes how the Endangered Species Act will be complied with for this river and the affected fish. This is a very important provision that has the bipartisan support in the New Mexico delegation and at the state level.

Before I yield to the floor and my Ranking Member for his statement, I would like to thank him and his excellent staff for all the effort he has put forth in getting this bill put together.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. I join with Senator DOMENICI in presenting this 2004 Energy and Water Development Appropriations Act. I am pleased with the bill Senator DOMENICI and I have produced. Our relationship extends all my time in the Senate on this committee. We have done this bill seven or eight cycles. We have worked together a long time and have worked well together.

This has proven to be a difficult bill this year given the very tight budget constraints within which we had to work. Effectively, Senator DOMENICI and I—I hate to use the word “effectively”—we have worked well together. We have \$367 million in new funding, which is hardly adequate to pay for the many needs in this bill.

We added the first \$300 million to the Corps of Engineers in the Bureau of Reclamation. I am pleased we added \$233 million above the budget for the Corps, but I note that we are \$212 million below what we enacted last year.

I realize with respect to staffs, they have done the best they could do with the limited resources. But we need to recognize that by underfunding the Corps of Engineers, we are seriously impacting how they accomplish the mission Congress laid out for them. Project schedules will continue to be lengthened, the maintenance backlog will grow, and solutions to water needs throughout the country will be delayed.

We must always remember, as many have said, wars in the future are not

going to be fought over land but over water. We have wars already taking place within the confines of our country dealing with water.

Senator DOMENICI and I believe over the long term we need to find additional resources for the Corps. The work they do for our Nation is too important to be underfunded in the manner they are underfunded.

Finally, \$67 million in funding above the President's request was added to regional commissions which were slashed in the President's budget request. While the funding for the Denali Commission, the Appalachian Regional Commission, and the Delta Regional Authority is far below what is required, we have been able to improve matters significantly. While we were able to restore current year funding to the Appalachian Regional Commission, I am disappointed we are unable to do more for the Delta Regional Authority. However, our funding constraints simply do not allow more funding to be restored at this point.

At some time there will be offered an emergency title fund for weather-related, nationwide problems, and that is what we have done while the bill is on the floor. I am prepared to muster every vote possible to support this critical emergency package. There was a debate yesterday that took place, but a very cursory glance would recognize this is much different from what was presented yesterday. We try to be fiscally prudent. We strive to be fiscally prudent. We were sent here to be responsive to the needs of the American people. Devastating floods, hurricanes, tornados, and fires have hit so many parts of the country this year, requiring a response from the Congress. I am glad we are going to do so. We will have bipartisan support for this emergency request.

As for fiscal year 2004 before the Senate, I reiterate, as either Senator DOMENICI or I do every year at this time, we have produced a bipartisan bill that addresses the needs of the Nation and accommodates many of the desires of our Members. We cannot give everyone everything they need. That is an understatement. We do the best we can. Our subcommittee has always been known as one of the most collegial on the Hill. Our staffs have performed this way this year in super fashion. I extend to Senator DOMENICI my appreciation for his leadership in helping produce this bill.

Additionally, I think it is useful to let everyone know there have been certain items deferred for consideration when we go to conference—that is, with one exception—the same items we defer each year until we know what our final resources will be. We cannot do that until we complete our conference. So there are no new construction starts or new environment infrastructure projects for the Corps or Bureau and no university or hospital marks within the DOE's Office of Science and no geographically specific renewable

energy earmarks. It is my expectation, as every year, that we will emerge with Members' projects in each of the accounts.

In my view, we will accomplish three very important objectives with this legislation. No. 1, we have been able to restore many of the ridiculous cuts made by the administration to the Corps and Bureau. This President, this administration, is not the only one that has made these ridiculous cuts, but that is not the way it is. For reasons I do not fully understand, every administration does such a terrible job of understanding the importance of the Corps of Engineers. Each year, we get a budget from a President that tremendously underfunds these programs.

It reminds me of when I was chairman of the Military Construction Subcommittee. Every year, we got a request from the President that did not do anything for the Guard and Reserve—nothing. I don't know what this country would have done if we had sent the bill back they gave us. Every year, the Congress bails out the administration on projects, programs relating to the National Guard and Reserve programs. That is what this reminds me of. I don't know what the country would do if we sent the administration back the bill they gave us. But as usual, we don't have the resources to do more.

We have a construction backlog with the Corps of Engineers and the Bureau of Reclamation of \$40 billion, but we have found enough resources to prevent the problem from becoming much worse. The chronic underfunding of the Corps of Engineers prevents it from establishing the critical flood control and navigation infrastructure of this Nation.

In the meantime, rather than me going into a lot of detail, suffice it to say that I believe this administration is doing the American taxpayer a tremendous disservice by sending woefully inadequate budget requests to Capitol Hill. In fact, I believe they are putting our economy at risk and putting people's lives at risk.

No. 2, in this bill we have fully funded the National Nuclear Security Administration, the organization charged with keeping our nuclear weapons stockpile safe, secure, and reliable, and with securing and safeguarding fissile material abroad, particularly in Russia.

At a time when our Nation has never been more concerned about homeland security, these programs are more critical than ever.

As I mentioned earlier, we are going to send an amendment to the desk at a subsequent time that will provide, on an emergency basis, \$125 million in Corps of Engineers funding to mitigate weather-related damages. Acts of God is the reason we are offering this emergency amendment. There may be a few who oppose an emergency designation on this portion of the bill, but this funding is absolutely critical to the

parts of our country that have been devastated by floods, hurricanes, tornadoes, and fires this year.

Senator DOMENICI did a fine job of describing the bill, so I will not take up everyone's time by repeating it. However, before we close here today, I want to take a moment to thank the staffs for all their hard work.

This bill has never had the resources needed to do what our Members would like us to do. However, the staffs have always done the very best they could with what we had.

Senator DOMENICI has always been well served by his now-former staff director, Clay Sell. Tammy Perrin and Erin McHale have also done a very good job for the majority staff.

Clay left the committee at the end of July to become a Special Assistant to President Bush for Economic Affairs. And I don't think it is appropriate to blame Clay for the just-announced deficits that we have. But I do say, on a serious note, he is a fine man, and the President is so fortunate to have someone of Clay's stature working for him.

As I have indicated, he has been great to work with. He has been a tremendous asset to Chairman DOMENICI. And my staff and I have nothing but fine things to say about him and the rest of Senator DOMENICI's staff.

I look forward to working with Senator DOMENICI's former Energy and Water staff director, Alex Flint, who is now the chief of staff in the Energy and Natural Resources Committee, of which Senator DOMENICI is the chairman. Alex Flint is therefore working here on this bill as the staff director of the Natural Resources Committee, but also helping maneuver this bill through the Congress. And he can do that because he has had previous experience being the staff director for Senator DOMENICI.

Alex Flint is a fine man. He is of the same caliber as Clay. Senator DOMENICI has been served extremely well by these two fine men.

On my staff, Madam President, I thank Roger Cockrell. It was very difficult to do, but Roger agreed to leave his lifetime job, really, with the Corps of Engineers and come to work for the Senate, the Appropriations Committee. What a wonderful asset he has been to our committee.

Senator BYRD was elated we were able to work this out so that he came here. There is nobody in the Congress that knows more about the Corps of Engineers projects than Roger Cockrell. So I publicly thank him for making this very dramatic change in his personal life, leaving the career that he has had. And I am sure they are disappointed, the people at the Corps, but we in the Senate are elated he has decided to join us on a permanent basis. He does a wonderful job of handling our water issues.

There are a handful of Senators who are interested in the NNSA and other DOE issues, but every Member has an interest in the Corps of Engineers and/

or Bureau of Reclamation projects. Those projects are the engine that drives this bill, and Roger does a wonderful job of working through literally thousands of requests.

I also thank Nancy Olkewicz, who returned to the subcommittee to handle renewable energy, nuclear energy, the Office of Science, and several other non-Defense Department of Energy accounts this year after having worked for the full committee for a number of years.

Senator BYRD has spoken highly of Nancy. And I am very happy that she has been willing to come here and work with me on this bill, and also for Senator DURBIN on the legislative branch bill.

Finally, I want to say a word about my staff director, Drew Willison. Drew is one of those people who came to the Senate as a fellow from a Government agency. This agency was the Environmental Protection Agency. He worked with me, and he worked in the areas that he was not familiar with, but it didn't matter; he was tremendous. The first year he came to work for me, we had a highway bill. I had been on the Environment and Public Works Committee since I came to the Senate, and he was the first person who was able to impart to me enough information that I fully understood what I was doing.

As a result of that, I recognized talent when I saw it, and I worked with him to get him to leave the Environmental Protection Agency. He has had a very busy time working with me. He has graduated from law school while working with me, going to night school, which is very hard. He went to my alma mater, George Washington School of Law.

In short, let me just say that Drew Willison is a valuable asset to not only me but to our country.

And let me say to Senator DOMENICI, I appreciate many things about Senator DOMENICI, but most of all his friendship. He is a proud Republican. I am a proud Democrat. But first of all, we are proud Americans.

He does a tremendous job of representing the State of New Mexico. I have been with him to New Mexico. I have been to New Mexico without him. He is a person who serves that State very well.

As I have indicated, I thank Senator DOMENICI very much for our many years of working on this committee. I heard Senator SPECTER talk about he and Senator HARKIN having a seamless transition when things change in the Senate, but so do we. Under the circumstances we have had this year, it has been extremely difficult. I am happy to work with him and lock arms and do what we can to push through this most important piece of legislation.

Every dollar we have in this bill is designated. We don't have set-asides in this bill. Senator DOMENICI and I and our staffs work together to try to come up with a fair bill. These dollar

amounts in this bill are not—no one dictates to us what we do. We have to decide what is best for the country. We are not always right, but we really try to do what is right for the country.

I also thank Chairman STEVENS and Senator BYRD, who is also the former Democratic leader, for their steadfast support for the work that DOMENICI and REID do. I have never had either one of these people come to me and say: How could you have done this? It is the wrong thing you have done for the committee. It is quite the opposite. They come to us and say: How can we help?

So they are great to work with, these two men. The President pro tempore of the Senate is Senator STEVENS, who is the successor of the President pro tempore when we were in control, Senator BYRD.

These two very wise men have very tough choices to make, but I have great respect for the work they do, which has only been amplified by the way they worked with us on this bill.

So I look forward to debate on this bill starting next week. Senator DOMENICI and I are disappointed we are not going to have votes on Monday. But, as some know, a terrible tragedy occurred in the Senate family. The son of Senator GORDON SMITH, a wonderful human being, was taken in death this past Wednesday night. So as a result of that, there will be no Senate votes on Monday. The Senate will be in session on Monday, but out of respect for Senator SMITH, there will be no votes.

Senator DOMENICI and I have asked, and we have received word that Senator FEINSTEIN will offer her amendment, which will be cosponsored by Senator KENNEDY. They can be here at 2:30. We will see if the leader can agree that we can have them debate this matter and set it up for a vote Tuesday, at the discretion of the majority leader. I look forward to the debate.

As Senator DOMENICI said, we hope people understand this bill is not a perfect bill. It is the best we have done. If somebody has a problem, their staff should get ahold of our staff. We feel we have bipartisan support, and we have pretty much accomplished what we have set forth in the bill. The matter Senator FEINSTEIN will debate is something that, as far as we know, is the only real contentious issue on the bill, and that relates to some of the nuclear money in this bill. Other than that, I think we should have a fairly easy time moving this most important bill through the Senate. We look forward to conference, which, again, will not be easy. We have our position and we will do our best to protect the position of the Senate in conference with the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank Senator REID for his kind remarks. I think he knows that for each and every comment he made, I have

nothing but reciprocal feelings toward him. I thank him for his hard work and for working with me to get this good bill.

There are two things in this bill that are always misunderstood, and administration after administration makes it difficult. One is the Corps of Engineers. It is kind of amazing, whenever we get in trouble and we want somebody to build something for us someplace overseas, the Corps of Engineers is asked to supervise it and manage it and hire the people and the contractors—whether it is in Saudi Arabia or Iraq. And then at home, every President cuts the Corps of Engineers and leaves us in a position where we cannot sustain those numbers. So we have a bill that gets more difficult all the time.

This year, the President didn't do as badly; nonetheless, the same sequence was followed. We are trying to fix it somewhat. It has put us in the position where we cannot quite do it. We will be talking with other people in the Senate about some very serious emergency matters, which are not covered here, that we might very much have the Senate consider putting in this bill.

Second, people don't know we run three giant nuclear laboratories. That means we have to keep the best scientists in the world and their families living in the area, especially Los Alamos, which is a city built only for nuclear. That means we have to modernize because scientists are living in modern times. They want to work in modern facilities, not 50-year-old buildings. We are in the process of modernizing the workplace in Los Alamos in particular. Some don't understand that that is a must. We have to spend money to do it. In addition, as part of maintaining a rigorous core of nuclear weapons, there are certain scientific activities these laboratories have to do, so they are always on the cutting edge in terms of keeping these the most safe weapons. That means they have to do research—the most cutting-edge kind. You cannot have scientists at Sandia Laboratory or Los Alamos researching in depth a new science called nanoscience in shacks or in 50-year-old buildings. We are in the process of rebuilding modern facilities for this kind of science. We are going to bring companies and individuals to work with these great scientists as this new field of nanoscience is developed.

The same is true with microengineering, which is another incredible field. We have to do that, too. They need to use some microengineering aspects in replacing parts of nuclear weapons, to keep them safe. So we have to have facilities. We are in the process of building facilities—the greatest in the world—to take microengineering and develop it.

Microengineering, to put it in a simple way, is a wafer we use now for computers. The wafer we are talking about in microengineering contains on it thousands of machines, or engines. These little machines can be formu-

lated to work, one with the other, on a wafer. When you see it with a magnifying glass, you say what in the world is next for humankind, and what are they going to do with these? Nobody knows yet, but it will be part of the next generation. Perhaps medical science will use them. Perhaps it will be injected into the human body and these little machines will go to work and do things in the body, or for the body, such as clean out parts around the heart by just eating them up. We don't know. But those are things that are in these laboratories. We get excited when we hear and see them.

So when we fund these buildings, we are funding something great for our country. People don't believe us and they think maybe we should not be doing some of it, but we have been generally prevailing. The Senate has been saying let's do it, let's keep on.

Madam President, we are finished for the evening. We have nothing else to do, and we have no indication that anybody else wants to do anything. From my standpoint, I am going to finish now.

#### MORNING BUSINESS

Mr. DOMENICI. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the quorum call be dispensed with.

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

#### TELLING US THE TRUTH

Mr. DAYTON. Mr. President, September 11, 2001, was a day of infamy that will rank down with the very worst, most cowardly and vile actions ever taken against this Nation or any other nation on this planet, a sneak attack, murdering thousands—innocent children, women, and men—with no provocation, no forewarning, with no justification or rational reason, just the demented ravings and rantings of a fanatic who has perverted the principal teachings of his professed faith, of its greatest prophet, Mohammad. He twisted Mohammad's words into support for wars, with himself to play God and decide who deserved mercy and who did not.

