

Daschle had a leadership meeting. At 9 o'clock in the morning, September 11, the towers were on fire. I saw them, as did all of America. I remember where I was, and I will bet every American can remember where they were.

Five years after 9/11 America is less safe than it should be. Today, only 5 or 6 percent of our ports are secure; cargo containers, 5 percent. Our chemical plants are vulnerable to attack. Our first responders do not have the materials to be the best they could be.

Interoperability all over America is not there. The man responsible for 9/11, Osama bin Laden, remains on the loose. The recommendations of the 9/11 Commission have been ignored by the administration.

This is the Republican record of the last 5 years. It is no wonder, with elections looming, they want to try to fix it in the next 12 days. Democrats have a better plan to keep America safe. It is called real security. It is tough, it is smart, and, as we laid out in a letter to President Bush yesterday, it starts by doing what the other side has refused to do: change course in Iraq.

While Iraq was not part of the war on terror before we invaded, today it is emboldening terrorists and recruiting new ones. For 2 years, the Republicans have been content to say "stay the course" in Iraq. They have stood with President Bush when he says: We're not leaving Iraq as long as I'm President.

That is wrong. They may think it is smart political strategy, but we know from what is happening around the world it is a failed security policy. Each day this Republican Government stays the course in Iraq, America grows less safe.

Since we last met, 75 American soldiers have been killed. I do not know how many have been wounded. It is approaching 21,000. My friend, the distinguished minority whip, has focused on doing something about head trauma with our veterans. In articles written this past week: 10 percent of those wounded have head trauma—10 percent. That means 2,100 probably. And that is only those who now recognize they have it.

As we know, as all the articles have said, a lot of the problems dealing with one's ability to think come later. A lot of times you can't see these head injuries, but these explosions cause the brain to do things it is not capable of handling. Yet we have been turned down in getting financial help for these people who have been wounded in Iraq.

Since we last met, I don't know how many Iraqi civilians have been killed, well over 1,000. I don't know how many have been damaged for life by their wounds. And since we last met, we have spent \$12 billion of the taxpayers' money in Iraq on this mismanaged war. The Pentagon now believes all the conditions exist for a civil war in Iraq. We have a civil war in Iraq. When this many people are killed, it is a civil war. The administration's most recent

report to Congress says it is only going to get worse.

Our military faces shortages of equipment and personnel that haven't been seen since Vietnam. Not a single Army nondeployed combat brigade is currently prepared to meet its wartime mission, and the chief of the National Guard has said the Guard is "even further behind or in an even more dire situation than the Army." At the same time, the war has emboldened regimes in North Korea and Iran, two countries which have grown their nuclear arsenals during this administration's watch.

These are the consequences of staying the course in Iraq: We are less safe, we face greater threats, and we are less prepared to meet them. Throughout this Congress, Democrats have come to the floor to demand—we have done it on the Senate floor, in interviews, through speeches in our States, and press conferences—that the President change course in Iraq; fight a better, smarter war on terror and secure the homeland; get good grades for the recommendations of the 9/11 Commission, not failed grades, as this administration has received.

Republicans have obstructed our efforts. We have offered amendment after amendment, and they have turned them down on a separate, party-line vote—amendments to protect nuclear plants, chemical plants, nuclear-power-generating facilities, amendments to help first responders—party-line votes, no. Republicans have obstructed our efforts and chosen to rubberstamp President Bush's failed security strategy.

With just 12 legislative days left before the end of this Congress, I once again ask my Republican colleagues: Is now the time for the Senate to hold President Bush accountable for his failed policies and demand a new direction? With the 5-year anniversary of 9/11 fast approaching—next Monday—it is time for America to refocus its efforts in the war on terror by implementing the recommendations of the 9/11 Commission, changing course in Iraq, and taking a smarter, better approach to hunting terrorists and preventing the next threat. We have 12 days to work together, not as Democrats and Republicans but as Americans doing everything we can to keep America safe.

On this side of the aisle, we are willing to work on these national security issues that we have read in the papers is what the Republicans want to focus on. We welcome that. But let's do it on a bipartisan basis so that when we finish our work, we are safer than when we started; not political diatribe, not an effort to embarrass one another but reflecting on what the Chaplain said today:

Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of a unified effort.

We look forward to a unified effort. We take the challenge of spending this

month debating national security issues, if that is what the majority chooses. In the meantime, we recognize what has not been done with the domestic agenda, which is also extremely important.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to be recognized as in morning business.

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

#### AN AMPLE AGENDA

Mr. DURBIN. Mr. President, I salute the Democratic leader for his opening remarks. This is the beginning of the September session of this Congress, as we roll toward the election. The majority leader has suggested we will be here for perhaps 3 or 4 weeks. I hope we can work together, as Senator REID suggested, in a bipartisan fashion. There is certainly an ample agenda before us, a lot of things we should be considering.

