

would always be an American living in Japan. But if a Japanese citizen came here, they could become an American, and we would welcome that person with open arms. Why? It is because our identity is not based on ethnicity but on a creed of ideas and values in which most of us believe.

The story Richard Hofstadter wrote:

It is our fate as a nation not to have ideologies, but to be one.

To become American citizens immigrants must take a test demonstrating their knowledge of American history and civics.

Fourth, what are the principles that unite us as Americans? In Thanksgiving remarks after the September 11 attacks, President George W. Bush praised our Nation's response to terror. "I call it the American character," he said.

Former Vice President Gore, in his speech after the attacks, said:

We should fight for the values that bind us together as a country.

In my Harvard course that I mentioned, we put together a list of some of those values: liberty, *e. pluribus unum*, equal opportunity, individualism, rule of law, free exercise of religion, separation of church and state, *laissez-faire*, and the belief in progress, the idea that anyone can do anything. Anything is possible if we agree on those principles.

I would say to my students, Why is there so much division in American politics? Just because we agree on the values doesn't mean we agree on how to apply those values. Most of our politics, in fact, is about the hard work of applying those principles to our everyday lives. When we do, we often conflict.

For example, when discussing President Bush's proposals to let the Federal Government fund faith-based charities, we know, in God we trust—we have it here in the Senate—but we also know we don't trust government with God. When considering whether the Federal Government should pay for scholarships that middle- and low-income families might use at any accredited school—public, private, or religious—some object that the principle of equal opportunity can conflict with the principle of separation of church and state.

What does it mean to be an American? After September 11, I proposed an idea I call Pledge Plus Three. Why not start each school day with the Pledge of Allegiance—as many schools still do—and then ask a teacher or a student to take 3 minutes to explain what it means to be an American. I would bet the best 3-minute statements of what it means to be an American would come from the newest Americans. At least that was the case with my university students. The newest Americans appreciated this country the most and could talk about it the best.

Ask students to stand and raise their right hands and recite the oath of allegiance just as immigrants do when

they become American citizens. This is an oath that goes all the way back to the days of George Washington and Valley Forge. It reads like it was written in a tavern by a bunch of patriots in Williamsburg late one night. I recited this with my right hand up during a speech I recently gave on my American history and civics bill. It is quite a weighty thing and startles the audience to say:

I absolutely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty [and agree to] bear arms on behalf of the United States when required by the law.

The oath to become an American taken by George Washington and his men and now taken today in court-houses all across America is a solemn, weighty matter. Our history is a struggle to live up to the ideas that have united us and that have defined us from the very beginning, the principles of what we call the American character. If that is what students are taught about September 11, they will not only become better informed, they will strengthen our country for generations to come.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, how much time is left on the majority side in morning business?

The PRESIDING OFFICER. There is 19 minutes remaining.

REMEMBERING 9/11

Mr. SCHUMER. Mr. President, we are now approaching the 10th anniversary of 9/11. As with countless others who experienced all that happened that day, recounting 9/11, assessing its implications on our Nation is both a profound and deeply personal undertaking.

I will never forget the moments when I learned what happened. I was in the House gym. I was a Senator then and still went to the House gym. There is a little TV on top of the lockers, and somebody pointed out—one of our colleagues who was in the House with me from the other side of the aisle said: Look on the TV. It looks like a plane has crashed into the World Trade Center.

We all gathered around and watched the TV and came to the conclusion that it was probably a little turbo plane that had lost its way. We kept our eyes on the TV, and then, of course, we saw the second plane hit the second tower, and we knew it was not just an accident.

I quickly showered, dressed, rushed to get into my car, and as I was driving quickly to my office, I saw another

plane flying low over the Potomac, and I saw a big plume of smoke, which obviously was the plane aimed at the Pentagon. I said to myself, "World War III has started."