Innocent civilians died in the United States as a result of that fanaticism. His soldiers died on September 11. And he is off somewhere hiding in a cave.

Ten Minnesotans or Minnesota natives lost their lives in the attacks

that terrible day: Gordon Aamoth, Jr., whose parents are good friends of my parents, an investment banker with offices on the 104th floor of the World Trade Center; as did Ann Nelson, a bond trader. Others were killed at work at the Pentagon: Captain Charles Burlingame, III, was the pilot of the hijacked American airlines plane which struck the World Trade Center. Tom Burnet was a passenger on United Airlines Flight 93, and one who led the counterattack against the hijackers on that plane. Tom and the other American heroes could not save themselves, but they may have saved us, as that plane's target was reportedly this very Capitol in which I stand with you today—alive, all of us, thanks, possibly, to Tom Burnet and the other American heroes.

These were good, hard-working Minnesotans, good, hard-working American citizens, who had the terrible misfortune to be living their lives in the wrong places on that day, September 11, 2001. They have been forever taken away from their families and friends, from their lives. So to those families and friends I express my very deepest condolences.

I remember leaving the Russell Senate Office Building that morning, going over to a hotel just a couple of blocks away from the Capitol where I was residing at the time, and I was asked by the general manager if I wanted to go up on the roof of the hotel, which I did, about 10:30 in the morning. The sky was totally clear except for a dark plume of cloud coming up from the Pentagon. There was no air traffic in the sky, no planes going in and out of National Airport, no helicopters, as is usually the case, going across the river.

All was quiet there until suddenly this one F-16 fighter plane came streaking down The Mall, seemingly just a few hundred feet right over the top of the Capitol. I thought to myself, I just never imagined in my worst nightmares I would ever see a day where a U.S. fighter jet was flying over our Capitol to defend it from whatever foreign enemy was attacking us. I pray to God I will never, ever see it again—never again.

George W. Bush became our President that week. He hadn't been elected our President, not in the traditional way of a democracy, by getting the most votes in the election, but that week he became our President. He rose magnificently to the enormous challenges and burdens which a President of the United States must bear, and must often bear alone, for all the rest of us. President Bush did that and he did it well, very well. He gained the good will of our entire Nation, and our Nation gained the good will of almost the entire world.

What priceless silver linings there were for all of us who survived those dark, terrible, black clouds which engulfed us on that terrible day. What opportunities those 10 Minnesotans and

their fellow citizens gave to their country, at the terrible cost of their own lives. We gained the support, the good will, and the alliance of practically the entire world.

The President said, just 4 months later in his State of the Union Address to Congress and the American people, on January 29, 2002:

As we gather tonight, our Nation is at war, our economy is in recession, and the civilized world faces unprecedented dangers. Yet the State of our Union has never been stronger.

I recall all of us rising up in the House Chamber where we were witnessing that speech, and being stirred—shivers down my spine—by those words: “Yet the state of our Union has never been stronger.”

Today, 2 years later, the U.S. Government, the same Bush administration, does not have the support nor the trust nor the respect of the nations of the world—not their governments and not the majority of their citizens. That is not surprising. For most of the past year, the administration has scorned most of the rest of the world. It has denounced the United Nations, derided allies of ours who disagreed with us, has berated others in order to try to compel their support. And it has proclaimed repeatedly the right of the United States, and the intention of the Bush administration, to take whatever military action it deems necessary—whenever, against whomever, who threatened or might at some time in the future threaten our national security.

No one in this country who cares about this country could question our right to protect our Nation's or our citizens' safety, not before September 11, 2001, and not after September 11, 2001. No one in the world who wishes us well would question our doing so. In fact, the vast majority of the world's governments and people supported our war against the Taliban in Afghanistan, and against al-Qaida, and our stated intention to attack terrorists and terrorist organizations and their bases of operation wherever they were throughout the world.

But instead, the administration chose to go to war against Iraq. That action most of the rest of the world did not support. Other governments and the United Nations were skeptical about the Bush administration's claim that Saddam Hussein had weapons of mass destruction which U.N. inspectors could not find last fall and this year. They didn't believe they constituted an imminent threat to our National Security.

The Chief U.N. Weapons Inspector, Hans Blix, called the evidence the U.S. gave him about Iran's weapons of mass destruction “pretty pathetic.” The rest of the world was skeptical, and the rest of the world would be proven right to be skeptical. There were no weapons of mass destruction used, thank God, against U.S. troops when they invaded Iraq. No weapons of mass destruction were found unused on battlefields or

command posts or stored in caches anywhere in that country. Not even biological, chemical, or nuclear materials that could have been used to make those weapons have been found. Not even top level Iraqi scientists or former government officials, some of whom have been incarcerated for months now, denied any legal representation, denied chances to visit with their families—in some cases the families don't even know where they are or even if they are alive—not even interrogations under those conditions have produced information leading to weapons of mass destruction or supplies of weapons of mass destruction materials of the kinds and in the amounts that were claimed by the President and Vice President and Secretary of Defense and the National Security Adviser.

The rest of the world didn't believe our fears, but the American people did. The American people trusted our leaders. They believed them. They supported their decisions. They sent their sons and daughters, their husbands and wives, their friends and neighbors half-way around the world to fight for, and some to die for, that stated threat, that urgent threat that was asserted again and again by our leaders.

On August 26, 2002, Vice President CHENEY said in a speech:

There is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us.

One month later, on September 26, 2002, President Bush stated after meeting with Members of Congress:

All of us are united in our determination to confront an urgent threat to America. The danger to our country is grave. The danger to our country is growing. The Iraqi regime possesses biological and chemical weapons. The Iraqi regime could launch a biological or chemical attack in as little as minutes after the order were given.

Ten days later, just before Congress voted on his desire for a resolution, the President added that “Iraq is exploring ways of using UVAs—unmanned aerial vehicles—for missions targeting the United States”.

Later, the administration officials admitted those vehicles had a maximum range of only about 300 miles and couldn't have been used against the United States.

During the same speech, the President asserted Saddam Hussein could have “a nuclear weapon in less than a year”.

Supposedly the evidence cited and leaked to the press before that speech was that Saddam Hussein was secretly buying aluminum tubes for use in producing nuclear fissile materials. But when our own Department of Energy concluded they were the wrong tubes to use for such a purpose, the State Department's intelligence bureau concluded and pointed out they weren't even secret buys and that the purchase orders were posted on the Internet. The question was not made known to Congress nor made known to the American people.

In two reports to the Secretary of State, the State Department's Bureau of Intelligence and Research concluded there was no reliable evidence that Iraq had restarted its nuclear program at all.

That was, in fact, what Saddam Hussein's own son-in-law had told the United States and United Nations officials when he defected in 1995.

As the Washington Post reported on August 10 of this year, a year previously—on August 7, 2002—the Vice President volunteered in a question-and-answer session at the Commonwealth Club in San Francisco, speaking of Hussein, that “left to his own devices, it's the judgment of many of us that in the not-too-distant future, he will acquire nuclear weapons.”

On August 26, the Vice President described Hussein as a “sworn enemy of our country” who constituted a “mortal threat” to the United States. He foresaw a time in which Hussein could “subject the United States or any other nation to nuclear blackmail.”

Continuing to quote:

We now know that Saddam has resumed his efforts to acquire nuclear weapons. Among other sources, we've gotten this from firsthand testimony from defectors, including Saddam's own son-in-law.

But as the Washington Post goes on to say, the son-in-law's testimony was the reverse of the Vice President's description; the opposite of what the American people, were told and what Congress was told. But those contradictions were never disclosed to the American people nor to Congress. In fact, the President and the Vice President continued to insist right up until the invasion that Saddam Hussein had a nuclear threat that was an imminent and urgent danger to the United States.

The Vice President said on a network show on March 16 of 2003 that “We believe he—Saddam Hussein—has in fact reconstituted nuclear weapons.”

The President, in his address to the Nation on March 17, 2003, cited intelligence gathered by this and other governments leaves “no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.”

If the Vice President of the United States asserts there is no doubt, and if the President of the United States asserts there is no doubt, then what is there to doubt? If you can't trust your own President and Vice President to tell you the truth about matters of life and death, such as nuclear threats, wars, and the future of this Nation, then what can you trust?

Another thing the American public believes is that Saddam Hussein is directly linked to al-Qaida and to the terrible events of September 11, 2001. According to the national surveys, over two-thirds of the American public believes that. Why? Because that assertion has been made repeatedly by this administration.

In fact, in the President's speech to the Nation last Sunday, he mentions

the word "terrorists" or "terrorist organizations" 27 times—27 times. He cited the weapons of mass destruction once, in a rhetorical reference.

The fundamental basis on which we went into Iraq as proclaimed before the war began was only cited one time in that entire address to the Nation. But "terrorism," or the connection of terrorists to Iraq, al-Qaida, and the West dominated the President's remarks, and his continued assertions to the American people of what the real situation is in that country for which Americans are still giving their blood, bodies, and lives.

On the other hand, as reported in the Washington Post recently, key administration figures have largely abandoned any claim that Iraq was involved in the 2001 attacks. "I am not now sure that Iraq had something to do with it," Deputy Defense Secretary Paul Wolfowitz said on August 1.

The CIA's report—the administration's main source of information about these connections or lack of them—to the President and the administration, as reported in the New York Times on February 2 of 2002, found "no evidence that Iraq has engaged in terrorist operations against the United States in nearly a decade, and the agency is convinced that Saddam Hussein has not provided chemical or biological weapons to al-Qaida or related terrorist groups."

Maybe former Marine General Anthony Zinni, who has been on missions representing the administration and the President in the Middle East, has the best analysis of this changing rationale for our actions. He said:

Initially, there was at least an implication that Iraq was linked to terrorism. When that link couldn't be made, it was possession of weapons of mass destruction. When that link couldn't be made, it was lack of cooperation. Right now it is about "we will not let you talk to our scientists," and it is the reason we will go to war. We know what the Iraqis have, and we can't tell you. I just think it is too confusing.

What is not confusing is the casualties mount. The number of Americans being wounded or killed in action in Iraq last month exceeded the previous month by over a third. Director Tenet told us this week that they are averaging 15 attacks a day on United States forces after the victory we won so courageously and magnificently in 3 weeks over 4 months ago. But we in the Senate owe the American people and those soldiers over there our continued search for and insistence that the truth be told to us and to the American people about the circumstances that got us into this war, the circumstances that exist in this war, and how we are going to get out of this war preserving the victory which was won but also bringing our men and women home. They have performed and continue to perform with patriotism that goes beyond anything I can imagine. But they want to come home. Their families want them home. They deserve to come home.

In his Gettysburg address, recognizing and paying tribute to other American heroes who lost their lives, President Lincoln concluded that "we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

A government of the people, by the people, and for the people is a government that tells the truth to its citizens. If it doesn't, it is not a government of them, not by them, and certainly not for them. It is imperative.

Today, in commemoration of those who did not die in vain 2 years ago, there should be once again a rebirth of our freedom and our assertion to this Government or any Government of the United States of America to tell us the truth.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1611 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

#### GASOLINE

Mr. WYDEN. Mr. President, I take a few minutes tonight to talk about the issue of gasoline prices. I serve on the House-Senate conference committee which is now negotiating over how to pass a good and hopefully bipartisan Energy bill. I will talk about an issue that is clobbering consumers all across this country. It has been devastating across the West—in Oregon, in Washington, Idaho, and California. The fact is, this is true all over America.

In Los Angeles, the average price for regular unleaded gas is \$2.10 a gallon. In New York City, the average price is \$1.95 for a gallon of gas. In Phoenix, it is \$2. At present, gasoline costs 30 cents more than it did at this very time last year, and 15 cents of that increase has happened in the last few months. In my home State, Oregon drivers are paying a whopping 56 cents more per gallon than they paid for the same gas in September of last year.

I don't think anyone is confused about the implications of these skyrocketing increases. When Americans have to spend this additional money on gasoline, they do not have money for other essentials at a time when millions of our families are hurting. They cannot buy those back-to-school clothes and groceries and consumer items when they are paying an extra 50 cents for gas all across the West and in numerous communities across the country.

It seems to me with so many people hurting, with so many folks out of work, the efforts of the conferees with

respect to protecting the American people from escalating gasoline prices seems to be especially important.

Artificially inflated gasoline prices shellac our families three ways: It takes dollars from their pocketbooks; it slows job creation; and it often raises the prices of the goods families need to buy due to increased transportation costs.

When I was home this summer and I held town meetings across Oregon, from Elgin in the rural part of our State to the metropolitan areas of Portland, I heard again and again: What steps is the Congress going to take to promote competition, use free-market principles to help put in place policies that will promote competition in the gasoline markets and provide relief for our consumers?

These gasoline price spikes and the escalating cost of gas cannot be explained just by the market. Steps ought to be taken to put in place real procompetitive market-oriented policies to provide relief for our consumers.

The Secretary of Energy said recently that he is conducting what amounts to an informal investigation into this issue. But we have examined the law and the Department of Energy does not have any power to do anything about gasoline prices. The Federal Trade Commission, which we thought could play the role of being on the side of the consumer, says they can only prosecute if they find out-and-out, blatant collusion, setting out a standard that is virtually impossible to prove in the real world. Moreover, the Federal Trade Commission does not seem to think that tightly documented cases of anticompetitive practices such as redlining and zone pricing is a particularly big deal.

I come to the Senate tonight because the American people deserve better and the American people have a right to insist in this House-Senate energy conference going forward now, that steps are taken to actually put in place new policies to put the Government on the side of marketplace-oriented procompetitive policies that will provide relief for the American consumer who fills the tank at pumps across the country and is just getting shellacked right now when they try to afford those bills.

Even the oil companies admit that the market is not going to solve the problem by itself. Last month, a report by the Rand Corporation revealed that even industry officials are predicting a great deal of price volatility in the future. If you look at what the industry is saying—and that is the assessment of people within the energy industry, not critics—even people within the energy industry are saying, for all practical purposes, consumers can expect more frequent and larger price spikes in the next few years.

I am proposing, and I have shared it with members of the conference, both Democrats and Republicans, and I intend to do so in the days ahead, a proposal so the energy conference does not

wrap up without a concrete package of procompetitive initiatives to help consumers at the Nation's gas pumps.

It seems to me the focus of such a procompetitive package should be for the energy conferees to direct Government regulators to act to eliminate anticompetitive practices that right now are siphoning the competition out of our gasoline markets.

Specifically, what we have found is that in my home State, and at least 27 other States, there are essentially oligopolies, mini kinds of monopolies, where just a handful of companies—maybe three or so, maybe four, but a tiny number of companies—are controlling more than 60 percent of the gasoline supply.

That is the case in my home State. It is all over the West, where four of the top six States for high gas prices are located. So, in effect, what you have is more than half of our States very highly concentrated as gasoline markets, where, in effect, you have seen the competitive juices drained out of the gasoline business. It is those competitive juices that I want to restore.