I spent most of August traveling up and down Illinois, in the city of Chicago and cities large and small. It is clear to me that there is much we need to do.

Yesterday was Labor Day. Yesterday I noted in the State of Illinois that 330,000 workers are making less than what we are proposing as an increase in the minimum wage. That means 330,000 individuals got up this morning and went to work in Illinois, taking on some of the tougher jobs, some of the dirtier jobs, some of the jobs that demand more time away from your family, and they are faced with a wage which cannot sustain their families.

Imagine living in a State governed by the Federal minimum wage of \$5.15 an hour—the same wage, the same level of wage it was 9 years ago. For 9 straight years, the Republican Congress and the Republican President have refused to increase the minimum wage for the lowest paid workers in America. This breaks with tradition.

Historically, this was a bipartisan issue. We didn't quarrel between Democrats and Republicans. We said: For goodness' sake, justice and fairness require that you give people who are working so hard for so little money an increase once in a while. The cost of living goes up; we know that. But for 9 years, the Republicans have said no, no increase in the minimum wage.

But there is an interesting thing to note. During that same 9-year period, when we have said that the lowest paid workers in America should be stuck at making around \$10,000 a year, Congress has voted itself an increase in pay of \$31,000 a year. We say no to millions of American workers, some of them single moms trying to raise their kids as best they can. We say no to increasing their minimum wage, and we increase the salary of Members of Congress.

We have taken a stand on the Democratic side. It is not going to happen this year. If the Republican majority

refuses to increase the minimum wage for millions of these workers, there will be no increase in congressional pay. It is a small thing, maybe only symbolic, but it is an important symbol. Finally, Members of the Senate and Members of Congress have to realize there are consequences to their actions.

Yesterday, on Labor Day, I went to Rock Island, IL—one of our better Labor Day parades. Former Senator John Edwards was there. My colleague LANE EVANS, who is retiring from the House of Representatives, and a number of local people all came out to speak to those who gathered to recognize the contributions of every working American. The No. 1 issue was the minimum wage. We are lucky our Governor, Rod Blagojevich, has raised the minimum wage in Illinois by State law. Some States have done that. They have given up on waiting for the Federal Government to do it.

If we want to do something before we leave for the November election, wouldn't it be good to return to those days when there was bipartisan support for an increase in the minimum wage? Couldn't we pass even this week an increase in the minimum wage to \$7.50 an hour phased in over a few years? Shouldn't we at least say to these hard-working Americans that we are going to give them a helping hand to raise their children and keep their families together, pay for daycare, pay for medicine, and food and clothing? That is something we could do.

There is something else we could do. We have a Medicare prescription Part D which provides the possibility of lowering the cost of prescription drugs to millions of seniors across America. Before we leave, on a bipartisan basis, why don't we say that the Medicare Program can bargain with the pharmaceutical companies to get the best low prices for seniors across America? That was a glaring omission in the original bill. As a result, our seniors under this program are paying more today than they should. How do we know this? Because under the Veterans' Administration policies, they bargained with the drug companies, and for the 22 most frequently prescribed drugs for seniors, the VA price for those drugs is substantially lower than what seniors are paying today under the Medicare Program.

So why don't we, on a bipartisan basis, say that we will give to seniors across America the same benefit, the same helping hand that we give to our veterans; that we will give them lower drug prices? Most of these people we are talking about are on fixed incomes. They are trying to get by, and the cost of prescription drugs is going up. A helping hand for these Americans is something we can achieve, something we can do. It is something we ought to focus on in a bipartisan effort in the closing days of this session to really help those Americans.

There are so many other things we can do, and I sincerely hope that we do.

When you consider the national energy situation, we have noticed in the Midwest the price of gasoline started coming down again. I don't know if other Members have noticed that. Interesting timing, isn't it? As the vacation season ends and Americans are no longer driving across the country with their families, burning up more gasoline, the price is starting to come down. I would like to believe that this is a trend that will continue and the prices will get much lower, but I am not confident because what we have seen is that the oil companies that are recording the highest profits in their history have the ability to raise these prices just as they raised them at gasoline stations around your hometown. And we don't have any control in Washington. The best we could get was a comment from the President and some of the Republican congressional leaders about how unhappy they were with gasoline prices but nothing more. There was no serious effort to penalize the oil companies that have run up these profits at the expense of families and businesses and farmers across America. We need a national energy policy.

As I travel around my State and the country, it is very clear that elements of that policy are obvious to most people. We need to have more fuel-efficient cars and trucks. The fuel economy of the vehicles we drive will do more to lessen our dependence on foreign oil than anything else. Sixty percent of the oil we import goes right into the tank. So if we want to have a serious effort toward reducing our dependence on foreign oil, we need to have more fuel-efficient cars and trucks.