I quickly called my wife, and our first concern was our daughter who went to high school just a few blocks from the World Trade Center. We didn't know what happened. The towers were on fire. We actually took out the almanac to see how high the trade center was to see whether it could fall in the direction of her school and whether it would hit it. For 5 hours, we couldn't find Jessica. They had successfully evacuated the school, but because they shut down the elevators in the school, they all had to walk down the stairs. She was on the ninth floor, and, being Jessica, she escorted an elderly teacher who couldn't get down very quickly and lost her way from the group. Of course, praise God, we found her.

That was just the beginning of the anguish. The next day, Senator Clinton and I flew to New York. I will never forget that scene. I think of it just about every day. The smell of death was in the air. The towers were still burning. People were rushing to the towers—firefighters, police officers, construction workers—to see if they could find the missing. The most poignant scene I think of all the time is literally hundreds of people, average folks of every background, holding up little signs—"Have you seen my daughter Sally?" with a picture, "Have you seen my husband Bill?"—because at that point we didn't know who was lost and who was not. It was a very rough time, and we think of it every day.

We know what happened, and it is something that will remain in our minds for the rest of our lives but, of course, not close to those who lost loved ones either during the horrible conflagration or in these later years. Now is the time for the 10th anniversary, so it is a good time to take stock of the effect of the trauma and what it means, both locally and nationally.

Obviously, every one of us in America was scared, shocked, traumatized, horrified, angry, and heartbroken. At first, we didn't know what happened. Then, as we learned who had attacked us and why, we had to confront a crisis for which we didn't feel prepared. It was an experience we as New Yorkers and Americans were not used to at all. We felt so vulnerable. Were we now going to be the subject of attack after attack from stateless, nihilistic enemies we poorly understood and were even more poorly prepared to fight? There was this doctrine of asymmetrical power: Small groups living in caves were empowered by technology to do damage to us—horrible damage—that we couldn't stop. Could it be that our vast military was a poor match for a small group of technologically savvy extremists bent on mass murder and mayhem, directed from half a world away? It seemed more likely—certain even—that attack after attack would

come our way from a small group willing to use any tactic, from a box cutter and a loaded plane to weapons of mass destruction, focused solely on massive loss of life and damage to the economy, not to mention to our collective psyche and confidence as a people.

It certainly was a hammer blow to the great city in which I live and have lived my whole life. It raised the question of its future. People everywhere were writing the obituaries on downtown Manhattan. People and businesses were leaving or seriously contemplating leaving. Being diffuse was the answer, not concentrated. Some wrote that maybe now densely populated, diverse cities such as New York would no longer have a future. A permanent exodus seemed imminent. Downtown New York would become a ghost town. Who would work here again? Who would live here? Who would dine or see a show here? What global firm would locate thousands of jobs here? It was not an exaggeration to say that New York's days as the leading city on the global stage seemed as though they could be over.

But our response was immediate, proactive, unified, and successful. In the days, weeks, and first months after 9/11, America as a society and, by extension, its political system came together and behaved in a remarkable way. New Yorkers, as always, did the same. There immediately developed a sense of shared sacrifice and common purpose that gave rise to a torrent of actions in the private and public spheres.

Amongst the American people, there was an unprecedented outpouring of voluntary help—a tradition deeply rooted in our American tradition of community service and voluntary action noted by observers as far back as Alexis de Tocqueville, who, in the earliest days of our Republic, observed:

Americans of all ages, all conditions, all minds constantly unite. Not only do they have commercial and industrial associations in which all take part, but they also have a thousand other kinds: religious, moral, grave, futile, very general and very particular, immense and very small.

Fueled by this reaction, our government went to work immediately, at all levels, collaborating on the Federal, State, and local levels.

In Washington, DC, the policy response to the situation at hand was remarkable for its productivity, its extraordinary speed, and, overall, the positive impacts it made both in the short term and long term. All of what we did was far from perfect, but when our government is able to be this nimble, responsive, and effective, it is worth asking what the elements of its success were so that we might think about how we can apply them to future situations such as the one we are in now.

If I were to characterize our policy actions post-9/11, I would say they were nonideological, practical, partisanship was subdued; the actions were collabo-

rative, not vituperative; they were balanced and fair; they were bold and decisive; and they were both short- and long-term focused. Let's take a quick look at each.

