



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, THURSDAY, SEPTEMBER 8, 2011

No. 132

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Lord God, through whom we find liberty and peace, lead us in Your righteousness and make the way straight before our lawmakers. As they grapple with complex issues and feel the need for guidance, lead them to the decisions that will best glorify You. Looking to You to guide them, may they not be overwhelmed, remembering that in everything You are working for the good of those who love You.

May Your good blessings continue to be with us, and may we, in response to Your abiding love, ever seek to do justice, love mercy, and walk humbly with You.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico 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. REID. Mr. President, following any leader remarks, there will be 1 hour of morning business, with the Republicans controlling the first half and the majority controlling the final half. Following morning business, the Senate will resume consideration of the America Invents Act. There will be four rollcall votes starting about 4 p.m. That time could move a little bit but not much. We are doing that in order to complete action on this patent bill that is so important for the country. It will be the first revision of this law in more than six decades.

Senators should gather in the Senate Chamber about 6:30 this evening to proceed as a body to the House for the joint session with President Obama. When we return this evening, there will be an additional rollcall vote on the motion to proceed to S.J. Res. 25, which is a joint resolution of disapproval regarding the debt limit increase. As I indicated to everyone last night, if the motion to proceed prevails, we will be back tomorrow to complete that work, and that could take as much as 10 hours tomorrow. If the motion to proceed fails, then we will have other things to do tomorrow but there will be no votes.

MEASURE PLACED ON THE CALENDAR—S.J. RES 26

Mr. REID. Mr. President, I am told that S.J. Res. 26 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title for the second time.

The assistant legislative read as follows:

A joint resolution (S.J. Res. 26) expressing the sense of Congress that Secretary of the Treasury Timothy Geithner no longer holds the confidence of Congress or of the people of the United States.

Mr. REID. Mr. President, I object to any further proceedings with respect to this resolution.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

JOBS AGENDA

Mr. REID. Mr. President, tonight, before a joint session of Congress, President Obama will address the Nation on the single most important issue facing our country: the unemployment crisis we have before us. I look forward to hearing the specifics of his plan. I have spoken to him, and I have a pretty good idea of what he is going to talk about.

I support his goal to create good jobs for the 14 million people who have no jobs. This is a time of dark economic times, and it is important that we do this. I applaud the commonsense, bipartisan approach the President will unveil tonight to invest in badly needed infrastructure and to cut taxes for working families and small businesses to spur job creation.

These are ideas around which Members of both parties should rally. Republicans have always supported tax cuts. They have done it in the past, and they agree we must bring America's infrastructure up to 21st-century standards. I hope that in fact is the case. But

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



S5395

if my Republican friends oppose these proposals now—proposals they have supported in the past—the reason will be very clear: partisan politics. Republicans seem convinced that a failing economy is good for their politics. They think that if they kill every jobs bill and stall every effort to revive the economy, President Obama will lose. My good friend the Republican leader has said so. He has said the Republican Party's No. 1 goal in this Congress is to defeat the President. But Republicans aiming at the President have caught innocent Americans in the crossfire.

This week, Republican leaders have said they want to work with the President and Democrats in Congress. They want to work on job creation in a bipartisan way, they say. I hope that in fact is the case, but their actions over the last 8 months speak much louder than their words of the last few days.

For example, Republicans opposed the reauthorization of the Small Business Innovation Research Program and the Economic Development Administration. Both have proven track records of spurring innovation, encouraging entrepreneurship, and creating jobs. Republicans were willing to put more than ½ million Americans' jobs at risk and, in fact, eliminate those jobs rather than work with us to pass that legislation.

The Senate passed much needed patent reform in March. Yet House Republicans stalled for months before sending us back their version of the bill, which we will vote on today. I am hopeful we can send it back to the House untouched.

Republicans wasted weeks threatening to shut down the economy this spring. They held our economy hostage for months this summer over a routine vote on whether to pay the Nation's bills. Congress took the same vote 18 times while President Reagan was President and 7 times while George W. Bush was President and never was the vote time-consuming or contentious. Through it all, Republicans hacked away at funding for the very programs that were helping to get this Nation's economy back on its feet.

