

the kind of energy, time, and investment into getting a negotiated settlement in the Middle East, as we have put other kinds of investments in Iraq and in Afghanistan, both we and those countries and, I think, our people and other people would be better off, but we have missed that opportunity. My fear is we are missing it again today. The roadmap for peace has become in the Middle East, at least for now, a roadmap to war.

Let me close by saying what is needed in this capital, in this country, is leadership that fosters a cooperative spirit. That may be a tribal man's hope over peace, triumph over reality as we approach an election 2 months out, but I believe that is what is needed—the kind of leadership that fosters a cooperative spirit. If we cannot get that leadership now before the election, my God, I hope we can find it when this election is over. I hope our President can give us that kind of leadership and work with those who are anxious and willing to truly make this country and the world a safer place during his 2 remaining years in office.

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

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

The bill clerk proceeded to call the roll.

Mr. CORNYN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. CORNYN. I ask unanimous consent to speak for a minimum of 15 minutes in morning business.

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

CONFRONTING TERRORISM

Mr. CORNYN. Mr. President, I was delighted to hear my friend and our colleague from Delaware speak a few moments ago. I like and admire him a great deal. I take him at his word when he says we ought to work more closely together in a bipartisan spirit to solve the Nation's problems.

While I have said how much I have admired and respected him, I disagree with him. That is what we are certainly at liberty to do in the Senate. I hope we do not degenerate into disagreements being personal or that disagreements, particularly when it comes to security matters, cast aspersions on one's patriotism.

I certainly do not doubt the patriotism of those who disagree with our current policy in the global war on terror, but there are some important reasons why their policies would lead us down a path—assuming they have a policy or a plan—dangerous to this country's security.

It is imperative for Members of the Senate, those who have been entrusted with this sacred responsibility to represent the American people, the people of my State of Texas, all 23 million, it

is imperative to explain to the American people the threat that confronts our Nation today from a national security perspective and the consequences of our failing to deal with that threat in a way that will be likely to accomplish peace and stability in troubled regions of the world such as the Middle East.

I fear the big disagreement between some of my colleagues and I on this issue has to do with a different perception of the threat and perhaps a different perception of what the consequences would be for failing to deal with that threat, so I will talk about that for a moment.

Contrary to what some of our colleagues have said, this threat that our Nation confronts is not limited to Iraq. It is not limited to Afghanistan. Indeed, some have spoken about the need to bring our troops home from Iraq, as if, if we did so, all of our problems would go away and the threat with which our Nation is confronted would simply evaporate. That is simply wishful thinking.

Indeed, some have said this is not a war at all, this is more of a police action; this is something that is certainly not like World War II, when we knew who the enemy was and we knew the threat, or at least after a while we finally learned what the threat was to civilization as we know it.

This war is not limited to Iraq. So if we were to leave Iraq, the war would not be over but merely take place in a different location—unfortunately, right back in the United States.

The threat is that of those who believe in an extreme version of one of the world's great religions and who believe this extremism—some have called it Islamic fascism—this hijacking of one of the world's great religions has justified in their minds the killing of innocent men, women, and children and the establishment ultimately of a theocratic or religious State. It does not respect individual rights. It does not respect the right to worship according to the dictates of your own conscience. It certainly does not recognize freedom of speech and freedom of expression and certainly does not recognize the rights of women as equal members of society.

The important point I make is that some of our colleagues on the other side of the aisle who doubt we are at war, who doubt the global nature of the war, and who say if we were merely to bring our troops home from Iraq the threat would evaporate, one of the mistakes they make is they fail to perceive when this war started.

If you were to ask, I bet many of them would say the war started on September 11, 2001. However, the war had long been raging against America before September 11, 2001; America had simply failed to realize it. One useful date for identifying when the start of this war began would be November 4, 1979. That was the date that 66 American citizens were kidnapped and held

hostage in the American embassy in Iran for a period of 444 days. Or you might say the war started in 1983, when 241 marines were killed in the Marine barracks in Beirut, Lebanon, by Hezbollah—the same terrorist organization, a proxy of Iran through Syria, that recently rained down Katyusha rockets on northern Israel, this same terrorist organization that has killed more American citizens than any other in world history, save and except for al-Qaida. Or you could say the war started in 1993, when al-Qaida engineered the bombing of the World Trade Center in a failed attempt to bring down that trade center, which they successfully accomplished 8 years later.

You could say part of that war that started, perhaps as far back as 1979, continued when 17 American sailors were killed when the USS *Cole* was bombed. And yes, the date we focus on the most, that had the most dramatic impact on us right here at home, was September 11, 2001, the fifth anniversary of which will be coming up in the next few days.