We were nonideological. Post-9/11, we were driven primarily by facts, not primarily by ideology. We asked, "What does the situation require and how might we best execute that?" not, "How can I exploit this situation to further my world view or political agenda or pecuniary self-interest?" We didn't have a debate about the nature of government and whether or how we ought to support disaster victims or the need for housing or to get small businesses and not-for-profits back open, nor did we wring our hands about the appropriateness of rebuilding infrastructure or responding to the lack of insurance available for developers; rather, we attacked each problem as it became apparent. We professionally engaged, we compromised, and we hammered out a plan to address each problem as it arose. And we did it fast.

We were tempered in our partisanship. Partisanship is never absent from the public stage, but the degree to which it is the dominant element in the many influences on public policy waxes and wanes. In the days after 9/11, we were able to keep partisanship on a short leash.

I remember being in the Oval Office the day after I visited New York with Senator Clinton, and we told President Bush of the damage in New York. I asked the President: We need \$20 billion in New York; we need a pledge immediately. Without even thinking, the President said yes. New York is a blue State, one that didn't support President Bush. He didn't stop and weigh and calculate politically; he said yes, and, to his credit, he stuck by that promise in the years to come.

We were collaborative, not vituperative, unlike recent tragedies, such as the Fort Hood shooting, where some sought to heap blame on President Obama, or the Gabby Giffords shooting, where premature blame was mistakenly directed at the rightwing for spurring the attacker which, in turn, begat a round of unseemly recriminations. Unlike those examples, following 9/11, people refrained from using the powerful and exploitable event as an opportunity to blame President Bush or President Clinton for letting an attack happen.

Rather than looking back and hanging an iron collar of blame around the neck of a President to score political points, people from both parties were willing to look forward, to plan forward, and to act forward. This, in turn, helped create a climate where collaboration was possible. And, to his credit, the President, as I mentioned, did not think about the electoral map or political implications of supporting New York.

We were bold and decisive. We did not shrink from the big thing or fail to act on multiple levels at once. On one

front, we crafted the \$20 billion aid package to rebuild New York. On another, we crafted the PATRIOT Act. On still another, the military and intelligence communities planned the invasion of Afghanistan to root out al-Qaida. These were big moves, with massive implications for life, the national coffers, and the structure of our society. None of the moves was perfect, but rather than, for example, derail the \$20 billion aid package to New York because you might think we do not have the money to spend or blocking the PATRIOT Act because you believe it does not do enough to produce civil liberties, in the period after 9/11, those with objections made a good-faith effort to have their points included in nascent legislation, and had some real success, such as building in punishments against those who leak information obtained from wiretaps or preventing information from unconstitutional searches from abroad from being used in a legal proceeding.

But, in the end, on the PATRIOT Act, for example, Democrats—who were in the minority and could have played the role of blocker—let it pass with a pledge to improve it over time, rather than scuttling it entirely, because while there were parts of it that some disagreed with strongly, there were parts that were absolutely necessary.

Compare this to our current stalemate on fiscal policy and the economy, where time after time the "my way or the highway" view seems to prevail, leading to inaction, gridlock, and failure to do what the economy truly needs.

We were balanced and fair. On the one hand, we were pragmatic. We made the airlines and owners of the World Trade Center and other potential targets immune from potentially bankrupting lawsuits. It was not an easy decision. It was strenuously opposed by some in the trial bar and other Democratic allies, but it was a reasonable one.

On the other hand, we were just. We created, with billions in financing, the Victims Compensation Fund, the VCF, so no victim or their loved one would be denied access to justice. It proved to be a win-win. The crippled airline industry, so critical to our economy, was able to get back up and running, and every injured person or loved one of those lost had an expedited and fair system to pursue a claim of loss.

This harkened back to the kind of grand bargains on big issues that are the very foundation of effective government in the system of diffused power that we were bequeathed by our Founders, the kind of bargains the current state of politics make so elusive today.

