

**SEC. 3304. REVISION OF RESTRICTION ON DISPOSAL OF MANGANESE FERRO.**

Section 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 629) is amended—

(1) in subsection (a)—

(A) by striking “(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President” and inserting “During fiscal year 2002, the President”; and

(B) in the first sentence, by striking “, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification”; and

(2) by striking subsections (b) and (c).

**TITLE XXXIV—NAVAL PETROLEUM RESERVES****SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to the Secretary of Energy \$17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title).

(b) **AVAILABILITY.**—The amount authorized to be appropriated by subsection (a) shall remain available until expended.

**EXECUTIVE SESSION****EXECUTIVE CALENDAR**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the executive session to consider Executive Calendar No. 432, the nomination of Robert W. Jordan to be Ambassador to Saudi Arabia; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

**DEPARTMENT OF STATE**

Robert W. Jordan, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

**MEASURE INDEFINITELY POSTPONED—S.J. RES. 16**

Mr. REID. Madam President, I ask unanimous consent that the Calendar No. 108, S.J. Res. 16, be indefinitely postponed.

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

**NEED-BASED EDUCATIONAL AID ACT OF 2001**

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 768 and the Sen-

ate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 768) to amend the Improving America's School Act of 1994 and make permanent favorable treatment of need-based educational aid under the antitrust laws.

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

**AMENDMENT NO. 1844**

Mr. REID. Madam President, I understand that Senator KOHL has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KOHL, proposes an amendment numbered 1844.

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

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

The amendment is as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Need-Based Educational Aid Act of 2001”.

**SEC. 2. AMENDMENT.**

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking “2001” and inserting “2008”.

Mr. KOHL. Madam President, I rise today to offer a substitute amendment to H.R. 768. This legislation, as amended, will extend for seven years an existing antitrust exemption granted to colleges and universities that admit students on a need blind basis. The exemption provides protection for these schools to cooperatively develop a methodology for determining financial need in order to best assess a family's ability to pay the costs of attendance.

There is no doubt that higher education opens doors and creates opportunities. It is therefore imperative that we in Congress do what we can to keep higher education affordable for our nation's students and their families. Some of the best and most prestigious colleges and universities admit students without regard to their financial need, allowing talented students from disadvantaged backgrounds to achieve their full potential. This exemption allows those colleges and universities to generate a uniform methodology to determine a family's need. The colleges and universities that use the exemption believe it allows them to attract needy students and maintain a thriving financial aid program.

Discussions among colleges and universities using need-blind admissions policies began more than thirty years ago. However, in 1989, the Department of Justice filed suit against 23 colleges and universities alleging that their cooperation violated antitrust laws. A federal district court ruled that the schools were subject to the antitrust laws. In 1991, most of the colleges and

universities settled with the Department of Justice with a promise to stop sharing information.

Faced with the prospect of eliminating their discussions as a result of the settlement, the colleges and universities sought a law allowing them to meet. In 1992, Congress passed the original two-year antitrust exemption for those schools that guaranteed that their aid was need-blind. The exemption was extended in 1994 and 1997. With the lawsuit and the court order so fresh in our collective memory, it seems prudent to extend the exemption for a reasonable length of time, but not indefinitely. The exemption has always been granted on the theory that cooperation among universities in determining financial aid need benefits prospective students and their families. But there is little if any objective data to support this proposition. So this amendment directs the General Accounting Office (GAO) to study the effects of the antitrust exemption on undergraduate grant aid. The study will require schools who participate in discussions under the antitrust exemption to maintain and submit records. While the study will be comparative, schools that do not participate in discussions permitted by the exemption will not be required to maintain or submit records.

As a general rule, I strongly oppose antitrust exemptions. Our antitrust laws guarantee competition, and competition means lower prices and higher quality for consumers—including students purchasing a college education. but the colleges and universities using the exemption believe that the market functions differently in this case. I am therefore willing to extend the exemption for another seven years but believe that any further activity in this area must be coupled with hard objective data providing that this exemption does indeed benefit students and their families. Too many families are struggling today to put their children through college. So we must act very carefully and with full information before we pass a permanent antitrust exemption.

I would like to thank Representatives LAMAR SMITH and BARNEY FRANK and their staffs for their work on this legislation in the House, and Senators DEWINE, LEAHY, and HATCH and their staffs for their assistance on this substitute amendment. We hope the House will agree to these changes and expeditiously send this legislation to the President for his signature.

Mr. LEAHY. Madam President, I appreciate the work that Senators KOHL and DEWINE have done on this bill. I want to point out that while this bill extends the antitrust exemption for participating institutions' methodologies and applications for need-based financial aid, that exemption is still limited to the institutions' dealings with potential students collectively. It has not, and does not, exempt those institutions from the prohibitions of the

Sherman Act, 15 U.S.C. 1, with respect to awards to specific individual students. Independent of any antitrust concerns, the participating institutions also assure us that they do not discuss or compare awards for individual students, and we rely on their continuing that practice.

Mr. REID. Madam President, I ask unanimous consent that the substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD, and that the title amendment be agreed to.

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

The amendment (No. 1844) was agreed to.

The bill (H. R. 768), as amended, was passed.

The title was amended so as to read:

An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

#### ORDERS FOR THURSDAY, OCTOBER 4, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, October 4; further, that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 1447, the aviation security bill.

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

#### PROGRAM

Mr. REID. Madam President, the Senate will convene tomorrow at 10 a.m. and resume consideration of the motion to proceed to the aviation security bill. There is every hope we can complete that bill in the immediate future.

#### ORDER FOR ADJOURNMENT

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator GRAHAM of Florida and Senator TORRICELLI of New Jersey.