But some people act as if September 11, 2001, was the single and solitary event that defined this war of Islamic extremists who hate our way of life and simply want to eliminate it from the face of the Earth, along with our ally in the Middle East, Israel. They do not connect the dots to what happened in Beslan, Russia, at that school; Bali; Madrid; London; Mumbai—places where individuals, driven by this extremist ideology, which says that men, women, and children are simply fair game in pursuit of their agenda—are driven with such hatred that they will make no distinctions between armed citizens, military, people who can defend themselves or not—and, yes, these are the same individuals driven by the same ideology that recently rained down more than 2,000 rockets out of southern Lebanon into northern Israel. Hezbollah, supplied by Syria and Iran, delivered these very rockets.

Some wonder why America is so determined to make sure Iran does not get nuclear weapons. One reason why it is so critical we stop President Ahmadi-Nejad and his regime from getting nuclear weapons is: Do you doubt for a minute that if Iran had nuclear weapons they could have supplied Hezbollah to carry out those attacks on Israel they would have withheld their hand, that they would have failed to use them? I have no doubt in my mind that, based on this war against the West and against America, and specifically that has been raging since 1979, that if terrorist states, and those who support Islamic extremism, Islamic fascism, if they had it within their power to supply biological, chemical or nuclear weapons to terrorists in order to accomplish their goals, they would use them.

That is the challenge we must meet. A few months ago, my wife and I visited the battlefield at Gettysburg,

where 50,000 American casualties suffered from wounds. Many died as a result of that great conflict so many years ago. I was reminded at the time that one of the greatest challenges Abraham Lincoln had at the time of that battle was convincing the American people that the desire to maintain the Union, the need to maintain the Union, justified continuation of war until it was successfully concluded.

Our job, in some ways, is exactly the same today because there is no military force on the face of the Earth that is more powerful than that of the U.S. military. We are simply the best, and no one else even comes close. The only way the U.S. military can be defeated is if they lose the support of the American people and we simply tell them to quit and to withdraw.

I believe the consequences of our quitting and withdrawing or giving up in Iraq and in fighting this global war against Islamic extremism would be disastrous to the American people. Rather than celebrating the 5-year anniversary since September 11 with no other terrorist attacks actually successfully occurring on American soil, I am sure the tale would be far different because we have chosen, through a number of different measures, that we have undertaken—whether it is passing the PATRIOT Act; whether it is through the use of a terrorist surveillance program that intercepts international phone calls between terrorist organizations and their allies in the United States; whether it is rooting out terrorist financing networks, which take the money out of the networks that actually fund terrorist attacks; whether it is the capture and interrogation of unlawful enemy combatants and getting good actual intelligence from them in the Guantanamo Bay facility; whether it is the information gathering, intelligence gathering and sharing we have done—all of these efforts since 9/11 have, I believe, contributed, in large part, to America not suffering another terrorist attack on our own soil in the last 5 years.

I also believe the fact we are fighting this radical ideology abroad in places such as Afghanistan and Iraq is part of the reason we are not fighting that battle right here at home.

I believe we are in a time of choosing, certainly in a time of testing. But we simply have a choice whether we want safety or we are willing to live with the danger of terrorists able to strike at virtually any time they wish, whether we believe strongly enough in our American values of freedom or whether we are willing to cower under this threat and live under tyranny, whether we believe strongly enough that open, transparent societies and self-determination are important or whether we are willing to live in some sort of prisonlike lockdown. This is a time for testing our determination. And this is a time of choosing what kind of America we want.

I know one of the most basic impulses of every parent is to hope for a

better life for their children and grandchildren than they themselves perhaps had. That is one of the reasons why parents have worked so hard and pushed their children so hard to achieve and be successful, so that they may enjoy the standard of living and the opportunities that living in the United States has to offer.

I certainly know that was the reason my parents worked hard, that my father flew B-17s in World War II and knocked out Hitler's war machine before being captured as a prisoner of war. I believe the threat confronting our country and our way of life—indeed, the entire Western civilization—is equally as great as the threat faced by the "Greatest Generation," people such as my mother and father.

If we fail to point out to the American people what the threat is and give it a name and to let the American people understand how the various conflicts in the Middle East and the terrorist attacks that occur around the world are not disparate and isolated events but, rather, part of the threat of Islamic extremism that will endanger the next generation—which will change the very way of life of our children and grandchildren—unless we meet that threat, we will have failed to live up to our responsibilities.