We were short- and long-term focused. We were concerned with both short-term support, via FEMA aid to

homeowners, renters, and small businesses, and with long-term competitiveness. We invested heavily in transportation infrastructure to move millions in and out of the central business districts, even while we supported the arts, community groups, parks, nonprofits, and more to create the vibrant and growing 24/7 downtown we have today—a hub that is at the very center of the Nation's economy and culture—far from the horrible view we had that the downtown would become a ghost town shortly after 9/11.

In short, the response to 9/11 by all Americans, by both parties, is a roadmap for how our political system ought to function but is not now functioning.

I am not a Pollyanna. I understand the inherent nature of conflict in the political realm, and I often partake in it. I also know the trauma of 9/11 was uncommon, and made possible uncommon action. Then we had both the shocking murder of thousands of innocent victims, the heroism of the responders to inspire us, and the advantage of a common enemy to unite us.

But what we were able to achieve then in terms of common purpose and effective collective action provides us with a model for action that we in Washington must strive to emulate and—even if just in part, even if just sporadically—to recreate. We should look back to what happened during 9/11 and apply it to our own time and see how we can make ourselves better and break the kind of gridlock, partisanship, finger pointing that seems to dominate our politics today, only 10 years later.

As we survey the current state of our national psyche and the ability of our political system to debate and then implement effective policy actions for the challenges that confront us, it is painfully clear that, in a relative blink of the eye, the ability of our political system to muster the will to take necessary actions for the common good has degenerated to a place that is much too far away from our actions after 9/11.

The question that haunts me—and should haunt all of us—is this: If, God forbid, another 9/11-like attack were to happen tomorrow, would our national political system respond with the same unity, nonrecrimination, common purpose, and effective policy action in the way it did just 10 years ago or are our politics now so petty, fanatically ideological, polarized, and partisan that we would instead descend into blame and brinksmanship and direct our fire inward and fail to muster the collective will to act in the interests of the American people?

As I ponder it, I have every confidence that the first responders—cops, firefighters, and others—would do now as they did then. Their awe-inspiring selflessness and bravery continues to be a humbling wonder and an inspiration.

I know our building trades workers would again drop everything and show

up, put their lives on the line, and throw their backs into the task at hand without waiting to be asked.

I am certain that the American people would come together and find countless ways to donate their time, their energy, their ideas, and their compassion to the cause at hand.

But what of our political system?

I am an optimist, so I want to believe the answer is yes. But I am also a realist, and a very engaged player on the Washington scene, who has just been through the debt ceiling brinksmanship, amongst other recent battles, and that realistic part of me is not so sure the answer is yes.

Today, would we still pass a bipartisan \$20 billion aid package to the afflicted city or would we say that is not my region or would we fail to take the long view and say we cannot afford to spend lavish sums of money like that; we have to spend within our means.

Would we be capable of coming together to pass a grand bargain such as the one that immunized the airlines from lawsuits and created the Victims Compensation Fund or instead would we embrace the politics of asphyxiation and find every excuse to block getting to “yes” in order to prevent our political opponents from appearing to achieve something positive.

Would all parties refrain from using the occasion to place blame on the President and on each other to gain relative political advantage or would we hear, first, the leaked whispers, then the chatter, then the recriminations that build to the ugly echo chamber of vituperation that has been the sad hallmark of more recent tragedies and national security events.

This political accord following 9/11 had its limits, especially in the aftermath of our invasion of Iraq, when one key rationale for going to war was discredited. But even for those who came to view our involvement as distracting and wrong—distracting from the more important political objective of rooting out al-Qaida and wrong because it could not work; and there was a great loss of life and treasure—even for those of us who came to abhor the war in Iraq, it would have been unthinkable then to root against our country's eventual success in Iraq. Compare that to now, when it is fathomable that some would rather America not recover its economic strength and prowess just yet.

When we think back to where we were then and to how we reacted and compare it to challenges we confront today, it is clear that while the sacrifice of the victims and the heroism of the responders were eternal, our ability to sustain both the common purpose and effective political action they inspired has proved all too ephemeral.