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

The Senator from Florida.

#### PROUD TO BE AN AMERICAN

Mr. GRAHAM. Madam President, throughout America the events of September 11 have touched our people and have brought forth a level of thought-

ful eloquence which has contributed to our ability to understand and to be able to deal with the extreme shock and pain of those agonizing images we all hold of the events of September 11.

On Sunday, I attended the services at my church, the Miami Lakes Congregational Church, where our pastor, Rev. Jeffrey Frantz, delivered an exceptional sermon. I would like his words and thoughts and message to be made available to a broader audience, and therefore I ask unanimous consent, Madam President, that Reverend Frantz' sermon, "Proud to be an American," be printed in the RECORD.

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

#### "PROUD TO BE AN AMERICAN!"

*Living Out Our Faith in a Dangerous World*

(By Dr. Jeffrey E. Frantz, Miami Lakes Congressional Church, Miami Lakes, FL)

Isaiah 42:5-9, Matthew 5:1-6

#### I

In these past few weeks, now, since the *September 11th* nightmare, our lives have been jolted and challenged, stretched and turned upside down, like never before. It's like so many have commented: *everything has changed.*

1. First, the sweeping impact, on all levels, of the tragic event itself . . . the anger and rage, coupled with the mourning and grief. We were left numb with disbelief.
2. And then, later, the realization that we have to somehow get on with our lives. We have to put our lives back together. We can't let fear tell us who we are. We have to dig deeply into our self-understanding, our identity as a people, and affirm the best of our traditions.
3. We've been dealt a deathly blow; and its reaches have touched virtually every part of our lives: the economy, all levels of our government, the entertainment world, our psychological and spiritual life.

I was reading an issue of Time Magazine this past week that predated the *September 11th* disaster. And it was like virtually all of the news seemed suddenly irrelevant and inconsequential. Suddenly Michael Jordan's possible comeback to the NBA seemed trifling and insignificant. We weren't much interested in who Jennifer Lopez might be marrying and where, or in the latest rumor about Julia Roberts or Tom Cruise.

Suddenly all of the usual quibbling and whimpering that clutter our lives seem out of place and so, so harmless. Indeed, it's a new day. And a swelling patriotism is everywhere. I've never seen America so united. We're coming together as we never have in the past fifty years or more.

People, all over, are coming together. There are problems, to be sure, with some of the understandable, but inexcusable profiling that has been going on. And we must do all we can to curb any such intolerance or injustice. It is a difficult time to be an Arab-American.

Also, there's an eerie frenzy about the prospect of biological warfare and chemical or germ warfare—scary stuff. Still, people are coming together. Literally hundreds, if not thousands, of relief efforts are underway around the nation, even the world. The amount of money being raised in relief support is already staggering.

American flags have never been in such resplendent display. Patriotic hymns and expressions of one kind or another are on every radio station and on every street corner.

American pride is rising to a magnificent height, and it makes us proud.

I say this because, at our best, America is a wondrous land, a delightful rainbow people of God's creative hand. Our freedom is our heartbeat, our pulse. But our marvelous diversity is freedom's precious child.

Reports suggest that people from as many as sixty nations perished in the rubble of the World Trade Center. You see, friends, we are the world! That's not a pronouncement of arrogance; but rather it is a description of the incredible variety of human beings that fill the reaches of our land.

#### II

Perhaps some of you saw the televised memorial observance last Sunday afternoon from Yankee Stadium in New York City. With some initial words from James Earl Jones, and emceed by Oprah Winfrey, it was a moving and touching service throughout.

Along with tear-streaked cheeks and broken hearts, the diversity of America was everywhere. In the stands, to be sure, with family members, deeply saddened, holding pictures of missing loved ones. And up front around the podium: clerics and clergy, holy men and women—arrayed in their sacred garments, gathered to pray and read holy writings—a magnificent diversity.

There were Christian and Jew, Muslim and Buddhist, Hindu and Sikh, believer and non-believer—from every imaginable ethnic group and tribe. America is the world!

*O beautiful for spacious skies,  
For amber waves of grain,  
For purple mountain majesties,  
Above the fruited plain.*

I'm proud to be an American  
America, America!  
God shed God's grace on thee.  
And crown thy good with brotherhood  
From sea to shining sea.

#### III

This is our vision; this is our dream. It's part of our inheritance, part of our history and tradition. Almost from our inception, we have been what Second Isaiah called Israel, a *light to the nations.*

This wasn't always Israel's self-understanding. She had been *God's chosen people*, yes. But her chosenness didn't necessarily extend beyond her borders. But, now, in exile . . . seemingly defeated, a new vision of Israel emerged:

*I will give you as a light to the nations,  
said the prophet.  
That my salvation may reach to the ends of the  
earth.*

This universalizing of Israel's role and purpose marks a break-through for Israel's self-identity. Israel's chosenness, now, is to be shared . . . to the ends of the earth. *That my salvation may reach out to all people*, says the prophet.

Friends, America too, is such a light! Whether chosen or not, America has always felt that God's hand was on us in a special way. There is a tantalizingly thin line, that lingers: between the arrogance of presumption and the humility of endowment.

Still, no matter how we understand ourselves as Americans, we are a nation of vast resources, of tremendous power and wealth. We have so much to be grateful for. We have been so wondrously blessed.

Along with our power and wealth comes great responsibility. Whatever salvation God can work through us comes most abundantly and effectively through our humility. And no matter how we choose to construe our present national crisis, our responsibility—in the way we respond—is enormous. Clearly, all of the world is watching our every move, picking up cues from what we do.