Some of our colleagues say we should merely leave Iraq, bring our troops home as soon as possible. There is no one who wants our troops home any faster than I do. But we have to do so based upon the ability of the Iraqis to provide their own security. That is why we continue to train hundreds of thousands of Iraqi police officers and soldiers so they can provide that security. Sure, we could leave. We could leave today. But as General John Abizaid said, the head of Central Command: If we leave now, they will follow us here.

If we were to leave before we had a reasonable opportunity for the Iraqi people to provide for their own security and provide for their own government and self-determination, what would that say about the sacrifices of so many who have given so much to liberate the Iraqi people from a terrible dictator, to provide the people of Afghanistan an opportunity to vote in free and fair elections for their own leaders? Would that have all been in vain?

What would come of America's word and our commitment, when we ask brave Iraqis to step forward and to volunteer to serve in the police or in the army or to try to go about their life as much as possible by participating in free and fair elections, if we were to leave prematurely before they were able to provide for their own security, before they would be able to continue on the glidepath to self-determination and a better life?

Does anybody have any doubt that the criminals, that the jihadists, that the sectarian violence would lay claim to those individuals, those brave individuals who have allied themselves

with America in an attempt to provide a peaceful and democratic Iraq?

What would it mean if we left immediately? Well, I think it would mean that, like Afghanistan—which was the launching pad for al-Qaida, with a friendly government such as the Taliban—we would have another failed state where terrorists could plan, finance, train, and then export their terrorist attacks to places such as the United States.

Yes, I believe this is the test of our generation, just like my parents' generation, the "Greatest Generation," met their test in World War II. And for the sake of the next generation, and generations beyond, I pray we pass that test.

Some have said, and our colleagues earlier today said: What do we want? We need to change. But they ask for change without any plan, without articulating what they would do differently, other than to criticize the hard effort being undertaken by our men and women in uniform to bring about a peaceful and secure Iraq.

They say we need a new direction, but they are unwilling to identify what direction we ought to go. They claim the President has politicized the war on terror. Well, I beg to differ. I believe this President has done what he believes is his duty by identifying the threat and confronting the threat and trying to make America a safer place. That is not politicizing the war on terror. That is telling the American people what the facts are.

Some have suggested we ought to sit down with the terrorists and talk to them. Well, I think we have seen what kind of threat this ideology breeds and why that is not an idea likely to be successful.

Some have gone so far as to say what has happened in Iraq has not made us safer. But as I went down the various places where terrorists have hit since September 11 all around the world, is there any doubt, but for the efforts we have undertaken in this country, both here and abroad, and taking the fight on the offensive, that we would not be celebrating the fifth anniversary of September 11 without another terrorist attack but, rather, we would be looking backward and saying, if we had only taken the threat more seriously, maybe we would have avoided that terrorist attack which would have occurred but for those acts?

Some have said there have been a lot of mistakes in Iraq. Well, perhaps that is true. I am not sure of any war plan that survives the first shot. I know we are fighting an intelligent and adaptive and resourceful enemy who manipulates the media, who has learned how to use the Internet to communicate, and who has attempted to attack our country and other countries time and time again.

I hope over this next month, before we recess for the November election season, we are successful in identifying the nature of the threat that confronts

our country, indeed, the free world, and we describe with clarity the consequences of our failing to deal with it and that we demand that those who are critical of what we are doing in fighting the global war on terror explain to us precisely: What would you do differently and how do you believe that would make us safer.

That is the debate I believe we owe the American people. That is the debate I believe we owe the next generations that come after us. And that is the debate we owe those who have worked so hard over the last 200 years to make America the place it is today.

Mr. President, 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. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to speak in morning business until 2:20 p.m.

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

DEATH WITH DIGNITY ACT

Mr. WYDEN. Mr. President, after the Senate's unfortunate debate about the tragic case of the late Terri Schiavo, I thought the Senate was unlikely to debate this matter any time soon. Unfortunately, it seems there may be another discussion of this matter. In spite of the fact that the American people made it very clear that the Government ought to stay out of these tragic end-of-life matters, new legislation, S. 3788, has been introduced which would, in effect, throw Oregon's Death with Dignity Act into the trash can.

As a result of the introduction of this legislation and my concern that the last thing we need is more Government stepping into these very difficult end-of-life decisions, I am announcing this afternoon that I am placing a hold on S. 3788 which would overturn Oregon's unique Death with Dignity Act and would, in my view, do great damage to the cause of pain management all across our country.