The results of their stall tactics, obstructionism, and mindless budget cuts are beginning to show. Although the private sector created jobs for the 18th month in a row, August saw no change in the national unemployment rate. Unemployment in Nevada is still the highest in the Nation. But in spite of all this, the Republicans have refused to allow us to focus on unemployment. As Democrats introduced jobs bill after jobs bill, Republicans made it clear they were more interested in pursuing a political agenda than a jobs agenda.

We will no longer allow our Republican colleagues to put politics ahead of the American people. There are two things we must get done this work period and both will create and save jobs immediately. We need to reauthorize the Federal Aviation Administration to protect both air travelers and air-

line workers—that is 80,000 jobs—and we must pass a highway bill to fund construction projects across the Nation. These two bills combined will save about 2 million jobs, including many jobs in the struggling construction industry, and it will do it now. But we need Republican help. We can't get it done without them. This is their chance to prove they remember the meaning of the word "bipartisan." It is time for necessity to trump ideology.

Senator Robert Byrd once said, "Potholes know no parties." The challenges this Nation faces today are greater than any speed bump, but the road to recovery is the same: cooperation. Partisanship will not solve our jobs crisis, but setting aside politics in service to our country certainly will.

Mr. President, we have been able to move forward this week and get some work done. I especially appreciate very much the work of Senator KYL, who is the Republican whip. His work to put the patent bill in the position it is in so we can finish that bill today—we certainly hope to be able to do that—has been very exemplary, and I appreciate it very much.

Next week, likely, our first vote will be to do something about FEMA—the Federal Emergency Management Agency—which is broke. We have had a string of natural catastrophes that have been just awful—Irene, Lee, and tornadoes that don't have names, but the one that struck Joplin, MO, killed almost 200 people and devastated that town.

I went down to S-120 last night, and they had a number of scientists showing some of the things they have developed. One of the things they have developed—and these are things they have done at universities, handmade pieces of magnificent equipment that do many things—is something they can place in the path of a storm—they have never been able to do that before—to determine from which direction the wind is coming and how hard it blows. Without belaboring the point, one of the instruments there recorded the strongest winds ever recorded in the history of the world—more than 300 miles an hour. That is basically what we had in Joplin, MO. There is no building that can withstand that. It is devastating.

The pictures you see of Joplin, MO, look like a series of bombs hit. Every building was affected, most of them knocked down. The reason I mention that is that FEMA has stopped work in Joplin, MO. People were there working for \$9 an hour, just putting things back into some semblance of order, but that work has stopped. FEMA has had to look at the places that are impacted right now. They are still trying to get the water out of some places because of Lee and to restore some of the immediate damage done by Irene. We have to do something to replenish that money.

I was happy to see some of the statements from one of the Republican leaders in the House yesterday in effect

changing his position on how all this has to be paid for. As we speak, we are spending billions of dollars every week in Iraq and Afghanistan. I understand that. But that is all unpaid for—unpaid for.

Certainly, we have to do something to help the American people in an emergency and figure out some other way in the future to look at how to handle other disasters. We try to prefund what we think will happen as a result of disasters, but these are acts of God—that is what we learn in law school—these hurricanes and tornadoes and floods. Along the Mississippi River, we have more than 3 million acres underwater. This is farmland. It is not just vacant land, it is farmland underwater. These people need help, and the Federal Government can help them. So we need to do that, and that is why we will have a vote, as soon as I can arrange it next week, on funding FEMA so they can continue doing the work that is so important for our country.

Mr. President, 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. 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.

RECOGNITION OF THE MINORITY LEADER

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

ECONOMIC CLIMATE

Mr. MCCONNELL. Mr. President, later today both Houses of Congress will welcome President Obama to speak about a very serious crisis we face as a nation, namely, an economic climate that is making it impossible for millions of Americans to find the work they need to support themselves and their families.

In a two-party system such as ours, it shouldn't be surprising that there would be two very different points of view about how to solve this particular crisis. What is surprising is the President's apparent determination to apply the same government-driven policies that have already been tried and failed. The definition of insanity, as Albert Einstein once famously put it, is to do the same thing over and over again and to expect a different result. Frankly, I can't think of a better description of anyone who thinks the solution to this problem is another stimulus. The first stimulus didn't do it. Why would another?