What happens in these tightly concentrated markets—there have been numerous studies to this effect—is that you end up losing a lot of the big sources of competition and price restraint. I am talking specifically about the independent wholesalers and dealers, and we are losing them from these concentrated markets.

One way that has taken a huge toll on the consumer is that these markets often get redlined. In effect, when a market is redlined, you have the independent distributor restricted in terms of where they can sell their gas. As a result, the independent stations have to buy their gasoline directly from those large companies, usually at a higher price than the company's own brandname stations pay. With these higher costs, the independent stations cannot compete.

In my home State, we have lost hundreds of gasoline stations in the last few years. We know many of them are the independent stations that are the biggest source of competition that is so beneficial to the consumer.

So it seems to me, at a minimum, the Federal Trade Commission should act to promote competition in these areas, these 27 States, for example, that have these quasi-monopolies. I believe these highly concentrated markets ought to be designated "consumer watch zones," where there would be greater monitoring by the Federal Trade Commission, and where the Federal Trade Commission would be empowered to issue cease and desist orders to prevent companies from gouging consumers.

I also think that in these particular areas, where you have quasi-monopolies, the Congress ought to stipulate that redlining and zone pricing are anticompetitive practices by their very nature, and that companies that engage in redlining and zone pricing in these tightly concentrated markets

should have to carry the burden of proof that what they are doing in those concentrated markets doesn't hurt the consumer.

In the past—and, as I say, I have shared these proposals with Senators of both parties; I have offered ideas to promote competition in the gasoline industry—there have been some who have said, and vociferously, that these kinds of proposals are unacceptable; somehow they would create disincentives to production—this sort of thing.

Well, I see absolutely nothing here that creates a disincentive to production. What I want to do is promote competition and freer markets for consumers at the gas pump.

What I would say to those in the Congress who disagree with the procompetitive proposals I am making today is that I want to issue you a challenge. To those who think the approach I am offering up today is unwise, I would say: Bring your own proposal, give your own proposal to the conferees on the House-Senate committee that is meeting now with your ideas on how to promote competition in the gasoline market.

I want people to know I have offered a proposal to colleagues to both parties in the conference, but I would like to hear from others who have ideas if they happen to agree that my approach is not the way to go—unless someone is prepared to say there is no problem for the consumer. I defy somebody to say that to people I am hearing from in the West and all over the country, who are paying \$2 a gallon for gas.

Unless you are prepared to tell those people there is no problem out there, I believe those who disagree with the proposals I am discussing today to promote competition ought to come forward and put their own ideas on the table.

There are a couple of other points I want to make with respect to this proposal to promote competition in gasoline markets.

I see my good friend from Virginia here, who wants to address the Senate. I will just wrap up with a couple of additional points.

I also believe, Mr. President, and colleagues, that as part of the energy conference, the Congress needs to address the growing gap between consumer demand for gasoline and what the oil companies can produce. When supplies are tight, and there is no spare gasoline in inventories, consumers are especially vulnerable to supply shortages and price spikes when refineries shut down unexpectedly or a pipeline breaks, as happened this summer.

Congress ought to take steps to ensure that the consumer is not left stalled by the side of the road or fuming at the pump, by taking steps to keep supplies available in emergencies. It seems to me that here, at a very minimum, steps ought to be taken to ensure there are inventories on hand to address unexpected supply crunches. That has been done in other areas. Cer-

tainly we have a Strategic Petroleum Reserve for petroleum and heating oil supplies. I think, given the shellacking consumers are taking with respect to gasoline prices, steps ought to be taken by the Congress conferees to ensure that adequate inventories are on hand to address unexpected supply crunches and the hikes that so often accompany them.

Finally, I hope, as the conferees move to complete their business, they look at what is on the record today with respect to anticompetitive practices in our gasoline markets. These are practices that have driven prices up and have driven consumers crazy at the pump. The evidence is very real.

The fact is, the investigation, as the Department of Energy describes it, is toothless. They do not have the authority under current law to stand up for the consumer at the pump. The Federal Trade Commission, for reasons that are beyond my comprehension, refuses to deal with the documented cases of redlining and zone pricing and anticompetitive practices.

So I have come to the floor today, Mr. President, and colleagues, to outline specific steps, specific actions that could be taken on a bipartisan basis by the energy conferees to provide real and concrete relief to energy consumers at the pump.

In this conference, the Congress has the opportunity to say that when our consumers are facing, as I described, price hikes of 50 cents—50 cents—for gas, the Government is going to be on their side with policies that promote competition in gasoline markets, in particularly those 27 States which are, in effect, mini monopolies, where there are just a handful of choices for consumers and prices go up as a result.

I call on the Congress to take up this cause in this House-Senate energy conference. This is a chance to go to bat for consumers on the issue that is frustrating our consumers and our small businesses every single day. They are looking for the Congress to step up and act to provide some real relief. The people of this country are asking for that kind of advocacy. I believe it is time for the Congress to provide that kind of approach.

With that, I yield the floor.

#### OATH OF ALLEGIANCE

Mr. ALEXANDER. Mr. President, earlier today, I talked about remembering September 11 and the terrible events that happened that day, but it also brought us together as we remembered what it means to be an American.

This afternoon, I wish to address an important statement on what it means to be a citizen of the United States. I mean specifically the oath of allegiance which all new citizens swear in court when they are naturalized.

I rise this afternoon to announce that I will shortly introduce legislation to make the current oath of allegiance

the law of the land. Doing so will give the oath of allegiance the same status enjoyed by other key symbols and statements of being American. The American Flag, the Pledge of Allegiance, the National Anthem, and our national motto—all these symbols and statements have been specifically approved by Congress and are now a matter of law.

The oath of allegiance, which is currently a matter of mere Federal regulation, ought to be treated with the same dignity. I do this today because it has come to my attention that the Bureau of Citizenship and Immigration Services, or BCIS, an agency of the Department of Homeland Security, may be planning to change the oath of allegiance that immigrants take to become citizens of this Nation.

According to National Review Online:

The Federal Government is about to change the Oath of Allegiance that immigrants take at citizenship ceremonies.

The article goes on to say BCIS intends to announce the change, perhaps make it effective immediately, perhaps on September 17, Citizenship Day, or next week, during Constitution Week, which is the anniversary of the signing of the Constitution. I do not know whether that will happen or whether it will not happen, but I have read the new oath that, according to National Review Online, BCIS intends to make public next week.

I prefer the oath we already have. The oath of allegiance is a fundamental statement on the commitment of becoming a U.S. citizen. It should not be altered by a Government agency, no matter how well intentioned. Any change should be subject to the approval of this body. It ought to be enshrined in law.

In the first 5 months of this fiscal year, nearly 170,000 new Americans took the oath of allegiance and were naturalized as citizens of this country. The oath assumed its present form in the 1950s and was first adopted in Federal regulation in 1929, but some of the language dates all the way back to 1790.

Let me describe how this oath is used in practice. Imagine that we are in a Federal courthouse, such as the one I was in in Nashville. It was October 2001. It was Naturalization Day. This happens at virtually every Federal courthouse virtually every month. The room is filled with anxious persons talking among themselves in halting English. They are obviously with their families and their closest friends. They are neatly dressed. Most faces are radiant.

That day there were 77 persons from 22 countries who had passed their exams, learned English, passed a test about American Government, survived a character investigation, paid their taxes, and waited in line for 5 years to be a citizen of the United States of America.

The bailiff shouts: "God save this honorable court." On that day, the

judge, her Honor Aleta Trauger, walked in. She asked each of the applicants to stand, to raise each one's right hand and repeat the following oath, which I am going to state. I hope those listening will listen carefully because this oath makes an impression:

I—  
And then you state your name—  
hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States, when required by law; that I will perform noncombatant service in the Armed Forces of the United States when required by law; that I will perform work of national importance under civilian direction when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion, so help me God.

Now, that is quite an oath. It has strength. It has clarity. It sounds as if it might have been written by a couple of rowdy patriots in Philadelphia or Williamsburg. Yet, surprisingly, Congress has never voted on the content of this oath of allegiance. We have left it to regulators.

That is not how we treat other symbols of our Nation or other statements on what it means to be an American. For example, the American flag with its 50 stars—one for each State, 13 stripes for the original colonies—cannot be altered by Federal regulation. The only way a star gets added is when Congress acts to admit a new State, and we have never changed the 13 stripes since the flag was first adopted in 1777.

The Pledge of Allegiance, which we repeat each morning in the Senate, cannot be altered by Federal regulation. The pledge is a statement of some of the values of the American creed: "One nation under God, indivisible, with liberty and justice for all."

What if a Federal agency decided we should take out the word "justice," and just say "with liberty for all"? It cannot happen because the pledge can only be altered by an act of Congress, as it was in 1954 when the phrase "under God" was added.

The national motto, "In God We Trust," which appears on all of our coins and dollar bills, cannot be altered by Federal regulation. It is a fundamental statement of the religious character of the American people, even though we do not permit and do not want the establishment of a state religion.

The Treasury Department cannot decide to leave "In God We Trust" off the next dollar bill it prints because the motto was adopted by Congress, at first in 1864 to be printed on the 2-cent piece, and later as the official national motto in 1956.

The national anthem, "The Star-Spangled Banner," cannot be changed

by Federal regulation. It, too, is a statement of our values, declaring our country to be "the land of the free and the home of the brave."

What if a Government agency decided it preferred "America the Beautiful" or "The Battle Hymn of the Republic" or the song we sang on the steps of the Capitol this morning, "God Bless America," all of which are great songs? It cannot be done. The agency would have to ask Congress to act. Why? Because "The Star-Spangled Banner" was named our national anthem by law in 1931.

Likewise, the oath of allegiance should not be altered lightly by a Government agency without public comment and without approval from Congress.

Of the five symbols and statements I have described, the flag, the anthem, the pledge, the motto, and the oath of allegiance, only the oath of allegiance is legally binding on those who take it. New citizens must take it and they must sign it.

Just to be clear, I have no objection to others proposing modifications to the oath of allegiance that we use today. I happen to like the present oath. It has strength. It has clarity. I have seen in the eyes of new Americans how much it means to them. Perhaps ways can be found to make it even stronger. Still, let us make sure any changes have the support of a people as represented by Congress.

The oath of allegiance is a statement of the commitments required of new citizens. Current citizens, through their elected representatives, ought to have a say in what those commitments are. That is a lesson in democracy. A legally binding statement on an American citizen ought to reflect American values, including democracy.

So as we remember the sobering events of September 11, we are also reminded of how our country came together as one nation in response to those events. Today, more than at any time in a generation, we understand and value what it means to be an American. We ought to protect in law the great statements of our citizenship, such as the oath of allegiance. If it should ever be revised, it should be done in an open and democratic manner. The people should have a chance to make their views known. Congress should vote. That is the American way.

#### RYAN WHITE CARE ACT

Mr. FRIST. Mr. President, I would like to make some comments regarding the Ryan White CARE Act and the Labor-HHS appropriations bill that we passed yesterday.

Twenty two years ago, the Centers for Disease Control published a case study that involved five patients infected with a mysterious virus. At the time, I was a third-year surgical resident at the Massachusetts General Hospital in Boston. I remember, vaguely, those first cases and the worrying

questions. What was it? How was it transmitted? Could it travel by air? Should we be afraid?

As reports of the illness grew, so did the public anxiety. Never before had we seen a virus with such power to destroy—to destroy cells, cellular function, to destroy lives, families, and entire communities.

During my surgical residency, we began to treat blood in the operation room as potentially toxic, potentially deadly. We began wearing double gloves, masks in the operating room. And we took these precautions to protect ourselves, not our patients. The emergence of HIV/AIDS changed the practice of medicine, public health, and it changed the public consciousness.

Fast forward to 2003. The Centers for Disease Control and Prevention estimate that between 850,000 and 950,000 Americans are infected with HIV/AIDS. One quarter of them do not know they have it and for the first time in many years we are seeing an increase in rate of HIV infection.

CDC experts estimate that, since the virus was first identified, 500,000 Americans have died from AIDS-related illnesses.

The number of new infections among adolescents is rising, and rising disproportionately among minorities. AIDS is the leading cause of death among African Americans 25-44 years of age. It is the second leading cause of death among Latinos of the same age group. In Shelby County in my home State, African Americans comprise 45 percent of the population, but make up 75 to 85 percent of county residents infected with the virus.

Over the course of more than 20 years of treating patients, I have seen first hand the deadly results of HIV infection. I have also seen the devastation it wreaks across entire communities: mothers who unknowingly transmit the virus to their newborns; children who suffer the double curse of being HIV positive and orphaned by parents taken by the disease.

Fortunately, since those early days, researchers have discovered methods to double the life expectancy of people with HIV/AIDS. They have developed new and powerful drugs for the treatment of HIV infection, and researchers continue making advances in the treatment and prevention of AIDS-related opportunistic infections. We may not yet have a cure, but we are working around the clock to find one.

Key to this effort has been the Ryan White CARE Act first passed in 1990. The Ryan White CARE Act forms a unique partnership between Federal, local and State governments; nonprofit community organizations, health care and supportive service providers. For the last decade, this legislation has successfully provided crucial support services for low-income, uninsured and underinsured people with HIV/AIDS.

In particular, through the AIDS Drug Assistance Program, the CARE Act has helped patients gain access to life saving drugs.

In 2000, more than 125,000 people living with HIV and AIDS received drug therapy because of this provision. Without the CARE Act, none of these individuals would have had the necessary resources to get the drugs they need which can total a whopping \$12,000 per year.

And when we say the CARE Act, we must pay proper tribute to the American taxpayer who is making this compassionate intervention possible.

Paradoxically, because of our success in decreasing AIDS mortality, however, the total number of individuals living with HIV disease continues to climb; and more individuals are becoming dependent on these programs. But success should not breed failure.

Congress has demonstrated its commitment to ensuring the availability of funds to meet this need by increasing funding for Ryan White programs from \$656 million when I entered the Senate in 1995 to more than \$1.9 billion last year. The bill passed yesterday provides more than \$2 billion for these programs, an increase of almost \$24 million.

I know many are concerned that, because of State funding shortfalls, some States have begun to restrict their AIDS drug assistance programs. This year, Congress has provided more than \$20 billion in fiscal relief to the states. It is my hope that some of those funds will be used to improve and maintain access for HIV patients.

I thank the chairman for the hard work he has put into crafting the Labor-HHS bill that is currently before us. In 1996, I had the pleasure of working with Senator Kassebaum to reauthorize the Ryan White CARE Act and put in place a number of essential improvements. Again in 2000, when the law was up for reauthorization, I worked with Senator KENNEDY and Senator JEFFORDS, among others, to put in place another round of critical improvements.

I know that Chairman SPECTER faces many challenges in developing this important legislation every year, and I commend him for his leadership.