In the past, the Senate has looked at this only in the context of what some describe as assisted suicide. Obviously, there are differences of opinion on this issue. The people in my State have been debating this for well over a decade and twice have made it clear that they believe these decisions ought to be left to the individual and to families trying to cope with these difficult circumstances. They have sent a strong message that death is an intensely personal and private matter and that the Government ought to leave our citizens alone. The Government ought not attempt to override or preempt the individual and family values, religious beliefs, and wishes.

What has been debated in Oregon is not all that different from what was faced in the Senate when there was a discussion about the case of the late Terri Schiavo. I objected on the floor at that time to consideration of the original Schiavo legislation, which was an extraordinary overreach of Federal power, and today I put a hold on S. 3788 which would overturn my State's law.

These are very difficult issues, and many of us are torn with respect to how to handle them. I, for example, opposed physician aid in dying both as an Oregon voter and as a Senator. When my State originally considered the Death with Dignity Act, I worried a great deal about the adequacy of the ballot measure safeguards to protect particularly the poor and the vulnerable. Now we have 8 years of experience with this legislation and, thankfully, my fears with respect to how the vulnerable would fare under this legislation have not been realized, and the realities are that the safeguards in the law have worked quite well in preventing potential abuses.

Had Oregon acted hastily or without thorough examination and debate, I might not be in a position to defend my State's law. But no one can accuse my State of acting precipitously in approving this matter. We have endured several ballot initiatives, court challenges, and, most recently, a challenge that was heard by the U.S. Supreme Court. Each time, the will of a majority of Oregonians prevailed. It is that will of my State's voters which S. 3788 would overturn.

During the 8 years the law has been in effect in my home State of Oregon, the opponents of the law have combed through the statute looking for potential pitfalls. The law still stands because the notion of opponents that there would be abuses and a stampede to Oregon have not been borne out. In fact, and this obviously could not ever be proved, my sense is that there are probably fewer assisted suicides in my home State, the only State with a statute, than there are in other parts of the country. That is because the real effect of Oregon's Death with Dignity Act has been to generate a significant increase in the use of hospice and to generate a significant increase in the number of people who spend their last days at home with family dealing with these issues on their own. So we have not seen this tidal wave of assisted suicides in my home State, but what we have seen as a result of all of the focus on end-of-life care is a significant increase in folks spending their last days through the compassionate services of hospice programs and help with their families at home.

The reality is there is no constitutional issue at stake in this discussion with respect to State rights. Historically, defining medical practice has been a matter left to the States. What is so ironic is that some who come to the floor of the Senate to talk about State rights are essentially saying

they only believe in State rights if they think the State is right.

This is a matter which Oregonians have decided for themselves. It has historically been an issue which has been left to the States.

In my home State, there was a vigorous discussion around dinner tables and at the ballot box, and our State has spoken clearly with respect to where we stand on this difficult issue. I do not believe that a Senator from another State should seek to overturn another State's law based on his personal beliefs.

We are just a couple of months from Election Day in which local, State, and Federal elections will be held. Many States will have numerous ballot measures covering every issue imaginable. Voters need to know they can debate even the most emotionally wrenching issues through the ballot process and have their election results respected. The proposed legislation I have put a hold on, S. 3788, sends voters the message that if Congress doesn't like the conclusion your State comes to through a ballot measure, your vote really doesn't matter. I intend to make sure that the votes of the people of my State, on a matter that has historically been left to them, will count.

You can be opposed to physician aid in dying and be opposed to this legislation as well. The reason I conclude that, is because I believe this proposal will be a huge setback to the cause of pain management in every corner of the country, not just in my home State. Like efforts before it, S. 3788 seeks to undermine my State's law by amending the Controlled Substances Act in order to say that drugs which fall under the Controlled Substances Act cannot be used in physician aid in dying. The Controlled Substances Act, of course, is legislation Congress passed to go after drug kingpins and to make sure that those with access to drugs, including doctors and pharmacists and others, do not distribute them illegally. The penalties in the Controlled Substances Act are substantial. However, the bottom line is the Controlled Substances Act was not meant to throw the will of the people of my State or any other in the trash can with respect to a medical practice involving end-of-life care.

Like past efforts, the legislation I have put a hold on purports to create a safe harbor to protect physicians and others. Sadly, such a safe harbor is meaningless because of the realities patients, families, doctors, pharmacies, and others face when they are trying compassionately to assist a dying patient in that patient's last days. Medicine and the use of controlled substances, particularly in the case of the dying, is an art, not an exact science. It is not as if you can prove scientifically and medically that a dose of a drug in so many milligrams can always relieve pain and half a milligram more is going to result in death. People are different. Each of these medical tragedies is different. The dying often can