This is one question the White House and a number of Democrats clearly don't want to answer. That is why some of them are out there coaching

people not to use the word “stimulus” when describing the President’s plan. Others are accusing anybody who criticizes it of being unpatriotic or playing politics. Well, as I have said before, there is a much simpler reason to oppose the President’s economic policies that has nothing whatsoever to do with politics: They simply don’t work. Yet, by all accounts, the President’s so-called jobs plan is to try those very same policies again and then accuse anyone who doesn’t support them this time around of being political or overly partisan, of not doing what is needed in this moment of crisis.

This isn’t a jobs plan. It is a reelection plan. That is why Republicans have continued to press for policies, policies that empower job creators, not Washington.

According to the Wall Street Journal, nearly a third of the unemployed have been out of work for more than a year. The average length of unemployment is now greater than 40 weeks, higher than it was even during the Great Depression. As we know, the longer you are out of a job, the harder it is to find one. That means, for millions of Americans, this crisis is getting harder every day. It is getting worse and worse.

We also know this: The economic policies this President has tried have not alleviated the problem. In many ways, in fact, they have made things worse. Gas prices are up. The national debt is up. Health insurance premiums are up. Home values in most places continue to fall. And, 2½ years after the President’s signature jobs bill was signed into law, 1.7 million fewer Americans have jobs. So I would say Americans have 1.7 million reasons to oppose another stimulus. That is why many of us have been calling on the President to propose something entirely different tonight—not because of politics but because the kind of policies he has proposed in the past haven’t worked. The problem here isn’t politics. The problem is the policy. It is time the President start thinking less about how to describe his policies differently and more time thinking about devising new policies. And he might start by working with Congress instead of writing in secret, without any consultation with Republicans, a plan that the White House is calling bipartisan.

With 14 million Americans out of work, job creation should be a no-politics zone. Republicans stand ready to act on policies that get the private sector moving again. What we are reluctant to do, however, is to allow the President to put us deeper in debt to finance a collection of short-term fixes or shots in the arm that might move the needle today but which deny America’s job creators the things they need to solve this crisis—predictability, stability, fewer government burdens, and less redtape. Because while this crisis may have persisted for far too long and caused far too much hardship, one thing we do have right now is the ben-

efit of hindsight. We know what doesn’t work.

So tonight the President should take a different approach. He should acknowledge the failures of an economic agenda that centers on government and spending and debt, and work across the aisle on a plan that puts people and businesses at the forefront of job creation.

If the American people are going to have control over their own destiny, they need to have more control over their economy. That means shifting the center of gravity away from Washington and toward those who create jobs. It means putting an end to the regulatory overreach that is holding job creators back. It means being as bold about liberating job creators as the administration has been about shackling them. It means reforming an outdated Tax Code and getting out of the business of picking winners and losers. It means lowering the U.S. corporate tax rate, which is currently the second highest in the world. And it means leveling the playing field with our competitors overseas by approving free trade agreements with Colombia, Panama, and South Korea that have been languishing on the President’s desk literally for years.

Contrary to the President’s claims, this economic approach isn’t aimed at pleasing any one party or constituency. It is aimed at giving back to the American people the tools they need to do the work Washington has not been able to do on its own, despite its best efforts over the past few years.

The President is free to blame his political adversaries, his predecessor, or even natural disasters for America’s economic challenges. Tonight, he may blame any future challenges on those who choose not to rubberstamp his latest proposals. But it should be noted that this is precisely what Democratic majorities did during the President’s first 2 years in office, and look where that got us. But here is the bottom line: By the President’s own standards, his jobs agenda has been a failure, and we can’t afford to make the same mistake twice.

After the President’s speech tonight calling for more stimulus spending, the Senate will vote on his request for an additional \$500 billion increase in the debt limit, so Senators will have an opportunity to vote for or against this type of approach right away.

Mr. President, 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, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Nebraska is recognized.