He did an excellent job in securing Senate passage of this bill under certain constraints. It is my hope that we will be able to address this issue further in conference, in next year's budget cycle, and through the upcoming reauthorization of these vital programs.

I close with a report from my home State of Tennessee. This morning a gentleman named Albert Jones came to visit my office. Mr. Jones is the executive director of New Directions, Incorporated, an organization based in Memphis which serves people infected with HIV/AIDS.

He and representatives from the National Minority AIDS Council came to describe what they encounter down in Shelby County and what they think we need to do to fight the epidemic.

What Mr. Jones hears most from HIV/AIDS patients is that they need better access to health care services.

Getting to and from treatment is often the biggest obstacle. He also urges us to support early treatment for HIV/AIDS, so that HIV becomes a chronic rather than fatal disease.

Mr. Jones had a colleague who recently died of AIDS. He tells me that his colleague was so engrossed in his work, so dedicated to the cause, that he worked right up until the day he went to the hospital the very last time.

By passing the Ryan White CARE Act yesterday, may we honor this man's strength and commitment by continuing the fight against HIV/AIDS here and around the world.

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#### CONGRATULATING MARY THOMPSON

Mr. DASCHLE. Mr. President, today I offer my best regards and sincere congratulations to Mary Thompson as she is being honored as the First Lady of Aberdeen, SD. As you know, Aberdeen is my hometown. Since 1948, we've had the tradition of naming a First Lady of the town. The First Ladies of Aberdeen, sponsored by Beta Sigma Phi, are selected for their outstanding service to the community in many areas including culture, religion, education, arts and politics. Mary has been very active in each and every one of these areas.

Mary has served the Plymouth Congregational Church as secretary-treasurer, as leader of Puritan Circle, and she has held various officer posts with Women's Fellowship and numerous other committees. As a proud born Norwegian, Mary has actively participated in Sons of Norway for many years. She and her husband, Robert, have opened their home and welcomed visitors from across the country and the world. Mary is also an Avera St. Luke's Hospital Auxiliary member; for several years, she has worked in the gift shop and on special projects. Now retired, Mary records movies and television specials and takes them to the sick, lonely and shut-ins.

I have had the pleasure of knowing Mary since I was a small child, and I consider her a dear friend and gracious lady. Mary and my mother, Betty, have been friends for many years, and both love playing bridge. For nearly 50 years, Mary has played bridge with the Northern State University Faculty Bridge Club. She attended college at NSU, earning an elementary education degree. There, she met and married the love of her life, Robert Thompson. They celebrated their 60th wedding anniversary May 29, 2003.

On May 3, 2003, Mary was named Aberdeen's 55th First Lady. This Sunday, September 14, she will be celebrated at a special reception at the Plymouth Congregational Church in Aberdeen. I know of no one more deserving of this very special honor.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2004

Mr. MCCAIN. Mr. President, I want to thank both Senator SPECTER and Senator HARKIN for their hard work on this important legislation which provides Federal Funding for the Departments of Labor, DOL, Health and Human Services, HHS, and Education, and related agencies. It funds programs that are among the most critical to the health and well-being of our Nation. With our military forces deployed abroad and a struggling domestic economy here at home, providing for and protecting our Nation has never been more challenging or more important.

The funding provided by this bill for domestic health programs is critical for our country, States and local governments. Given the poor state of our national economy and the rising number of unemployed and uninsured Americans, as well as the budget crises facing most State governments, resources provided by this legislation will help meet the substantial health care needs of our Nation's vulnerable populations.

I am pleased that this legislation provides increased funding for a number of programs that are particularly important in light of the many threats facing our Nation today. This bill increases funding for the Centers for Disease Control and Prevention, CDC, which plays a vital role in protecting our nation from bioterror attacks and ensuring adequate preparedness for health emergencies. With the recent threat of foreign born illnesses such as SARS and Monkey Pox, increased funding for the Infectious Disease Initiative is especially important and will ensure quick response to public health threats.

Additionally, this bill increases funding for National Institutes of Health, NIH, by \$1 billion over the last fiscal year. That increase will enable the continuation and expansion of research into treatments and cures for chronic diseases such as cancer and diabetes, new infectious diseases that threaten our Nation's safety, and diseases that disproportionately affect older Americans, such as Alzheimer's. I have strongly supported doubling the amount of the NIH budget, and I am pleased that its funding continues to increase.

In addition to funding key public health programs, this bill provides funding to help States and local communities educate our children. I applaud the fact that funding for education for individuals with disabilities and programs to improve educational opportunities for economically disadvantaged students have been increased in this bill. I also am pleased that this legislation increases funding for Head Start to ensure that low-income children are physically and mentally prepared to begin school.

These and the many other important programs funded throughout this legis-

lation will help many Americans. However, I am disappointed to find that the report accompanying this bill is laden with directives and suggestive language that predetermines which programs may receive funding. This language eliminates the ability of the agencies funded by this bill to determine, by a fair and competitive process, which programs to fund. This is yet another example of the micro-management of federal agencies at the hands of the appropriators.

I would like to note that both the bill and the report contain only a handful of earmarks, and I commend the Appropriations Committee for its restraint. I encourage the members of the Committee to resist the temptation to weigh down this important bill with locally specific parochial projects when the bill is negotiated with the House of Representatives during conference. Unfortunately, however, the list of directive and suggestive language included in the actual bill language and the accompanying report are extensive, and I will not burden the chamber by listing each one individually. Instead, I highlight a few examples:

In the report language, for the Department of Labor, the Committee "recommends" \$7 million for the Denali Commission for job training in rural Alaska. The funding is intended to train rural Alaskans for high-paying jobs in their villages. Any doubt as to whether the appropriators wanted this funding to occur is dispelled by the fact that the bill language authorizes "such sums as may be necessary" to the Denali Commission to conduct this Alaskan job training. Although this specific authority and funding was unrequested by the Administration, the appropriators apparently think they know better. They not only provide the appropriation, but they also want to do the work of the authorizing committee as well. How fortunate it is that this activity in the State of Alaska has such ardent supporters in the members of the Appropriations Committee and has received special treatment at the expense of other states.

Furthermore, the report language expresses the Committee's concern about the Department of Labor's reorganization proposal, which would close the Occupational Safety and Health Administration, OSHA, offices in Bangor and Portland, Maine, and would consolidate the activities of those offices in Augusta, Maine. Instead of allowing DOL to do their job and streamline the operations of OSHA, the Committee in its report, "expects" the Department of Labor to maintain the existing organizational structure with offices in Bangor and in Portland, including providing adequate office space for the current Bangor OSHA staff. Again, the appropriators are catering to a local-specific interest in Maine at the expense of the national interest in having a more efficient government agency.

Furthermore, this legislation includes legislative and report language that creates a new National Cord Blood

Stem Cell Bank Program, through the Health Resources and Services Administration, and appropriates \$10 million for the new program. This program may further important life-saving research; however, this is a new legislative initiative, not authorized by the committee of jurisdiction, and not requested by the Administration, but created and funded entirely by the appropriators.

Similarly, the report language accompanying the bill includes directive and suggestive language for the Department of Health and Human Services to initiate a number of new programs, all of which may be worthy of consideration; however, none have been requested or authorized. These programs range from the creation of a Diamond Blackfan Anemia Clinical Care Center to \$500,000 allocated for the CDC to create a registry and database of children nationwide with craniofacial malformation. Although these new programs will undoubtedly benefit many children and individuals, they are further examples of new programs created the appropriators, by circumventing the authorizing committee of jurisdiction.

Also included in the report is language directing HHS and the Department of Education to complete over 20 reports, all at the specific request of the Appropriations Committee. These reports concern important programs within the Departments, but producing them will require substantial manpower and time, diverting scarce and valuable resources to projects dictated by the Appropriations Committee.

With this sluggish economy expected to push this year's budget deficit past a whopping \$450 billion and numerous threats facing our nation, funds must be expended on programs that will provide the maximum benefit for all Americans. It cannot be spent on unauthorized and unrequested projects and reports demanded by members of the Appropriations Committee. This is simply wrong and does a disservice to all Americans.

DEATH OF ANNA LINDH, FOREIGN  
MINISTER OF SWEDEN

Mr. HARKIN. Mr. President, we mark the second anniversary of the September 11 attacks with sadness, as well as resolve.

I am further saddened today, and I believe the world is further saddened, by the death of Anna Lindh. Anna Lindh, the Foreign Minister of Sweden, was attacked with a knife by an unknown person in a Stockholm department store, and she died early this morning.

Anna Lindh was an extraordinarily accomplished and dedicated public servant. Among her many achievements and distinctions, I would like to point out that she has been in the past a member of Parliamentarians for Global Action—a group which will send members from around the world here to Capitol Hill next week. As a co-host

of next week's activities here on the Hill, I know that we will honor and seek to carry on Anna Lindh's work.

I am sure that I speak for all Senators when I say that we all feel deep sorrow for Anna Lindh's family, as well as for the people of Sweden. The world has lost a great light.

#### TRIBUTE TO GOV. O'BANNON

Mr. LUGAR. Mr. President, it is my sad duty today to inform the Senate that our distinguished Governor of Indiana, Frank O'Bannon, has been incapacitated by what his doctors describe as a massive stroke. Governor O'Bannon is currently at Northwestern Memorial Hospital in Chicago where—thankfully—he is showing some small but encouraging signs of improvement.

This has been a heartbreaking moment for all of us in Indiana. Frank O'Bannon is not only one of the State's most dedicated public servants—he is also one of the most respected and loved. I have joined with all my fellow Hoosiers in praying for his recovery. His wife, Judy, has been at his side at the hospital since Monday, and I hope she knows that she has our unwavering support.

Governor O'Bannon has a record of public service that goes back more than 30 years. He was first elected to the Indiana State Senate where he served 18 years—much of it as the Democratic floor leader. He was Lieutenant Governor for 8 years before being elected Governor in 1996 and then re-elected by a wide margin in 2000.

I have known Frank O'Bannon many years and consider him my friend. He is a good man with a good heart—and that is why we are all so saddened by this sudden turn of events.

On Wednesday, the Indiana Supreme Court reluctantly issued an order transferring the authority and responsibilities of the Office of Governor to our Lieutenant Governor, Joe Kernan. This transfer of power, done in full compliance with the Indiana State Constitution, ensures that state government will continue to provide all its services without interruption or delay.

I ask my colleagues to join my prayers that Frank O'Bannon is able to recover from this sudden affliction and resume his responsibilities as Governor of Indiana.

#### EULOGY FOR AMBASSADOR JOHN DAWSON

Mrs. DOLE. Mr. President, last year, my husband, Bob, had the privilege of introducing Members of the Senate to John Dawson, who was nominated to serve as the United States Ambassador to Peru. Ambassador Dawson assumed leadership of the Embassy in Lima in November 2002, at a time of increasing discontent with the government of President Alejandro Toledo. Undaunted, John was excited about the challenges and opportunities of the new post. But his tenure there was all

too brief. Sadly, just as he was entering the prime of his life and at the pinnacle of his career, John died of cancer on August 1, 2003.

Those who knew John well, knew him to be very dedicated to duty a man with a high sense of optimism and great compassion for others. He was kind and thoughtful, and generous in the giving of his time.

At his Senate confirmation hearing, it was clear that John had extraordinary interpersonal skills, and the work history and experience to qualify him for his ambassadorship. But one curious professional experience that he and Bob share bears mention: At one time in their lives, both John and Bob were soda jerks at Dawson's Drug Store in Russell, KS.

It was 1915 when John's great-grandfather took over the drug store. A quarter century later, John's grandfather—Ernie Dawson—gave Bob Dole one of his first jobs working behind the soda counter. Bob was a freshman in high school, and Ernie Dawson was the pharmacist at Dawson's Drug Store. John's two uncles, Bub and Chet, ran the store. Growing up in the dust bowl days of the 1930s, Bob and John's father, Bob Dawson, became fast friends.

John's father, his mother Joan, and the rest of the family in Kansas instilled in John the work ethic, integrity, dedication, public spiritedness and patriotism that helped make him a success in his life and his work. Later, John was also fortunate to have the loving support of his wife, Susana.

John was born in Kansas City in 1950, but spent much of his childhood in Latin America. After achieving a Bachelor of Arts degree with honors from the University of Michigan in 1973, where he majored in economics and Latin American studies, John earned a Master of Arts degree in law and diplomacy from the Fletcher School of Law and Diplomacy at Tufts University in 1975.

That year, John joined the State Department as a foreign service officer. During a long and distinguished career in the U.S. foreign service, he served as Deputy Chief of Mission in El Salvador, Country Director for Panama, Office Director for Andean Affairs, and Economic Counselor at our U.S. Embassies in Panama and Costa Rica. Early on, he held positions as Financial Economist at the U.S. Mission to the United Nations in New York, at the U.S. Mission to the Organization of Economic Cooperation and Development, OECD, in Paris, and in Buenos Aires and Rio de Janeiro. John also served his country in Argentina and Brazil, and was the Director of Mexican Affairs for the State Department prior to his ambassadorship in Peru.

During his years at the State Department, John received numerous awards and commendations for his work in El Salvador, Costa Rica, Panama, Brazil, and Argentina, at the U.S. Mission to the United Nations, and in the Bureau of Western Hemisphere Affairs. His

dedication and success in his life's work was recognized with the Herbert Salzman Award for Excellence in International Economic Performance, a Presidential Meritorious Service Award, and Superior and Meritorious honor awards.

Having achieved the post of Ambassador to Peru, John began his assignment with great hope and optimism. Within months, however, he became seriously ill and returned to the United States for treatment. Displaying his characteristic good humor, John looked forward to making a full recovery and spoke with family and friends of his desire to return to Peru and continue his work. Tragically, his life was cut short, but his memory lives on through his friends and family, and his many good deeds.

Truly, America has lost a faithful public servant and John's family has lost a loving son, husband, father and brother. After John's death, Secretary of State Colin Powell stated, "Ambassador Dawson was very popular with his State Department colleagues and will be remembered for both the dedication and collegiality he brought to all of the posts in which he served." A fitting tribute for a remarkable man.

I join Bob Dole, Secretary Powell, and John's family, friends and colleagues in saluting this great American and thanking him for his service to our Nation.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JIM PHILLIPS

● Mr. GRAHAM of South Carolina. Mr. President, I would like to take a moment to reflect on the life of Jim Phillips, one of the most recognized and beloved broadcasters South Carolina has ever known.

I cannot adequately express the significance of Jim Phillip's life and the effect his passing has on the Clemson University family. As the legendary voice of the Clemson Tigers, for 36 years Jim broadcast over 2,000 sporting events, from baseball to women's basketball, including games in the Tigers' 1981 Men's Football National Championship season.

A five-time recipient of the South Carolina Broadcaster of the Year award, Jim has received several prestigious broadcasting awards including the Master Broadcaster Award by the South Carolina Association of Broadcasters. Jim also served as the sports director at a South Carolina television station and radio station for years.

Personally, he was a true friend and one of the most delightful people I have ever had the privilege of knowing. He always had a smile on his face.