I have tried three different times over the last 4 years to put in a new CAFE standard for America so that the makers of these cars and trucks will start building better cars and trucks with better technology that use less fuel. I can't get a majority, but I think the numbers are starting to change. For the first time I am noting that some of my Republican colleagues are seriously considering that possibility. We should do it. We could put in a new CAFE standard before we leave for the election and say to America: This is the important first step in moving us toward less dependence on foreign oil.

Today, as we fill up our tanks, hand over our cash and credit cards to pay for it, understand that a portion of the money that we pay at the gas station ends up in the hands of foreign governments, some of which are not on the same wavelength or on the same agenda as the United States when it comes to foreign policy. Sadly, some of the countries that we are sending money to for oil are using the proceeds from that oil to support terrorism. That is unacceptable. We need to have an energy policy which reduces our dependence on foreign oil and, in fact, burns less fuel when we drive our cars and trucks, not only saving us money as individuals and families and businesses but also reducing pollution in the process

and reducing the threat of global warming.

A lot of families across Illinois come up to me and talk about the cost of health care. It has reached a point for some that is sad and painful and many times embarrassing. At one of my town meetings, a man came up afterwards and said: I am one of those families, those uninsured families. I have a sick child. I worry about him. Anyone would.

To think that we have reached a point in America where it is acceptable that more and more people have no coverage, no health insurance, is something that is not consistent with the values of our Nation. We should be working on a bipartisan basis to extend health insurance—affordable, quality health insurance—to every American family. Estimates are that 48 million Americans are without health insurance today, which is roughly 1 out of 6 Americans. That doesn't count the millions who have health insurance that is worth little or nothing.

Why are we not taking this on? Why isn't this an issue on which Congress focuses? It could be a good bipartisan issue for us to work on. When I think of what we have been considering over the last several months before the August recess, it is very clear to me that instead of a clarion call from Capitol Hill to unite behind an inspired program that really moves us forward as a nation, what we have heard is the death rattle of a Congress that is dominated by special interest groups and those who are looking for a political advantage as we approach the November 7 election.

The first special interest domination is obvious by the trifecta bill. If you go to a racetrack—and I have been to a few in Illinois—and you bet \$2 on a trifecta, you know your odds of winning are very low. It is a high-stakes bet. It is a high-risk bet. Many more people will lose than will win. So it is the right name for the Republican program—the trifecta bill—that would give a tax break to the wealthiest families in America. Two-tenths of 1 percent—that is, 2 families out of every 1,000—would get a tax break, and they are the wealthiest families in America.

Senator FRIST and his colleagues on the Republican side have said this is our highest priority. In the midst of a war when we are asking for sacrifice from our brave soldiers, in the midst of a war in Iraq when we are asking the families of those soldiers who pray every night for their safety to stand by our country, in the midst of a war in Iraq where we have spent over \$300 billion, with no end in sight, as we fight a war that costs us up to \$3 billion a week, which requires that we cut back on spending at home for education and health care, in the midst of this situation, this President and his Republican counterparts in Congress have identified as their highest priority cutting taxes for the wealthiest people in America.

This is the first President in the recorded history of the United States of America to ever ask for a tax cut in a war, for obvious reasons. If you have a budget for the country and then a war on top of it, every other President in our history has understood that you cannot cut taxes. Most of them have raised taxes to try to pay for the war. But not this President, not this Congress; they are cutting taxes in the midst of a war, driving us deeper and deeper into deficit—a debt which our children and their children will carry for generations. That is not fiscally sound. It doesn't add up. To think that is a much higher priority to many in the leadership on the other side of the aisle is an indication of how far we have moved away from mainstream thinking in America.

A lot of people are dissatisfied with this country's direction. A recent poll announced last week that two out of three people in America say our Nation is on the wrong track, that we need a new direction, that we can do better. We asked them: What is it you are thinking of when you speak of this? They say, No. 1, the war in Iraq. Something is wrong here. This is not what we were told we would get into. We were promised by this administration that removing Saddam Hussein would result in the Iraqi people greeting us with open arms, that we would see them move toward a democracy and set a standard for the rest of the world. Well, here we are in the fourth year of this war, having lost so many of our brave soldiers, and we are not close to that goal. There is no end in sight. The President's answer is a throwaway phrase: "Just stay the course."

The President has said that there won't be a serious discussion of removing American troops under his watch. That is up to the next President, he said. That means waiting more than 2 years to really start bringing American troops home. Is it any wonder the American people are upset with that, that they think we need a new direction in Iraq?

They understand that when it comes to the war on terrorism, we were attacked on 9/11 by al-Qaida, Osama bin Laden, and the al-Qaida terrorists. I served on the Senate Intelligence Committee at that time. The best estimates we had were that there were 20,000 of these willful killers around the world who launched that attack on the United States. Our intelligence agencies report today that they estimate there are 50,000 members of al-Qaida around the world. We know that before our invasion of Iraq, there was virtually no evidence of al-Qaida in the nation of Iraq. Today, al-Qaida has become a potent force, sowing seeds of discord within Iraq and launching attacks against American soldiers. Al-Qaida's franchise has arrived in Iraq since we invaded.