(The remarks of Mr. JOHANNIS and Mr. ALEXANDER pertaining to the introduction of S. 1528 are printed in today’s RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ALEXANDER. Mr. President, I believe I have up to 20 minutes?

The PRESIDING OFFICER. There is 16½ minutes remaining on the Republican side.

Mr. ALEXANDER. Will the Chair please let me know when 5 minutes is remaining.

The PRESIDING OFFICER. Yes.

PRESIDENTIAL ADDRESS

Mr. ALEXANDER. Mr. President, tonight we welcome President Obama to the Congress to deliver a jobs address. The President will be coming at a time when we have had persistent unemployment at a greater rate than at any time since the Great Depression. No one should blame our President for problems with an economy that he inherited, but the President should take responsibility for making the economy worse.

Unemployment is up. The debt is up. Housing values are down. The morning paper reports we may be on our way—at least the chances are 50–50, the newspaper says this morning—to a double-dip recession. The number of unemployed Americans is up about 2 million since the President took office. The amount of Federal debt is up about \$4 trillion.

As I mentioned in discussing the proposals of the Senator from Nebraska, the President’s policies, rather than helping over the last 2½ years, have thrown a big wet blanket over private sector job creation. They have made it more expensive and more difficult for the private sector to create jobs for Americans.

Let me be specific about that. The President chose, 2 years ago, rather than to focus exclusively on jobs, to focus on health care. His proposal was to expand a health care delivery system that already cost too much, that was already too expensive. So we have new health care taxes and mandates that make the economy worse.

Why do I say that? I met, for example, with the chief executive officers of several of the nation’s largest restaurant companies. They reminded me that restaurants and hospitality organizations in the United States are the largest employers, outside of government, and that their employees are mostly young and mostly low income. One of the chief executives said because of the mandates of the health care law it would take all of his profits from last year to pay the costs, when it is fully implemented, so he will not be

investing in any new restaurants in the United States. Another said they operate with 90 employees per store, but as a result of the mandates and taxes in the health care law, their goal will be to operate with 70 employees per store. One of the largest employers is saying instead of having 90 employees per store, we are going to have 70. That doesn't help create new jobs in the United States.

Let's take the debt. The President inherited the debt but he has made it worse. The economists who look at debt say we are heading toward a level that will cost us, in the United States, 1 million jobs every year.

Undermining the right-to-work law—the President's appointees to the National Labor Relations Board have told the Nation's largest manufacturer of large airplanes that they cannot build a plant in South Carolina. It is the first new plant to build large airplanes in 40 years in this country. The Boeing Company sells those airplanes everywhere in the world. It could build them anywhere in the world. We want them to build them in the United States. Those kinds of actions by the National Labor Relations Board make it worse.

Regulations that put a big wet blanket over job creation, such as the one the Senator from Nebraska talks about, make it worse. The President's refusal to send trade agreements to Congress makes it worse. Let's be clear about this. Since the day the President took office, he has had on his desk three trade agreements, already signed by both countries. They simply need approval by Congress—one with Panama, one with South Korea, one with Colombia. We are ready to approve them in a bipartisan way if he will send them here. What will that mean in Tennessee? We make a lot of auto parts in Tennessee. We can sell them to South Korea. At the present time, Europeans sell them to South Korea at a lower price because of the tariff situation, because the President has not sent the three trade agreements to Congress. So all these steps have made the economy worse. Of course, with a bad economy home values have stayed down. That is making it worse, too.

So what can we do about this? What are the kinds of things the President could talk about tonight and that we could work on together to make it easier and cheaper to create private sector jobs? We could change the tax structure in a permanent way, not short-term fixes but long-term lowering of tax rates for everyone, closing loopholes, creating a situation where our businesses are more competitive in the world marketplace. That is one thing we could do.

We could stop the avalanche of regulations that is throwing the big wet blanket over job growth. The Senator from Nebraska suggested a few—a moratorium on new regulations; avoiding guidance, as he suggested, that circumvents the rules or regulations; stopping wacky ideas such as regu-

lating farm dust, as if everybody did not know that all farms create dust.