God gave him a tremendous gift which he shared with so many for all too brief a period of time.

He was truly one of the best in the business and will be deeply missed.

I invite you to join me in the celebration of Jim's life and the mourning of

his passing with the entire Clemson family and all those who were fortunate enough to call Jim Phillips a friend.●

#### MESSAGE FROM THE HOUSE

At 1:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 911. An act to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

H.R. 1538. An act to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes.

H.R. 2433. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing with health care for their illness without requirement for proof of service-connection, and for other purposes.

H.R. 2595. An act to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002.

H.R. 2622. An act to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1668. An act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse".

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

#### MEASURES REFERRED

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#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4133. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees; Fees for Endorsing Export Certificates for Ruminants" (Doc. No. 02-240-2) received on September 8, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4134. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Removal of Regulated Area" (Doc. No. 02-121-3) received on September 8, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4135. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Witchweed; Regulated Areas" (Doc. No. 02-04202) received on September 8, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4136. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 01-02; to the Committee on Appropriations.

EC-4137. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 01-01; to the Committee on Appropriations.

EC-4138. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 01-04; to the Committee on Appropriations.

EC-4139. A communication from the Under Secretary of Defense, Personnel and Readiness,

Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4140. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4141. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a quarterly report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account" and a report on the value of logistics support contributions that foreign nations have provided the United States for the Global War on Terrorism; to the Committee on Armed Services.

EC-4142. A communication from the Office of the General Counsel, Selective Service System, transmitting, pursuant to law, the report of a designation of acting officer and nomination for the position of Director, Selective Service System, received on September 8, 2003; to the Committee on Armed Services.

EC-4143. A communication from the Acting Assistant Secretary of the Army, Department of the Army, Department of Defense, transmitting, pursuant to law, a report relative to projects and separable elements that meet the criteria of Section 1001(b)(2) of the Water Resources Development Act of 1986; to the Committee on Armed Services.

EC-4144. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4145. A communication from the President of the United States, transmitting, pursuant to law, the report of an intended nomination for the position of Director of Selective Service; to the Committee on Armed Services.

EC-4146. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulatory Reporting Standards: Qualifications" (RIN1550-AB54) received on September 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4147. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and change in previously submitted reported information for the position of Deputy Secretary, Department of Transportation, received on September 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4148. A communication from the Secretary, Office of General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Policy Statement on Monetary Equitable Remedies in Competition Cases" received on September 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4149. A communication from the Attorney, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Federal Motor Carrier Safety Administration, Department of Transportation, received on September 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4150. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's report on increasing national safety belt use; to the Committee on Commerce, Science, and Transportation.

EC-4151. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (VA-120-FOR) received on September 8, 2003; to the Committee on Energy and Natural Resources.

EC-4152. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, several documents that the Agency recently issued related to its regulatory programs; to the Committee on Environment and Public Works.

EC-4153. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, a report relative to the Commission's actions taken to enhance security at licensed nuclear facilities and of radioactive material; to the Committee on Environment and Public Works.

EC-4154. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines" (FRL#7554-2) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4155. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing" (FRL#7554-3) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4156. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products" (FRL#7554-4) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4157. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan, Clark County Air Quality Management Board" (FRL#7547-9) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4158. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Phaseout of Chlorobromomethan Production and Consumption" (FRL#7553-3) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4159. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Chlorine and Hydrochloric Acid Emissions from Chlorine Production" (FRL#7554-6) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4160. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants" (FRL#7551-5) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4161. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant

to law, the report of a rule entitled "Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Modification of Threshold Planning Quantity of Isophorone Diisocyanate" (FRL#7554-9) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4162. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries" (FRL#7554-5) received on September 8, 2003; to the Committee on Environment and Public Works.

EC-4163. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group" (RIN1545-BC39) received on September 8, 2003; to the Committee on Finance.

EC-4164. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Limitation on Use of the Nonaccrual-experience Method of Accounting Under Section 448(d)(5)" (RIN1545-BC31) received on September 8, 2003; to the Committee on Finance.

EC-4165. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Nonprescription Drugs Under Section 105(b)" (Rev. Rul. 2003-102) received on September 8, 2003; to the Committee on Finance.

EC-4166. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Time Limitation of Price Recalculations and Record Keeping Requirements Under the Drug Rebate Program" (RIN0938-AM20) received on September 8, 2003; to the Committee on Finance.

EC-4167. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the report of recommendations on the future of the social health maintenance organization demonstration and on the issue of risk adjustment for frail beneficiaries in the attached report; to the Committee on Finance.

EC-4168. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Administration's bill to extend the customs user fees enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985; to the Committee on Finance.

EC-4169. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a notification of the transfer of a function within the Department of Homeland Security; to the Committee on Finance.

EC-4170. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Parts 123 and 125 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC-4171. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the report of text and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4172. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of certification of a proposed license for the export of defense articles or defense services sold commercially under a

contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4173. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act" received on September 8, 2003; to the Committee on Foreign Relations.

EC-4174. A communication from the Auditor of the District of Columbia, transmitting, a report relative to the Advisory Neighborhood Commission; to the Committee on Governmental Affairs.

EC-4175. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for the Office of Inspector General, Railroad Retirement Board; to the Committee on Governmental Affairs.

EC-4176. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-114, "Presidential Elector Deadline Waiver Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC-4177. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-108 "Bowling Alley and Billiard Parlor Act of 2003"; to the Committee on Governmental Affairs.

EC-4178. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-110 "Closing of a Public Alley in Square 2297, S.O. 01-4263, Act of 2003"; to the Committee on Governmental Affairs.

EC-4179. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-112 "District of Columbia Hail Improvement Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC-4180. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-113 "Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003"; to the Committee on Governmental Affairs.

EC-4181. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-146 "Streamlining Regulation Act of 2003"; to the Committee on Governmental Affairs.

EC-4182. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-142 "Lincoln Square Theater Sales and Use Tax Exemption Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC-4183. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15-109 "Closing of a Public Alley in Square 625, S.O. 01-187, Act of 2003"; to the Committee on Governmental Affairs.

EC-4184. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Annual Report on Commercial Activities; to the Committee on Governmental Affairs.

EC-4185. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a notification of an institution of higher education that has a policy or practice of denying military recruiting personnel entry to campuses; to the Committee on Armed Services.

EC-4186. A communication from the Chairman, Merit Systems Protection Board, transmitting, a copy of the Board's Annual Report for FY 2002; to the Committee on Governmental Affairs.

EC-4187. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to grants streamlining and standardization; to the Committee on Governmental Affairs.

EC-4188. A communication from the Secretary/Chief Administrative Officer, Postal Rate Commission, transmitting, pursuant to law, the report of a nomination for the position of Commissioner, Postal Rate Commission, received on September 8, 2003; to the Committee on Governmental Affairs.

EC-4189. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Awards and Subawards" received on September 9, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4190. A communication from the Railroad Retirement Board, transmitting, a budget request for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4191. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary, Office of Elementary and Secondary Education, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4192. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Secretary, Office of Elementary and Secondary Education, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4193. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a designation of acting officer for the position of Deputy Secretary, Office of Elementary and Secondary Education, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4194. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra" (Doc. No. 2000F-0792) received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4195. A communication from the Secretary of Health and Human Services, transmitting, a report relative to the evaluation of the Medicare Subvention Demonstration Project for Military Retirees; to the Committee on Health, Education, Labor, and Pensions.

EC-4196. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled Accounting for VA and DoD Expenditures for Medicare Beneficiaries"; to the Committee on Health, Education, Labor, and Pensions.

EC-4197. A communication from the Secretary of Health and Human Services, transmitting, a report relative to promoting the use of information technology in health care to increase patient safety, reduce medical errors, and increase efficiency; to the Committee on Health, Education, Labor, and Pensions.

EC-4198. A communication from the Secretary of Health and Human Services, transmitting, a recommendation for the applicable percentage increase in Medicare's hospital inpatient prospective payment system rates for fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-4199. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, the report of a vacancy, designation of acting officer, and nomination for the position of Special Counsel, received on September 9, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4200. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, the report of a nomination confirmed for the position of General Counsel, Equal Employment Opportunity Commission, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4201. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a request of the concurrence of the Office of Management and Budget to consolidate the Attorney General's Semiannual Report to Congress with the DOJ's Annual Performance and Accountability Report; to the Committee on the Judiciary.

EC-4202. A communication from the Commissioner, Federal Election Commission, transmitting, a copy of the Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations; to the Committee on Rules and Administration.

EC-4203. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM of South Carolina:

S. 1607. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SESSIONS (for himself and Mr. HATCH):

S. 1608. A bill to increase the penalties for terrorism against mass transportation and railroads and provide law enforcement with the tools to combat and prevent attacks on mass transportation and railroads; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1609. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support; to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. KERRY):

S. 1610. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure the adequate funding of pension plans, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 1611. A bill to provide for the establishment of a commission to conduct a study concerning the overtime regulations of the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. PRYOR):

S. 1612. A bill to establish a technology, equipment, and information transfer within the Department of Homeland Security; to the Committee on Governmental Affairs.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. REID, Mr. SMITH, Mr. BREAUX, Mr. ENSIGN, Mr. DURBIN, Mr. COCHRAN, Mr. LEAHY, Ms. COLLINS, Mr. GRAHAM of South Carolina, Mr. DASCHLE, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mrs. FEINSTEIN, Mr. BINGAMAN, Ms. LANDRIEU, and Mr. SCHUMER):

S. 1613. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and wage production credit; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CROPO, Mr. DAYTON, Mr. DEWINE, Mr. DADO, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 224. A resolution expressing the sense of the Senate on the second anniversary of the terrorist attacks against the United States on September 11, 2001; considered and agreed to.

By Mr. COCHRAN (for himself, Mr. HOLLINGS, Mr. KENNEDY, and Mr. GRAHAM of South Carolina):

S. Con. Res. 67. A concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 333

At the request of Mrs. MURRAY, her name was added as a cosponsor of S.

333, a bill to promote elder justice, and for other purposes.

S. 416

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 416, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 480

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 606

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 852

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 853

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 953

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a co-

sponsor of S. 953, a bill to amend chapter 53 of title 5, United States Code, to provide special pay for board certified Federal Employees who are employed in health science positions, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1531

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1557

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1601

At the request of Mr. CAMPBELL, the names of the Senator from South Da-

kota (Mr. JOHNSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1601, a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

S. RES. 209

At the request of Mr. JEFFORDS, the names of the Senator from Louisiana (Mr. BREAUUX), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 222

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Res. 222, a resolution designating October 17, 2003 as "National Mammography Day".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1609. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Parental Responsibility Obligations Met Through Immigration System Enforcement Act, or PROMISE Act. Sadly, there are many in our society who do not honor their child support obligations, and ultimately, it is the children who are hurt by such irresponsibility. Shockingly, many foreign nationals are able to benefit from our immigration laws notwithstanding their failure to live up to their child support obligations. As a matter of sound policy, our immigration laws should require those who wish to come into or remain in our country to comply with our moral and ethical standards. Let us be clear in our message. If you do not live up to your financial obligations to your own children, then you are not welcome in the United States.

I am introducing this legislation now because it is time to do something to protect many children who are economically disadvantaged or neglected. These children need clothes, food, and shelter—basic necessities of life. Moreover, when the deadbeat parents fail to meet their obligations to their own children, it is our society and our taxpayers who must pick up the cost. Of course, we will do what we have to for the children in our country, but we need to hold the parents responsible and impress upon them we will no

longer tolerate their irresponsible attitude toward their own children.

Specifically, this legislation amends the current Immigration and Nationality Act, section 212(a), to include failure to pay child support as a ground of inadmissibility. It will also amend section 101(f) of the Immigration and Nationality Act so that one who fails to pay child support is statutorily without good moral character. The legislation will cover not only orders from a court in the United States but also foreign courts with which our Federal or State governments have reciprocity agreements. As such, deadbeat parents cannot use the United States as a haven from child support enforcement by other governments.

In conclusion, we must be mindful that permission to enter the United States is a privilege and not a right. We will not grant this privilege to individuals who do not respect the law of our Nation, the laws of their home country, or their moral duty to provide for their children.

I ask for your support of the PROMISE Act.

Mr. HATCH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1609

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Parental Responsibility Obligations Met through Immigration System Enforcement Act" or "PROMISE Act".

#### SEC. 2. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—  
 "(i) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in an arrearage is inadmissible.  
 "(ii) EXCEPTION.—An alien described in clause (i) may be admissible when child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement."

#### SEC. 3. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting "; or"; and

(2) by inserting after paragraph (8) the following:

"(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 212(a)(10)), and whose failure to pay such child support has resulted in any arrearage, unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement."

#### SEC. 4. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.

Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States, legal process with respect to any action to enforce a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process that is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law."

#### SEC. 5. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

"(4) PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—On request by the Attorney General, Secretary of Homeland Security, or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support."

#### SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act and shall apply to aliens who apply for benefits under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on or after such effective date.

By Mr. BAYH (for himself and Mr. KERRY):

S. 1610. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure the adequate funding of pension plans, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1610

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Defined Benefit Pension Plan Reform Act of 2003".

#### SEC. 2. MULTIEMPLOYER PLAN EMERGENCY INVESTMENT LOSS RULE.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 412(b)(7) of the Internal Revenue Code of 1986 (relating to special rules for multiemployer plans) is amended by adding at the end the following:

"(F) EMERGENCY INVESTMENT LOSS METHOD.—

"(i) IN GENERAL.—In lieu of amortizing net experience loss as prescribed in paragraph

(2)(B)(iv), a multiemployer plan may elect to use the emergency investment loss method described in this subparagraph, starting with the first plan year in which there is an emergency investment loss.

"(ii) EMERGENCY INVESTMENT LOSS.—An emergency investment loss for any plan year beginning on or after July 1, 1999, and ending before January 1, 2004, is the amount (if any) by which—

"(I) the fair market value of the plan's assets as of the last day of the plan year, is less than

"(II) the fair market value which would have been determined if the plan's earnings for the plan year had been equal to the projected investment return based on the actuarial interest rate under paragraph (5)(A) for the plan year, applied to the fair market value of assets as of the beginning of the year and noninvestment cash flows during the year.

"(iii) AMORTIZATION OF EMERGENCY INVESTMENT LOSS.—The funding standard account shall be charged with the amounts necessary to amortize in equal annual installments (until fully amortized) the plan's emergency investment loss over a period of 30 plan years.

"(iv) TREATMENT OF ADJUSTED NET ACTUARIAL EXPERIENCE.—If an election is in effect for any plan year described in clause (ii)—

"(I) any net experience gain otherwise determined for such year under paragraph (2)(B)(iv) shall be increased by an amount equal to the emergency investment loss for such year, and

"(II) any net experience loss otherwise determined for such year under paragraph (3)(B)(ii) shall be reduced by the emergency investment loss for such year, except that if such emergency investment loss exceeds such net experience loss, the excess shall be treated as a net experience gain for such year for purposes of paragraph (2)(B)(iv)."