So we have a big job ahead of us to make America safe in a dangerous world, protect against terrorism. We should go back to where we started, when the overwhelming majority of the

Senate voted to go after al-Qaida and the Taliban in Afghanistan. That is a mission not yet accomplished. We need to do more to go after al-Qaida. Unfortunately, this administration has not focused the resources necessary. They have disbanded the effort to find Osama bin Laden in the CIA, a special group put together for that purpose. I believe it is time to renew that effort, that commitment toward removing al-Qaida to make America safe.

Mr. President, as we see the agenda before us in the next few weeks, there are several things we can move forward with on a bipartisan basis: the minimum wage, doing something about Medicare prescription Part D, and making certain we move toward a nation with an energy policy that will sustain the growth of our economy and not destroy the environment in which we live. We can accomplish these things—and we should—in the days ahead.

#### THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, when I came to Congress years ago, I had no idea that one of the major issues I would face and be involved in was the tobacco industry. Now, I knew what tobacco had done to my family. I lost my father when he was 53 years old. He died of lung cancer. He smoked two packs of cigarettes a day. I was just a sophomore in high school when he died. I stood there by his bed at his last breath and thought to myself, I hope I am smart enough to never be addicted to tobacco, because I have seen his young life destroyed by it.

I didn't swear to go against the tobacco companies. That sure wasn't the reason I ran for office. But the time came, as a Member of the House of Representatives, when issues started presenting themselves involving tobacco. As they presented themselves, I recalled my personal and family experience with death and disease from tobacco, and I decided to get involved.

About 15 or 16 years ago, I introduced a bill to ban smoking on airplanes. I was a Member of the House and didn't know any better, and I was told by the experts: You are going to lose; nobody beats the tobacco lobby; they are too powerful in this town. All of the leadership on both sides of the aisle in the House opposed my amendment. To my great surprise, it passed anyway. It turns out that Members of the House of Representatives, and ultimately Members of the Senate, are frequent fliers. They knew how ridiculous it was to have smoking sections on airplanes and nonsmoking sections. Eventually, we reached a point where there was no smoking on airplanes. My colleague from New Jersey, Frank Lautenberg, carried this bill successfully in the Senate. Together, we worked and banned smoking on airplanes.

A lot of things have happened in America since. Once we established that it was unsafe to be exposed to secondhand smoke on airplanes, people started asking the obvious questions:

Is it safe in an office? Is it safe in a hospital? Is it safe on an Amtrak train or on a bus? America started moving toward a new standard over the last 16 years, and I am happy to say there are now fewer and fewer places in America where you are exposed to secondhand smoke. Most smokers who are still addicted at least ask permission before lighting up. Most know it is better to go outside. That is a changing standard in America and one that I believe has led to a healthier nation.

Make no mistake, while we have made progress in dealing with tobacco, the tobacco companies have still been selling their deadly product. As they sell that product, we learn more and more about their corporate strategy. Let me read to you the opening line in an editorial last week written in *Newsday*, a publication in New York:

Lying is as natural to tobacco executives as breathing once was to their customers.

They were reacting to last week's stunning disclosure that the tobacco industry is up to its same old tricks. During the last 6 years, cigarette manufacturers have steadily increased the level of nicotine smokers inhale every time they smoke. Nicotine, of course, is that addictive chemical in the cigarettes which leads people to smoke even more. During the same 6-year period of time, more and more cities and States have been expanding protections for people to play and work away from secondhand smoke, while the industry has been loading up their product with more nicotine so that it is tougher to quit.

The Surgeon General of the United States found definitively that secondhand smoke is dangerous. Of the 45 million Americans who still smoke today, 70 percent say they want to quit. It is tough to quit. It is made even more difficult because the cigarette manufacturers put more of the addictive nicotine chemical in the cigarettes. We know that now. The tobacco industry was found guilty of racketeering, of intentionally manipulating nicotine levels to create more addiction to cigarettes. While they are running this advertising about how dangerous it is to smoke, to talk to your kids—while you see those ads on television and see what is going on in newspapers and magazines, all this advertising notwithstanding, they are pumping more and more of this addictive nicotine into their product.

We passed in the Senate a provision that would have given the FDA the authority to regulate cigarettes. It died in conference. Once it went into a conference with the House of Representatives, they stopped it. So this deadly product of tobacco and cigarettes continues to be the only product in America that is widely sold and is not regulated by our Government. It is not regulated in terms of its contents or its marketing or advertising. You would think that in a situation such as this, the tobacco industry would have spent