More exports—the President could send, today, the three trade agreements to Congress. We could ratify them and then crops grown in Tennessee and Nebraska and every other State in this country, and auto parts, and medical devices, could be sold around the world. Our State alone has \$23 billion and tens of thousands of jobs tied up in exports. This could add to that.

In addition to that, we could agree on advanced research. The President's recommendations have been good on that. But we should agree on that and move ahead with appropriations bills and a fiscal situation that permits us to do the kind of advanced research we need to do to create jobs.

We need to fix No Child Left Behind. Better schools mean better jobs. We need a long-term highway bill. We need roads and bridges in order to have the kind of country we want. We need to find more American energy and use less. We should be able to agree on that.

There is an agenda, not of more spending, not of more taxes, not of more regulation, but an agenda that would make it easier and cheaper to create private sector jobs and get the economy moving again.

In another time a President named Eisenhower said "I should go to Korea" and he was elected President. He went to Korea before he was inaugurated and then he said "I shall focus my time on this single objective until I see it all the way through to the end." The country felt good about that, they had confidence in him, he did that, and the Korean war was ended.

President Obama chose, instead of focusing on jobs 2½ years ago in the same sort of Presidential way, to expand a health care delivery system that already was too expensive and in fact makes the problem worse. Tonight is an opportunity to make it better and we are ready to join with him in doing that, especially if he were to recommend lower tax rates, fewer loopholes on a permanent basis, fewer regulations, and if he were to send the three trade agreements to us to ratify.

I wish to turn my attention to a different subject. September 11 is Sunday. I listened carefully, as most of us in the Senate do, to words that seem to resonate with my audiences. I have consistently found there is one sentence that I usually cannot finish without the audience interrupting me before breaking into applause, and it is this: "It is time to put the teaching of American history and civics back into its rightful place in our schools so our children can grow up learning what it means to be an American." The terrorists who attacked us on September 11 were not just lashing out at buildings and people. They were attacking who we are as Americans. Most Americans know this, and that is why there has been a national hunger for leadership

and discussion about our values. Parents know our children are not being taught our common culture and our shared values.

National tests show that three-fourths of the Nation's 4th, 8th, and 12th graders are not proficient in civics knowledge, and one-third don't even have basic knowledge, making them civic illiterates. That is why I made making American history and civics the subject of my maiden speech when I first came to the Senate in 2003, and by a vote of 90 to 0 the Senate passed my bill to create summer residential academies for outstanding teachers of American history and civics. Every year I bring them on the Senate floor, and those teachers from all over our country have a moment to think about this Senate. They usually go find a desk of the Senator from Alaska, if they are an Alaskan teacher, or the Senator from Tennessee, or Daniel Webster's desk, or Jefferson Davis's desk, and they stop and think about our country in a special way.

The purpose of those teachers is better teaching, and the purpose of the academy is more learning of key events, key persons, key ideas, and key documents that shape the institutions of the democratic heritage of the United States.

If I were teaching about September 11, these are some of the issues I would ask my students to consider. No. 1, is September 11 the worst thing that ever happened to the United States? Of course the answer is no, but I am surprised by the number of people who say yes. It saddens me to realize that those who make such statements were never properly taught about American history. Many doubted that we would win the Revolutionary War. The British sacked Washington and burned the White House to the ground in the War of 1812. In the Civil War we lost more Americans than in any other conflict, with brother fighting against brother. The list goes on. Children should know why we made those sacrifices and fought for the values that make us exceptional.

The second question I would talk about is, What makes America exceptional? I began the first session of a course I taught at Harvard's Kennedy School of Government 10 or 11 years ago by making a list of 100 ways America is exceptional, unique—not always better but unique. America's exceptionalism has been a source of fascination ever since Tocqueville's trip across America in 1830 when he met Davy Crockett and Jim Bowie on the Mississippi River. His book, "Democracy in America," is the best description of America's unique ideals in action. Another outstanding text is "American Exceptionalism" by Seymour Martin Lipset.

A third question I ask my students is, Why is it you cannot become Japanese or French, but you must become an American? If I were to immigrate to Japan, I could not become Japanese. I

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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.