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 302(b)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(7)) is amended by adding at the end the following:

"(F)(i) In lieu of amortizing net experience loss as prescribed in paragraph (2)(B)(iv), a multiemployer plan may elect to use the emergency investment loss method described in this subparagraph, starting with the first plan year in which there is an emergency investment loss.

"(ii) An emergency investment loss for any plan year beginning on or after July 1, 1999, and ending before January 1, 2004, is the amount (if any) by which—

"(I) the fair market value of the plan's assets as of the last day of the plan year, is less than

"(II) the fair market value which would have been determined if the plan's earnings for the plan year had been equal to the projected investment return based on the actuarial interest rate under paragraph (5)(A) for the plan year, applied to the fair market value of assets as of the beginning of the year and noninvestment cash flows during the year.

"(iii) The funding standard account shall be charged with the amounts necessary to amortize in equal annual installments (until fully amortized) the plan's emergency investment loss over a period of 30 plan years.

"(iv) If an election is in effect for any plan year described in clause (ii)—

"(I) any net experience gain otherwise determined for such year under paragraph (2)(B)(iv) shall be increased by an amount equal to the emergency investment loss for such year, and

"(II) any net experience loss otherwise determined for such year under paragraph (3)(B)(ii) shall be reduced by the emergency

investment loss for such year, except that if such emergency investment loss exceeds such net experience loss, the excess shall be treated as a net experience gain for such year for purposes of paragraph (2)(B)(iv)."

(c) ELECTION PROCEDURE.—

(1) IN GENERAL.—The Secretary of the Treasury shall prescribe a procedure under which multiemployer plans that elect to use the emergency investment loss method described in section 412(b)(7)(F) of the Internal Revenue Code of 1986 and section 302(b)(7)(F) of the Employee Retirement Income Security Act of 1974 may do so either by starting the special amortization periods in the actuarial valuations for each of the affected plan years or by starting with a cumulative emergency investment loss and adjusted net actuarial experience (based on the outstanding balance of the experience gain bases for the affected plan years, reduced by the cumulative emergency investment loss) in the actuarial valuation for the last plan year ending before January 1, 2004.

(2) FILING PERIOD.—The procedures described in paragraph (1) shall provide a period of not less than 210 days after the date of enactment of this Act for multiemployer plans to file Schedule Bs (relating to actuarial information under the plan) to the Form 5500 Annual Reports for the plan years for which the emergency investment loss method is elected, including amended Schedule Bs for annual reports previously filed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after June 30, 1999.

**SEC. 3. MORTALITY TABLE ADJUSTMENT.**

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 412(l)(7)(C) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(iv) SEPARATE MORTALITY TABLES FOR BLUE-COLLAR AND WHITE-COLLAR WORKERS.—

"(I) IN GENERAL.—Notwithstanding clause (ii), in the case of plan years beginning after December 31, 2003, the Secretary shall establish separate mortality tables for blue-collar workers and white-collar workers which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection. For this purpose, the Secretary shall take into account the Society of Actuaries RP-2000 Mortality Table, as adjusted to take into account the collar adjustment prescribed in such table to reflect the workforce covered by the plan.

"(II) CLASSIFICATION OF WORKERS.—For purposes of this clause, individuals shall be classified as blue-collar or white-collar workers under rules prescribed by the Secretary. In prescribing such rules, the Secretary shall treat professional employees (within the meaning of section 410) as white-collar workers.

"(III) CONSISTENT USE.—If an employer elects to use the tables prescribed under subclause (I) for any plan established or maintained by the employer, the employer shall use the tables for all such plans other than a plan for which use of the tables is prohibited under regulations prescribed by the Secretary."

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 302(d)(7)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)(7)(C)) is amended by adding at the end the following:

"(iv) SEPARATE MORTALITY TABLES FOR BLUE-COLLAR AND WHITE-COLLAR WORKERS.—

"(I) IN GENERAL.—Notwithstanding clause (ii), in the case of plan years beginning after December 31, 2003, the Secretary of the Treasury shall establish separate mortality tables for blue-collar workers and white-collar workers which may be used (in lieu of the

tables under clause (ii)) to determine current liability under this subsection. For this purpose, the Secretary of the Treasury shall take into account the Society of Actuaries RP-2000 Mortality Table, as adjusted to take into account the collar adjustment prescribed in such table to reflect the workforce covered by the plan.

"(II) CLASSIFICATION OF WORKERS.—For purposes of this clause, individuals shall be classified as blue-collar or white-collar workers under rules prescribed by the Secretary of the Treasury. In prescribing such rules, the Secretary of the Treasury shall treat professional employees (within the meaning of section 410 of the Internal Revenue Code of 1986) as white-collar workers.

"(III) CONSISTENT USE.—If an employer elects to use the tables prescribed under subclause (I) for any plan established or maintained by the employer, the employer shall use the tables for all such plans other than a plan for which use of the tables is prohibited under regulations prescribed by the Secretary of the Treasury."

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

**SEC. 4. MODIFICATION OF FULL-FUNDING LIMITATION FOR PURPOSES OF DEDUCTION LIMITS ON EMPLOYER PENSION CONTRIBUTIONS.**

(a) IN GENERAL.—Section 404(a)(1)(A) of the Internal Revenue Code of 1986 (relating to limitation on deductibility of employer contributions) is amended by adding at the end the following: "In determining the full funding limitation for purposes of the preceding sentence for any year beginning after December 31, 2003, the amount determined under section 412(c)(7)(A)(i) shall in no event be treated as being less than 130 percent of current liability (including the expected increase in current liability due to benefits accruing during the year)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2003.

**SEC. 5. REQUIRED NOTIFICATION OF PARTICIPANTS AND BENEFICIARIES OF PLAN TERMINATIONS BY PENSION BENEFIT GUARANTY CORPORATION.**

(a) IN GENERAL.—Section 4042(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(b)) is amended by adding at the end the following:

"(4)(A) Not later than 30 days after the corporation notifies a plan administrator under this subsection regarding the commencement of proceedings to terminate a plan under this section, the corporation shall provide notice of such proceedings to affected parties as provided in this paragraph. The notice shall state that such termination is intended, the proposed termination date, and the procedure for such termination under this section.

"(B) Upon notice to the plan of the commencement of proceedings, the plan administrator shall provide the corporation with a list of the names and addresses of all participants and beneficiaries of the plan.

"(C) The corporation shall provide—

"(i) written notice to each affected party of the plan; and

"(ii) notice in the 2 newspapers with the largest circulation in the area of the majority of the affected parties."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to proceedings commenced after the date of enactment of this Act.

By Mr. SPECTER:

S. 1611. A bill to provide for the establishment of a commission to conduct a study concerning the overtime regulations of the Department of

Labor, to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I sought recognition to introduce legislation to create a commission on overtime pay.

Yesterday, the Senate passed an amendment to preclude Federal funding for the regulation issued by the Department of Labor on overtime pay, and it is uncertain what will happen as the bill goes to conference. There has been a representation that the President will veto the appropriations bill on Labor, Health and Human Services, and Education if this regulation is not in the bill.

It seems to me we ought to be taking another step, and that is to create a commission to deal with this issue so we are prepared in any eventuality. There is no doubt that the 1945 regulations on the Fair Labor Standards Act, that those regulations are vastly out of date and they ought to be revised. There are many lawsuits, some class actions, to determine what the definitions are for those who are or who are not covered by overtime pay that ought to be clarified. Clarification can be achieved without having the massive disruption on the change on overtime pay for so many in the workforce.

A change in the overtime pay for those in the workforce would be especially problematic given the economic situation at hand, that it is a difficult time and there ought not to be that kind of disruption which would be occasioned by this bill, by the regulations going into effect.

Even though the Department of Labor's propose legislation stated that the Department could not exactly clarify which workers would be exempt or not exempt based on the current and the proposed rules, the commission which I am proposing would have representatives from business, the public sector, the labor groups, with widespread approval from congressional leaders, and is a preferable course so we can achieve both objectives; that is, to have clarification on the outdated regulations to avoid the litigation and know who is exempt and who is not exempt while doing it without massive disruption of the overtime pay at a very difficult time for the workers.

To reiterate, today I am introducing legislation to establish a commission to conduct a thorough study of issues relating to modernization of the Fair Labor Standards Act overtime provisions. These provisions have remained substantially unchanged since 1975, despite changes in the modern work place.

On March 31, 2003, the Labor Department issued proposed regulations to update the exemptions from overtime pay for executive, administrative, professional, outside sales and computer employees. More than 70,000 comments were received by the June 30, 2003 deadline. Due to the controversy generated by the proposed regulations, I held a hearing on July 31, 2003 to explore this

complex question. We heard testimony from the Labor Department, as well as organized labor and business representatives. It was evident that while there was general agreement that greater clarity of definitions concerning overtime pay eligibility would be beneficial to both employees and workers there was disagreement about the impact of the proposed regulations, and no consensus about how to achieve greater clarity and compliance to avoid costly lawsuits. Even the Labor Department's proposed regulations stated that the Department could not exactly clarify which workers are exempt and non-exempt based on the current and proposed rules.

The commission I am proposing will bring together experts to study these ambiguities and other issues deemed appropriate, and report to the Secretary of Labor and Congress by July 30, 2004. The legislation also specifies that the proposed overtime regulation will not become effective until 60 days after the date the commission report is submitted.

The commission will be composed of 11 members representing organized labor, the business community, the general public and Federal officials. The commission members will be appointed on a bipartisan, bicameral basis and shall be appointed by the Secretary of Labor, and the House and Senate appropriations and authorizing committees.

The primary duties of the commission will be to conduct a thorough study of, and develop recommendations on, issues relating to the modernization of the overtime provisions of the Fair Labor Standards Act of 1938.

Specifically the commission will:

(1) Review categories and numbers of workers not eligible for overtime pay under current regulations and identify how many workers and employers might be affected by proposed changes to the current regulation;

(2) Determine if the proposed regulation relating to overtime is sufficiently clear to be easily understood by employers and workers;

(3) Assess the paperwork burden that employers would have in order to assure that each individual worker, claimed to be exempt from such overtime requirements, actually is exempt under such regulation;

(4) Assess the extent to which it will be clear to the individual worker as to his or her overtime pay protection under the proposed regulation; and

(5) Determine the impact of the regulation on nurses, pharmacists, and police, firefighters and paramedics.

Given the extreme controversy over the proposed overtime regulation, I believe that the legislation that I am proposing will provide an opportunity for all sides to air the concerns and work with the Secretary of Labor to craft a regulation that will benefit employers, employees and the general public.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1611

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

**SECTION 1. COMMISSION ON OVERTIME REGULATIONS.**

(a) ESTABLISHMENT OF COMMISSION.—There is established the Commission on Overtime Regulations (in this section referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members of whom—

(A) 1 member shall be appointed by the Secretary of Labor from the general public;

(B) 1 member shall be a representative of business to be nominated by the United States Chamber of Commerce and appointed by the Secretary of Labor;

(C) 1 member shall be a representative of organized labor to be nominated by the AFL-CIO and appointed by the Secretary of Labor;

(D) 1 member shall be appointed by the chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(F) 1 member shall be appointed by the chairman of the Committee on Appropriations of the Senate;

(G) 1 member shall be appointed by the ranking minority member of the Committee on Appropriations of the Senate;

(H) 1 member shall be appointed by the chairman of the Committee on Education and the Workforce of the House of Representatives;

(I) 1 member shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives;

(J) 1 member shall be appointed by the chairman of the Committee on Appropriations of the House of Representatives; and

(K) 1 member shall be appointed by the ranking minority member of the Committee on Appropriations of the House of Representatives.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall conduct a thorough study of, and develop recommendations on, issues relating to the modernization of the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) in order to promote clarity and compliance. In conducting such study the Commission shall—

(A) review the categories and number of workers not eligible for overtime pay under current regulations under the Fair Labor Standards Act of 1938 and identify how many workers and employers might be affected by proposed changes to such regulations;

(B) determine if the proposed regulation relating to overtime is sufficiently clear to be easily understood by employers and workers;

(C) assess the paperwork burden that employers would have in order to assure that each individual worker, claimed to be exempt from such overtime requirements, actually is exempt under such regulation;

(D) assess the extent to which it will be clear to the individual worker as to his or her overtime pay protection under the proposed regulation;

(E) determine the impact of the proposed regulation on the access of individuals to health care based upon the impact the proposed regulation has on nurses and pharmacists, and the impact that such regulation has on fundamental security occupations of first responders such as police, firefighters, and paramedics;

(F) identify how the proposed regulation would affect enforcement and compliance actions of the Department of Labor;

(G) make recommendation to simplify the definitions of professional or managerial duties that exempt workers from overtime requirements so that they have a greater ability to know in advance what their expectations should be;

(H) identify new and emerging specialty positions in the modern workplace that require clarification of their status with respect to the profession employees exemption to the overtime requirements;

(I) review the need to update the exemption to the overtime requirements for computer workers;

(J) examine the merits of an income ceiling above which workers would be exempt from the overtime requirements;

(K) review the salary levels used to trigger the regulatory tests for overtime compliance, including the merits and drawbacks of indexing such levels for inflation;

(L) consider what kind of limited or conditional "docking" flexibility would provide employers with alternatives to termination and to week-long suspensions without being used as a subterfuge to evade or undermine the salary test with respect to overtime requirements;

(M) identify obstacles small businesses may face in achieving compliance or correction with respect to the overtime requirements and develop a means to overcome those obstacles;

(N) clarify the definition of "workplace conduct" so that employers and employees know whether dangerous or abusive situations, such as harassment or violence off the employer's premises can, nevertheless, be addressed in a manner consistent with the Fair Labor Standards Act of 1938;

(O) identify ways in which employers can satisfy the requirement that policies regarding workplace conduct be in writing to permit the use of other forms of notice or other technologies for communications while ensuring that notice is fairly provided to workers;

(P) identify ways to improve the availability of the proposed safe harbor means of demonstrating compliance with the overtime regulations by clarifying that such regulations are intended to parallel existing legal requirements for discrimination or labor law cases and not to prompt new litigation or confusion; and

(Q) study other issues determined appropriate by the Commission.

(2) REPORT.—Not later than July 30, 2004, the Commission shall prepare and submit to the Secretary of Labor, the appropriate committees of Congress, and the general public a report concerning the study conducted under paragraph (1). The report shall include the findings and recommendations of the Commission with respect to the matters described in subparagraphs (A) through (Q) of paragraph (1).

(3) EFFECTIVE DATE OF REVISED REGULATIONS.—The Secretary of Labor shall ensure that the effective date for any proposed modifications to the regulations relating to the overtime requirements under the Fair Labor Standards Act of 1938 is not earlier than 60 days after the date on which the report is submitted under paragraph (2).

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section. The Commission shall, to the maximum extent possible, use existing data and research prior to holding such hearings.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION; TRAVEL EXPENSES.—Each member of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF AND EQUIPMENT.—The Department of Labor shall provide all financial, administrative, and staffing requirements for the Commission including—

(A) office space;

(B) furnishings; and

(C) equipment.