I will not recount details of our current dysfunction, but suffice it to say our politics are paralyzed. Domestically, we are frozen in an illogical arm-wrestling match between the need to get people back to work and jump-start

the economy and the drive to rein in the deficit. Globally, we are confronted by an uncertain place in an increasingly competitive world.

Finally, our challenges are psychological and emotional and aspirational, much as they were in the darkest hours and days after 9/11, and these doubts whisper to us the following questions: Are we no longer able to tackle the big issues? Are we a nation in decline?

I am not saying the challenges we face today are an exact parallel for what we faced then. It is obvious they are not. Nor are all the conditions the same. But today's challenges—from the economic to the global to the social—are not intractable, and if any one of our current dilemmas were subject to the same policy environment we had post-9/11, I have no doubt we would make substantial progress in tackling it.

Confronted with a more profound, complex, and existential challenge on 9/11, we rose to the occasion. We confronted the problem before us with uniquely American doggedness, pragmatism, creativity, collaboration, and optimism—optimism—because that is what Americans do and that is who we are. We believe that no matter how bad it gets—whether hunkered down for the winter in Valley Forge after a series of humiliating military defeats or arriving, like Lincoln, in Washington, DC, in 1860 to find half our Nation and next-door neighbor States are attempting to destroy our Union or FDR confronting, in 1932, 25-percent unemployment and an unprecedented deflationary spiral in a modern industrial-financial economy or believing that, indeed, all people are created equal, even while you were rudely ushered to the back of the bus or facing down the totalitarian threats of fascism and communism, and believing that, yes, we will tear that wall down—Americans believe in a brighter tomorrow. We believe in our ability as a people, individually and collectively, both through private action and via our elected representatives who make our Nation's policy, to get things done to make that brighter tomorrow a reality.

We have, as a nation, faced bigger challenges. We have answered the call, and 9/11 was one shining example. We are in better shape now on many fronts as a result of the actions we took in the immediate aftermath of 9/11, and those are well known: rebuilding New York City, compensating families, flushing al-Qaida from its base in Afghanistan, leading to the fact that Osama bin Laden is dead.

In the Middle East it is not, as we feared after 9/11, the hateful, myopic, reactive philosophy of bin Laden that took hold and changed their societies. Rather, it is imbued with some decent measure of hope and optimism and courage that created a cascading wave of political, social, and economic aspiration that has transformed this region from Tunisia and Libya to Egypt and Syria, added and abetted by entrepreneurial innovations pioneered here in

America. This transformation is not without enormous dangers and challenges, but consider how much worse it would have been if a pro-bin Laden movement were fueling this transformation.

It is plain we need more of what we had post-9/11 now. I am not naive. I know it cannot be conjured up or wished into existence. But if we are optimistic, if we are inspired by the Americans who died here, if we truly understand our shared history and the sacred place compromise and rationality hold at the very center of the formation of our Nation and the structure of our Constitution, then we can again take up the mantle of shared sacrifice and common purpose that we wore after 9/11 and apply some of those behaviors to the problems we now confront.

The reality of our current political climate is that both sides are off in their corners; the common enemy is faded. Some see Wall Street as the enemy many others see Washington, DC, as the enemy and to still others any and all government is the enemy.

I believe the greatest problem we face is the belief that we can no longer confront and solve the problems and challenges that confront us; the fear that our best days may be behind us; that, for the first time in history, we fear things will not be as good for our kids as they are for us. It is a creeping pessimism that cuts against the can-do and will-do American spirit. And, along with the divisiveness in our politics, it is harming our ability to create the great works our forbears accomplished: building the Empire State building in the teeth of the Great Depression, constructing the Interstate Highway System and the Hoover Dam, the Erie Canal, and so much more.

While governmental action is not the whole answer to all that faces us, it is equally true that we cannot confront the multiple and complex challenges we now face with no government or a defanged government or a dysfunctional government.