(f) TERMINATION OF THE COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (c)(2).

By Ms. COLLINS (for herself and Mr. PRYOR):

S. 1612. A bill to establish a technology, equipment, and information transfer within the Department of Homeland Security; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to reflect on the terrorist attacks of 2 years ago, and to remember those who lost their lives or their loved ones on that tragic day. We also pause to honor the heroes who came to the rescue that day: our firefighters, police officers, and emergency workers.

Two years ago, a brilliant late-summer Tuesday morning turned without warning into a horror of fire, smoke and chaos. Just another workday suddenly became a day of unimaginable loss, courage and sacrifice. What happened in New York City, Washington and Pennsylvania 2 years ago ensured that September 11 would be forever a solemn anniversary we will observe with reverence and reflection. It is a date we will keep in our places of worship, in our streets and public parks, certainly in our hearts.

This second anniversary also is an appropriate time for assessment. While

the terrorist attacks told us much about the strength of our people, they also revealed many weaknesses—in planning, cohesiveness and cooperation—in our government. The question we in government must answer today is whether our planning is more comprehensive, preparedness more effective, and the interactions among the various agencies of government more cohesive and cooperative.

Since September 11, 2001, the Federal Government has worked to forge a new relationship with State and local governments. During the past 2 years, Congress has provided \$11 billion to States and localities to help equip and train their police, fire, and emergency personnel. Federal experts have trained more than 450,000 State and local first responders and conducted nearly 450 training exercises throughout the country. These efforts have better equipped our communities and first responders to respond to a terrorist attack.

But we must do more to help first responders become first preventers—to help them apprehend terrorists and thwart attacks before they happen. Our communities requires more than decontamination equipment to treat those affected by a dirty bomb—we need to give our law enforcement agencies innovative monitoring technologies to thwart terrorists before they strike.

As the Portland Press Herald reported just last week, “While [Maine] is better equipped to respond to a chemical strike or “dirty” radioactive bomb, little has been spent to prevent such an attack.” The legislation I am introducing today is aimed squarely at prevention.

The Homeland Security Act established a framework to research and develop new advanced counter-terrorism technologies. The Homeland Security Appropriations bill passed by the Senate just a few months ago will provide the millions needed to fund this effort. Many other agencies, both within and outside the Department of Homeland Security, are developing technologies that could be used to prevent future terrorist attacks.

I am pleased to introduce legislation with my colleague from Arkansas, Senator PRYOR, which would help the Department quickly identify and transfer cutting edge counter-terrorism technologies and equipment to the front lines. Under our legislation, the Director of the Office for Domestic Preparedness, working with State and local law enforcement officials, the Science and Technology Directorate, and other Federal agencies will identify counter-terrorism technologies with the potential to significantly assist the law enforcement community.

Once these technologies have been identified, State and local law enforcement agencies can apply to receive these technologies and equipment directly from the Department of Homeland Security. For example, those law

enforcement agencies protecting borders, cargo ports, and other freight transportation links will be able to secure advanced detection and monitoring equipment that may not be purchased using other Office for Domestic Preparedness funds. This program, then, will fill in the technology gaps between traditional homeland security assistance programs.

This is not another open-ended grant program. Rather, the counter-terrorism technologies and equipment themselves will be available from a catalog of items proven to work. Transferring the technology, instead of providing a monetary grant, will enable ODP to provide the appropriate training to law enforcement officials.

Our legislation is modeled after a program that works—the successful Technology Transfer Program within the Counterdrug Technology Assessment Center. Since 1998, this program has provided nearly five thousand pieces of equipment to roughly twenty percent of the Nation’s State and local law enforcement agencies. It has also operated efficiently: administrative costs run less than 10 percent of the total funding per year.

I commend Secretary Ridge for his outstanding efforts on the monumental challenge of incorporating nearly two-dozen agencies into the new Department of Homeland Security. But just as it is our first responders who are on the front lines when terrorism strikes, it is our law enforcement community, our “first preventers,” who can best thwart terrorism before it occurs. We must build on Secretary Ridge’s efforts by helping to ensure that our state and local law enforcement agencies have the equipment and training they need.

I am pleased to have the support from police chiefs and sheriffs across America. In fact, the National Sheriffs’ Association, the International Association of Chiefs of Police, and the Major City Policy Chiefs have already voiced their support for this legislation.

A few weeks ago, the Port Authority of New York and New Jersey released transcripts of the 911 tapes from that awful day, more than 1,800 tragic pages that tell an inspiring story of everyday people responding as extraordinary heroes. We in government must not forget that story as we proceed with the difficult task we have undertaken, one that may never be finished but that must progress. Let every September 11, then, be both a day of remembrance and a day when we commit ourselves to better protect the citizens of this great Nation.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 224—EX-  
PRESSING THE SENSE OF THE  
SENATE ON THE SECOND ANNI-  
VERSARY OF THE TERRORIST  
ATTACKS AGAINST THE UNITED  
STATES ON SEPTEMBER 11, 2001

Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mrs. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 224

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the twin towers of the World Trade Center in New York City, and a third into the Pentagon in Arlington, Virginia;

Whereas the valor of the passengers and crew on the fourth aircraft, which crashed in Shanksville, Pennsylvania, prevented it from also being used as a weapon against America;

Whereas thousands were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;

Whereas September 11, 2001 stands as the deadliest terrorist attacks ever perpetrated against the United States;

Whereas by targeting symbols of American strength and success, these attacks were intended to assail the principles, values, and freedoms of the United States and the American people, to intimidate the Nation and all who stand with us, to weaken the national resolve; and bend our will to their grotesque cause;

Whereas in the darkest moments after the attacks, American men and women dem-

onstrated extraordinary courage and compassion;

Whereas local, State, and Federal leaders set aside differences and worked together to provide for those who were attacked and to protect those who remained;

Whereas nations around the world provided material support and moral support to the United States as it recovered from the terrorist attacks; Now, therefore, be it

*Resolved*, That the United States Senate—  
(1) recognizes September 11 as both a day to remember those taken so suddenly and so ruthlessly, and a day for Americans to recommit themselves to our great national purpose;

(2) extends its deepest sympathies to the countless innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) extends its deepest gratitude to the members of the Armed Forces serving both at home and abroad who are defending the United States from future attack;

(5) praises the people of the United States for their patriotism, compassion, prayers, and generosity in donating time and money to support the innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(6) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks; and

(7) reaffirms that the United States Senate will honor the memory of those who lost their lives as a result of the September 11, 2001, terrorist attacks and will act to defend the citizens of the United States in the face of all future challenges.

SENATE CONCURRENT RESOLU-  
TION 67—EXPRESSING THE NEED  
FOR ENHANCED PUBLIC AWARE-  
NESS OF TRAUMATIC BRAIN IN-  
JURY AND SUPPORTING THE  
DESIGNATION OF A NATIONAL  
BRAIN INJURY AWARENESS  
MONTH

Mr. COCHRAN (for himself, Mr. HOLLINGS, Mr. KENNEDY, and Mr. GRAHAM of South Carolina) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 67

Whereas traumatic brain injury is the leading cause of death and disability among children and young adults in the United States;

Whereas at least 5,300,000 Americans currently live with permanent disabilities resulting from traumatic brain injury;

Whereas at least 1,500,000 Americans sustain traumatic brain injury each year;

Whereas another 80,000 Americans each year sustain lifelong disabilities from traumatic brain injury, resulting in life-altering experiences that can include the most serious physical, cognitive, and emotional impairments;

Whereas every 21 seconds, 1 person in the United States sustains traumatic brain injury;

Whereas traumatic brain injury costs the United States \$48,300,000,000 annually, con-

sisting of approximately \$31,700,000,000 for hospitalization expenditures and approximately \$16,600,000,000 for fatal brain injury expenditures;

Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation's "silent epidemic";

Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing the public awareness of traumatic brain injury;

Whereas former President Ronald Reagan proclaimed the month of October 1984 as National Head Injury Awareness Month; and

Whereas the Brain Injury Association of America has recognized October as Brain Injury Awareness Month since 1980: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) recognizes the life-altering impact that traumatic brain injury can have, both on Americans living with the resultant disabilities and on their families;

(2) recognizes the need for enhanced public awareness of traumatic brain injury;

(3) supports the designation of an appropriate month as National Brain Injury Awareness Month; and

(4) encourages the President to issue a proclamation designating National Brain Injury Awareness Month.

AMENDMENTS SUBMITTED &  
PROPOSED

SA 1646. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1647. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1648. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1649. Mr. FRIST (for Mr. STEVENS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1650. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1651. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1652. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1653. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1646. Mr. INOUE submitted an amendment intended to be proposed by

him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, beginning on line 2, strike "the continuation" and all that follows through line 8 and insert "preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized, for recreation:".

**SA 1647.** Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 19, strike "1706:" and insert "1706; and of which an additional \$5,000,000 shall be available for the Mni Wiconi project, South Dakota:".

**SA 1648.** Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 12, before the period at the end, insert the following: " : *Provided further*, That of the funds provided under this heading, an additional \$5,000,000 shall be available for the Mni Wiconi project, South Dakota".

**SA 1649.** Mr. FRIST (for Mr. STEVENS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

**SA 1650.** Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making ap-

propriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1 \_\_\_\_ . **GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND.**

The Secretary of the Army shall implement the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report prepared by the Corps of Engineers and the city of Baltimore, Maryland.

**SA 1651.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 14, before the period at the end, insert " , of which \$10,000,000 shall be available for a defense and security research center".

**SA 1652.** Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 8, strike "facilities:" and insert "facilities; and of which \$983,000 shall be available for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon:".

**SA 1653.** Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 8, strike "facilities:" and insert "facilities; and of which \$983,000 shall be available for dredging and other operation and maintenance of the Umpqua River, Oregon:".

## NOTICES OF HEARINGS/MEETINGS

### SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy and Natural Resources.

The hearing will be held on Thursday, September 18, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 213, a bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; S. 1236, a bill directing the Secretary of the Interior to establish a program to control or eradicate Tamarisk in the Western United

States, and for other purposes; S. 1516, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive; H.R. 856, a bill authorizing the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, TX, and for other purposes; and H.R. 961, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes. Contact: Shelly Randel 202-224-7933, Erik Webb 202-224-4756 or Meghan Beal at 202-224-7556.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 11, 2003, at 3 p.m., in closed session to receive a classified briefing regarding Operation Iraqi Freedom "Lessons Learned".

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 11, 2003, at 9:30 a.m., to hold a hearing on United States-China relations.

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

### COMMITTEE ON VETERANS' AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the senate and Thursday, September 11, 2003, for a hearing on the Department of Veterans Affairs' Capital Asset Re-alignment for Enhanced Services (CARES) initiative. The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 11 at 2:30 p.m., to hold a closed hearing.

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

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 11, 2003, at 2:30 p.m.

The purpose of the hearing is to consider S. 432, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct and support research into alternative treatments for timber produced from public lands and lands withdrawn from the public domain for the National Forest System and for other purposes; S. 511, which would provide permanent funding for the payment in lieu of taxes program, and for other purposes; S. 849, which would provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, and S. 1582, which would amend the Valles Caldera Preservation Trust Act.

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

#### PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Spencer Chambers, a staff person in my office who does not currently have floor privileges, be admitted to the floor.

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

Mr. DOMENICI. I ask unanimous consent that Kris Schaffer of my staff be given floor privileges during consideration of this Energy and water bill.

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

The Senator from Virginia.

#### PROVIDING FOR THE ADJUSTMENT OF CERTAIN FEDERAL ANNUITY COMPUTATIONS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 978, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 978) to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 978) was read the third time and passed.

Mr. ALLEN. Mr. President, it is altogether fitting that we have finally accomplished this idea on the second anniversary of the violent and dastardly attacks of September 11, 2001. Several survivors of that tragic day helped inspire this legislation, which will adjust Federal employees' retirement computations to offset reductions in the retirement amounts arising from on-the-job injuries covered under the workers compensation program.

I thank my colleague, JOHN WARNER of Virginia, for cosponsoring the measure. I particularly thank Kay Cole James in the Office of Personnel Management and her staff for working with me on this measure for well over a year now. Moreover, I wish to thank my colleague, Senator SUSAN COLLINS of Maine, whose leadership today, earlier this year, and last year helped move this measure several times through the procedural hoops of the Senate. Finally, we have gotten it passed on the House side.

Mr. President, this bill addresses a problem in the retirement program for Federal employees that has been recognized for a long time but unresolved since 1986, when the current retirement system was established. Unfortunately, complications arising from the Tax Code and the Workers Rehabilitation Act of 1973 have blocked any solution.

My resolve to introduce this bill and address this problem was inspired by Ms. Louise Kurtz, a Federal employee from Virginia who was severely injured in the September 11 attack, 2 years ago today, on the Pentagon. She worked at the Pentagon as a civil service employee. She suffered burns from the impact of American Airlines Flight 77, but even with all these burns, she still was trying to rescue and help others get out. She suffered burns on over 70 percent of her body. I have seen her several times. In fact, I saw her last year, at the Project Phoenix, the re-opening and dedication of the Pentagon. She had no fingers left—just little nubs, really. Her ears were mostly burned off as well. She is a person, though, who continues to endure these painful surgeries and faces other surgeries in the future. She wants to continue with her rehabilitation. She still hopes to return to work someday.

Current law, however, does not allow Mrs. Kurtz to contribute to her retirement program while she is recuperating and receiving workers compensation disability payments. As a result, after returning to work and eventually retiring, she will find herself inadequately prepared and unable to afford to retire because of the lack of contributions during her recuperation and rehabilitation.

As Mrs. Kurtz's situation reveals, Federal employees under the Federal employees retirement system who have sustained an on-the-job injury and are

receiving disability compensation from the Department of Labor's Office of Workers Compensation Programs are unable to make contributions or payments into Social Security or the Thrift Savings Plan. Therefore, under the current situation, which is being changed by this law, future retirement benefits from both sources—the Thrift Savings Plan and Social Security—are reduced.

This legislation offsets the reductions in Social Security and the Thrift Savings Plan retirement benefits by increasing the Federal Employees Retirement System's direct benefit calculation by 1 percentage point for the extended periods of disability.

Mr. President, you have probably already heard my talk about this bill because we have actually passed this measure twice in the Senate. We passed it once on October 17, 2002, and then again in July of this year, 2003. As a lead sponsor of the bill, I was pleased to see that my colleague on the House side, Congresswoman JO ANN DAVIS, with her persistence, finally got the House of Representatives to pass this measure yesterday. By taking this matter up and passing it in the Senate today, we are clearing it for the President's signature.