As we approach the 10th anniversary of 9/11, the focus on what happened that day intensifies—what we lost, who we lost, and how we reacted—it becomes acutely clear that we need to confront our current challenges imbued with the spirit of 9/11 and determine to make our government and our politics worthy of the sacrifice and loss we suffered that day.

To return to de Tocqueville, he also remarked that:

The greatness of America lies not in being more enlightened than any other nation, but rather in her ability to repair her faults.

So, like the ironworkers and operating engineers and trade workers who miraculously appeared at the pile hours after the towers came down with blowtorches and hard hats in hand, let's put on our gloves, pick up our hammers and get to work fixing what ails the body politic. It is the least we can do to honor those we lost.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEAHY-SMITH AMERICA INVENT'S ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1249, which the clerk will report by title.

The assistant legislative clerk read as follows:

An Act (H.R. 1249) to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 600

Mr. SESSIONS. Mr. President, I ask unanimous consent to call up my amendment No. 600, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. MANCHIN, Mr. COBURN, and Mr. LEE, proposes an amendment numbered 600.

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

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

The amendment is as follows:

AMENDMENT NO. 600

(Purpose: To strike the provision relating to the calculation of the 60-day period for application of patent term extension)

On page 149, line 20, strike all through page 150, line 16.

Mr. SESSIONS. Mr. President, the amendment that I have offered is a very important amendment. It is one that I believe is important to the integrity of the U.S. legal system and to the integrity of the Senate. It is a matter that I have been wrestling with and objecting to for over a decade. I thought the matter had been settled, frankly, but it has not because it has been driven by one of the most ferocious lobbying efforts the Congress maybe has seen.

The House patent bill as originally passed out of committee and taken to the floor of the House did not include a bailout for Medco, the WilmerHale law firm, or the insurance carrier for that firm, all of whom were in financial jeopardy as a result of a failure to file a patent appeal timely.

I have practiced law hard in my life. I have been in court many times. I

spent 12 years as a U.S. Attorney and tried cases. I am well aware of how the system works. The way the system works in America, you file lawsuits and you are entitled to your day in court. But if you do not file your lawsuit in time, within the statute of limitations, you are out.

When a defendant raises a legal point of order—a motion to dismiss—based on the failure of the complaining party to file their lawsuit timely, they are out. That happens every day to poor people, widow ladies. And it does not make any difference what your excuse is, why you think you have a good lawsuit, why you had this idea or that idea. Everyone is required to meet the same deadlines.

In Alabama they had a situation in which a lady asked a probate judge when she had to file her appeal by, and the judge said: You can file it on Monday. As it turned out, Monday was too late. They went to the Alabama Supreme Court, and who ruled: The probate judge—who does not have to be a lawyer—does not have the power to amend the statute of limitations. Sorry, lady. You are out.

Nobody filed a bill in the Congress to give her relief, or the thousands of others like her every day. So Medco and WilmerHale seeking this kind of relief is a big deal. To whom much has been given, much is required. This is a big-time law firm, one of the biggest law firms in America. Medco is one of the biggest pharmaceutical companies in the country. And presumably the law firm has insurance that they pay to insure them if they make an error. So it appears that they are not willing to accept the court's ruling.

One time an individual was asking me: Oh, JEFF, you let this go. Give in and let this go. I sort of as a joke said to the individual: Well, if WilmerHale will agree not to raise the statute of limitations against anybody who sues their clients if they file a lawsuit late, maybe I will reconsider. He thought I was serious. Of course WilmerHale is not going to do that. If some poor person files a lawsuit against someone they are representing, and they file it one hour late, WilmerHale will file a motion to dismiss it. And they will not ask why they filed it late. This is law. It has to be objective. It has to be fair.

You are not entitled to waltz into the U.S. Congress—well connected—and start lobbying for special relief.

There is nothing more complicated about that than this. So a couple of things have been raised. Well, they suggest, we should not amend the House patent bill, and that if we do, it somehow will kill the legislation. That is not so. Chairman LEAHY has said he supports the amendment, but he doesn't want to vote for it because it would keep the bill from being passed somehow.

It would not keep it from being passed. Indeed, the bill that was