The passage of this bill ensures that the pensions of our hard-working Federal employees will be kept whole during a period of injury and recuperation, especially now that many of them are on the front lines in protecting our homeland security in this new and ongoing war against terror. By protecting the retirement security of injured Federal employees, we have provided an incentive for them to return to work and increased our ability to retain our most dedicated and experienced Federal workers. This is a reasonable and fair approach, in which the whole Senate acted in a logical and compassionate manner last fall, and, of course, we did so in July, and we have done so again today.

On the second anniversary of the attacks on the World Trade Center, the Pentagon, and Flight 93, which crashed in Pennsylvania after the brave efforts of those passengers, I thank my colleagues for once again passing this compassionate legislation honoring and helping some of the survivors of these horrific events.

I yield the floor and 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PRESIDENTIAL ADDRESSES TO THE NATION

Mr. FRIST. Mr. President, on Sunday night in his televised address to the

Nation, the President of the United States outlined clearly and unequivocally why we are at war and what is required to defeat our enemies. In his remarks, he urged us to remain steadfast and resolute. In that speech, he reminded us that our enemies are motivated not by the perception that we are strong. No. Indeed, they attacked us out of the mistaken belief that we are weak.

This is not mere guess or conjecture. When one listens to the words of Osama bin Laden himself, he calls America "a paper tiger." He boasts that at the first sign of danger, that first painful blow, we retreat to wallow in our so-called—his words—decadence.

The terrorists did not launch the September 11 attacks in retaliation to military action. They struck America as a direct demonstration of their pure and unshakable hatred. One only has to listen to the words of one of Osama bin Laden's closest associates, Yussuf al-Ayyeri—no longer with us, I might add, in body. This murderer warned in a treatise written just before Operation Iraqi Freedom that:

It is not the American war machine that should be of the utmost concern to Muslims. What threatens the future of Islam, in fact its very survival, is American democracy.

Why? Mr. al-Ayyeri fears democracy will—

... make Muslims love this world, forget the next world, and abandon jihad.

He fears that if democracy takes root in Iraq, Muslims might actually benefit in the here and in the now, that they might become prosperous, self-sufficient, tolerant, and consequently—going back to quoting him:

... reluctant to die in martyrdom.

For this reason, and he explains in the treatise, his comrades must defeat unbelief, must defeat modernism, and most of all must defeat the democracy brought on by the Americans.

While Mr. al-Ayyeri falsely conflates his power-mad ideology with the Muslim faith, a faith that we all know is practiced peacefully by millions in this country and indeed around the world, one cannot deny, however, unwittingly, that he makes his case. Success in Iraq spells failure for al-Qaida, failure for al-Qaida's murderous fanaticism, failure for al-Qaida's tyrannical goals. Success in Iraq strikes at the cold, arid hearts of men who murder Muslims for daring to reject al-Qaida's warped demands.

Our efforts to help the Iraqi people build a decent and free nation, yes, a democratic society where people of differing ideas, of differing ethnicity can live in peace, live with one another, will be a clear refutation of all that the terrorists stand for and the poison that they continue to peddle.

September 11—most Americans have spent much of the day in thought and reflection on that event 2 years ago. I wish, as every American, that September 11 had never happened, that those innocent women and men and children were alive today, were with

their families, were thriving, were safe. I wish our enemies had never emerged from their caves and they never cooked up their crazed campaign. I wish all these things. But clearly wishing will not and does not make it so.

Thus, we are called to act. We are called to lead. We must protect our fellow citizens and defeat terror and those regimes that support them. Our enemies will not disappear or go away. It is not going to happen. We know that. Words do not in any way mollify them. Negotiation in no way mollifies them. Thus, we must stand firm and we must not waver.

We must support our troops; let them know how much we admire their courage, their sacrifice, their bravery. We must let the enemy know that America will press on to victory.

I know we will meet the challenge. Americans are strong and Americans are tough. We have seen that tenacity. In many ways September 11 made it come alive. It uplifted all of us, but it made that tenacity and that strength come alive.

We are sincere in our compassion. Why? Because it springs from the fundamental belief that all people have a God-given right to liberty, to freedom, to know what is in their own minds and to control their own futures; freedom to act in a room and a body like this in the political sphere; freedom to participate in their own governance. And, unlike our deadly enemies, we wish the best—not the worst—for Iraq.

The President has come this week to this body seeking our support. It really began formally in his speech now 5 days ago on Sunday night. His proposal for emergency funding to defeat terror and to stabilize our efforts in Iraq and Afghanistan clearly warrants it.

We will continue to meet with the administration in the days ahead, as we have in the last several days, to assist them in these efforts. I know there will be much debate and there will be careful examination of the request, but I know the Senate will overwhelmingly support the President's request. Why? We think back to September 11. We know who the enemy is and we know what it takes to defeat that enemy.

Over the course of the week and in our briefings and after we talked to our colleagues who have gone to Iraq, it is very clear that we are making a lot of progress in Iraq. It is not what you see when you first turn on the television or when you open the newspapers now, but from our colleagues who have gone there to see firsthand, and as we have been briefed by people who have just come back, clearly, we are making progress.

Just this week the League of Arab States granted the Iraqi Governing Council membership, albeit conditional membership but membership, in their deliberative body. This is a significant step forward. There will be many more steps forward in the coming weeks and months ahead. I know we will succeed in this mission. We will defeat terror.

And the Iraqi people will have a free and a democratic nation to lead into the future.

#### AN INSPIRATIONAL DAY

Mr. FRIST. Mr. President, I will talk a little bit on another topic for a couple of minutes, in large part because we began this morning opening at 8:30, and over the course of the morning I personally, in part representing this body, have had a wonderful day. It was a day that was truly inspiring if you look at public service, but also if you look at the sacrifice that others made on September 11 and since that time, and others who continue to make right now in Iraq and Afghanistan to preserve the freedoms and liberties that we have.

We opened this morning with a commemoration, a bell ringing, and had a moment of silence with that glorious sound of that bell dramatically ringing for each of the incidents and the tragedies that occurred on September 11.

Over the course of the day on this floor, we have heard our colleagues on both sides of the aisle reminisce, talk about what they were doing then but also how they have been affected as public servants in dealing with others, how people have been brought together, how the common threads which bind all of us have been stressed a little bit more the last couple of years than maybe in the previous years.

A little bit later in the morning I had an opportunity to go by the Pentagon. At the Pentagon I saw the reconstruction. I had the real privilege of having the Speaker of the House give to Secretary Rumsfeld the flag that was flying over the east wing of the Capitol 2 years ago.

We were in the chapel in the part of the Pentagon that was struck. In that new chapel are four beautiful stained-glass windows dedicated to the events, to the families, and to the institution—all related to September 11.

Coming back here a little bit later, the Congress—Members of the House and Senate, and others—were on the front steps of the Capitol not too far from where I am speaking now on the floor of the Senate. It was very reminiscent of that night 2 years ago when we were on the steps. We made a statement. It was a spontaneous statement that the terrorists will not shut down our Government, where we joined hands and sang "God Bless America" on the night of September 11.

Then later this afternoon—just a few minutes ago—we had a wonderful service with our Senate family, staff, Senators, President pro tempore, and the Senate Chaplain and the House Chaplain, again reflecting late this afternoon on the events of 2 years ago. It was a wonderful 10 minutes when the Chaplain said: "I just want three people to volunteer to come forward and

say how September affected them." Usually everybody kind of sinks down and doesn't want to be the one to volunteer in front of a few hundred people. But hands shot up, and people spoke from the heart about how September 11 affected them each in individual ways, but with a common theme coming back of appreciation for what this country has given us and the importance of our doing everything we can to protect the freedom and liberty upon which this country has been founded and of which we take advantage.

Also, 40 minutes ago I had the opportunity to go to the West Front of the Capitol and look out over The Mall, with the Lincoln Memorial and the Washington Monument—again, not too many yards from where we are today—to have the lone bugler quietly—right at 6 o'clock tonight, 40 minutes ago—play Taps with a clear sky—the Sun was just beginning to go down—to express our appreciation, our love, and our feeling for the many families who have been affected by the tragedy of September 11.

Again, I want to add that people continue to sacrifice and fight for that very same freedom. It is appropriate that we use this day for a day of reflection.

We continue business. I think that is important. A lot of people said we should stop all business in the Senate. No, I don't think anybody from September 11 would say stop the Nation's business. In effect, they would say continue the Nation's business. Indeed, we made real progress today and continued the work of the Senate well into last night as well.

Americans all over the country—and indeed all over the world; indeed, not just Americans—I know spent the day kneeling, praying, going to synagogues, mosques, and churches, holding services like the many services we have had here in Washington, DC. A large part of that I think is reflected in the power of faith and the fact that faith has that power to help heal, to help explain the questions of "Why?" that continue to arise: Why did things happen on that fateful day? Power to console, faith to reassure—both right now and as it did 2 years ago on that fateful day.

Although 2 years later memories are a little bit fainter and our pain may be just a touch more distant, we still ask questions, questions of "Why?" In that answer of the "why," I think it makes all of us a bit more determined, a bit more focused, and a bit more appreciative of what we have.

We do put our trust in providence. It is hard to be in this body for very long and not realize the importance of faith and providence in the Senate and in our Founding Fathers and the democracy we share today.

Abraham Lincoln, in his second inaugural address after 4 of the most traumatic years in U.S. history, said: "The almighty has His own purposes."

I thought of that today while sitting through one of the ceremonies. It does

help that question of "Why?" Clearly, in Abraham Lincoln's time, faith was able to support, console, and give strength to our Nation. Clearly, that is the same thing today as we look at the various services. Our Founders had a belief. They believed—they knew, and believed—that our Nation was founded with divine purpose. During some of the most difficult moments, with the odds being against us at certain points in time, our leaders turned to faith. And indeed God has watched over this Nation. Although we asked, "Why?" on September 11, God was watching over us on September 11.

Over the course of the day, it came up to each of us in different ways. And Lisa Beamer—the world knows now because she was able to articulate and put a face that expresses what we are all trying to describe—said of her husband's flight on that day, September 11:

The courageous actions of the passengers and crew reminded me that on the day when people around the world felt violated, helpless, alone and afraid, there were still people of character, people who in the midst of crisis dared to live to the last second with hope.

She captured it.

We all have to ask ourselves: Where did those heroes on Flight 93 reach to get their courage? We answer: "Family." That is where we get our strength. They answer: "Faith." There is no question that each individual's faith almost certainly played a role.

Todd Beamer said what is probably the most inspirational thing many of us have heard in our lives. He was talking to the telephone operator and said: "Let's roll." But what he said a few seconds before that was the recitation of The Lord's Prayer.

A few days after September 11, Billy Graham, in the national prayer service at the cathedral, along with folks here looking at the lessons of the "why," said:

The lesson of this event is not only about the mystery of iniquity and evil, but . . . it's a lesson about our need for each other.

I was thinking about that when I was at the Senate service about an hour ago with the Senate family. Regardless of whether we are staff, or a Member, elected official, worker, Democrat, Republican, whether we are in our first term or seventh term, those in the room there, that common bond is a calling to public service. We believe in the greatness of this institution.

As you look at the inscriptions all around—the inscription on the east doorway that we come through every day, or that most Senators come through—the inscription written up there is the English translation of the Latin, "God has favored our undertakings."

We start coming back to those "why's."

I will close. But I think, clearly, my final reference today, after coming in 11 hours ago for what has been a meaningful day for me, is a wish and a prayer that God continues to watch over

the family members of the victims of September 11, that God heal their wounds as time goes forward, and that God continue to shine on America and indeed on this Senate.

Mr. MCCONNELL. Mr. President, I know the majority leader is about to take us out of session, but I just wanted to take a moment to thank him for his truly inspirational remarks about the events of today which I had an opportunity to hear over the last few moments and also to thank him for his extraordinary leadership of the Senate.

You make us proud every day; particularly you make us proud today.

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#### THE SENATE WEEK

Mr. FRIST. I close with some announcements. We had a good, productive week. We completed the Labor-HHS appropriations bill after 7 days of consideration. We had 68 amendments considered. We disposed of all 68 amendments. We had 25 rollcall votes. I congratulate both of the managers who did just a superb job in staying focused, handling some very difficult situations but allowing time for debate and votes. We have completed that bill. Both Senator SPECTER and Senator HARKIN did a superb job.

Senator ALLEN helped clear the way for Senate action on H.R. 978 with regard to the disability compensation computation bill which can now go to the President's desk.

Earlier today the Senate spoke with a voice vote as it unanimously adopted S. Res. 224 relating to the second anniversary of September 11.

Next week I look forward to beginning a fresh week and continuing on our appropriations process. Again, we have a number of appropriations bills to address. We have made real progress; in fact, five appropriations bills. If you look at the overall amount of money, that is probably 70 percent of the overall amount of money appropriated. So we are making progress. It is tough—slower than I would like, but we are making steady progress.

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#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. FRIST. I ask unanimous consent that notwithstanding the passage of H.R. 2660, the Labor-HHS appropriations bill, it be in order to consider the amendment I now send to the desk, that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table without intervening action or debate.

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

The amendment (No. 1649) was agreed to, as follows:

(Purpose: To provide the Director of the National Institutes of Health with the authority to carry out the NIH Roadmap to provide for rapid advances in the biomedical research process)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

UNANIMOUS CONSENT—S.J. Res. 17

Mr. FRIST. I ask consent that the debate time allocated for the consideration of S.J. Res. 17 be delayed to begin at 9:30 a.m. on Tuesday, September 15, with all other provisions remaining in effect.

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

Mr. FRIST. For the information of all Senators, this consent will now move the debate and vote in relation to the FCC rule resolution from Monday evening to Tuesday evening. With this consent granted, there will be no votes on Monday. The next vote will occur Tuesday morning.

#### EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER A. WRAY, OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. FRIST. I ask unanimous consent the Senate immediately proceed to executive session to consider Executive Calendar No. 309, the nomination of Christopher A. Wray.

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

Mr. FRIST. I further ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and agreed to is as follows:

DEPARTMENT OF JUSTICE

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY,  
SEPTEMBER 15, 2003

Mr. FRIST. I ask unanimous consent when the Senate completes its business today, it adjourn until 1 p.m. Monday, September 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 2:30 p.m. with Senators to speak for up to 10 minutes.

Further, I ask that at 2:30 the Senate then resume consideration of calendar No. 218, H.R. 2754, the energy and water appropriations bill.

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

#### PROGRAM

Mr. FRIST. For the information of all Senators, on Monday the Senate will resume debate on the energy and water appropriations bill. Senators FEINSTEIN and KENNEDY will have an amendment to that legislation which will be debated during Monday's session.

As announced earlier, any votes ordered on Monday will be delayed until Tuesday.

In addition, on Monday, under a previous understanding, the Senate will debate a motion to go to conference on the partial-birth abortion bill. Also, as previously ordered, the FCC rule resolution will be debated and voted on Tuesday morning.

ADJOURNMENT UNTIL 1 P.M.  
MONDAY, SEPTEMBER 15, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Monday, September 15, at 1 p.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate September 11, 2003:

DEPARTMENT OF JUSTICE

CHRISTOPHER A. WRAY, OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL.