

bill that will address the priorities needed relative to energy, which is the lifeblood of our national economy, and we can do it in a manner that is within the expedited crisis we have before us relative to energy, national security, and other matters.

I thank the Chair for this opportunity, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CRAIG. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

#### REFLECTIONS IN AFTERMATH OF TERRORIST ATTACK

Mr. CRAIG. Mr. President, all of us who come to the floor of the Senate are like most Americans today. In anything we do or approach, we approach it with a heavy heart, recognizing the devastation that has gone on around us that has been inflicted upon some of our friends or some associates we know of as it relates to the devastation the terrorists brought down upon New York City and here in Washington, DC, with our Nation's military center, the Pentagon.

As we all know, the President asked for support and authority. This Congress responded last week very appropriately. I was not able to be here at that moment. I was en route to my son's wedding in Washington State.

The difficulty of all of that was that I was not here, but I was also traveling at a very difficult time. Thirty some hours later, both my wife and I were able to observe a fine wedding, and we were pleased to be with our family and have our family around us, as I think most Americans would wish they could at a moment of crisis.

I am now, as most public people, wrestling with a variety of decisions that will ultimately be critical to our country and will spell out, in part, our future and the success of this great Nation.

I am confident that the administration is doing everything within its power at this moment to either directly or indirectly deal with the issue and to respond as all Americans and as most freedom-loving people in the world would wish we would.

I submit for the RECORD the story of two Idahoans, one now announced dead, the other still missing as a result of the plane crash into the Pentagon. Their names are Ron Vauk and Brady Howell.

I recommended Ron years ago to his appointment at the Naval Academy. He

was an accomplished Naval Reserve officer, a submariner and Academy graduate who was on watch at the Naval Command Center last Tuesday. His family lives in Boise, ID. I talked with his mother this morning.

Brady, on the other hand, was a 26-year-old newlywed from Sugar City, ID. He was a civilian employee at the Pentagon, excited about his job, and starting a family. Our hearts go out to all of them. I visited with his wife last evening.

Many of us are experiencing that kind of a circumstance or situation as this crisis reaches down and out across America to touch many, if not all, of our citizens in a fairly direct way.

I am always caught in the great resilience of America. While we were bent for a moment, we now arise from that stronger than ever and more greatly committed to the phenomenal values we, as of last Monday, took for granted: The freedom of movement, the marvelous sense of human individualism we had in this country, as protected by a Constitution that had provided an ultimate shield of individual freedom in our country. To have that shaken to its very core on Tuesday, to find out that we were just a little less free and a great deal more concerned about the very freedoms we have. Our challenge now is to be able to deal with it in a comprehensive and responsible way, to secure and maintain our civil liberties and, at the same time, to be able to draw bright lines that establish a much clearer line and sense of security for our people and in a way to detect and control the kind of environment in which terrorists can live and ultimately prosper. That is going to be the role and responsibility of this Congress.

I, as most Americans, still stand resolved and optimistic that that can be done. It can be done well. We in the Senate have a role to play in all of that.

Over the weekend, I was struck by the comments made by the foreign minister of the Taliban Government in response to our comments, that Osama bin Laden be turned over to U.S. authorities. The head of that government stated that it is not consistent with our custom for a host to ask a guest to leave. The guest must leave on his own accord: the President of the Taliban said.

This statement confirms what all of us have assumed: that bin Laden is in Afghanistan and they are harboring him even at the risk of their own ruin.

It is equally unfortunate that individuals in the media are already posturing the American people for a no-collateral damage goal in our military objectives against these terrorists. Such posturing is dangerous, as it clearly undermines the support of our President to act both in the short term as well as in the long term to do one very simple but overpowering thing—that is, to secure our Nation's security and our citizens' security and our freedom.

I am confident this President will not bow down to the suggestion that there might or there should be no collateral damage. If his mission becomes clear, he already understands his goal.

There is no doubt that many new legislative proposals will be debated here in the Senate in the coming months to address issues of American security and the fight against international terrorism. One of the issues I hope we will discuss is that of U.S. energy dependence. Clearly, as we watch Americans line up in front of Red Cross centers to give blood to help the wounded, let us remember the very lifeblood of this country's economy is the energy that drives it.

I am not talking about the energy of the human mind. I am talking about the physical presence of energy—gas, oil, coal, the kinds of things that have fueled the economy that were turned into the phenomenal piece of explosive power we all watched last Tuesday.

Now more than ever before Americans recognize that once again the Middle East is the crucible that could spell our success or failure or might dictate to us the character of our economy in years to come, for one simple reason: not the politics of the region—that is daunting enough as we know it—but it is what they provide for the economy of the world. They are the oil barrel of the world. From that we ask at least 55 to 60 percent of our use on a daily basis.

We now consume in excess of 700,000 barrels of oil a day from Iraq alone. Is it possible that some of our own oil money is being turned against us in the form of the resources that the terrorists used ultimately to bring down the Trade Center and to punch a hole in the side of our Pentagon last Tuesday? Yes, it is possible. It is possible in part because for so many years we have ignored the fact of a growing dependency on foreign oil while we have turned ourselves away from increased domestic oil production and increased efficiency that ultimately produce the ability for our nation to stand alone, stand tall, and stand secure in its energy supply.

At least for the last 2 years, Congress has been doing the right thing. We have been struggling mightily with the shaping of a national energy policy. President Bush has established that as one of his top legislative priorities: to create greater energy independence on the part of this country so that now we know more than ever before that we can act with relative independence as we shape new foreign policy, and now, of course, as we shape an antiterrorist strategy for our Nation, for the world, and for freedom-loving people all around the world. It is a piece of the whole—that is, a national energy policy. Unlike almost any other policy except defense, and except intelligence, energy is the ultimate tool of a capitalist society. It is the strength of our economy.

As I mentioned, struggling to get across the country to get into the

State of Washington to my son's wedding on Friday and back on Sunday, I didn't ride on the wings of wind. I didn't walk. I rode on the force of energy, as do all Americans when they fly or when they drive or when they are transported around the world.

Mr. President, I ask unanimous consent for 3 additional minutes.

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

Mr. CRAIG. Mr. President, I certainly conclude that that ought to be a priority—a national energy policy—and that we ought to be able to shape one in reasonable fashion in a couple of weeks. The House has already moved legislation. They have passed a national energy policy.

Well over a month and a half ago, we began to mark up an energy policy bill for the Senate. I hope our leaders, Senator DASCHLE and Senator LOTT, will ask the Energy Committee to come together and stay together for the next couple of weeks to produce a bill to be debated on the Senate floor. Our President deserves a national energy policy as part of our overall national security strategy at this moment on his desk, acceptable and ready to sign.

I also believe we need to take a hard look at our intelligence community to make sure the shortcomings in predicting the events of the first Trade Center bombing, and the embassy bombing, and attack on the U.S.S. *Cole* and, of course, last week's attack do not recur.

We must do better. We cannot accept past performance. I agree with the assessments of my colleagues that a major reinvestment in our human intelligence capabilities is needed and it must take place through a reorganizational effort. We have the world's best when it comes to technological advancement. We can look down on any part of the world with such detail that from miles high we can read the watch on the arm of someone on the ground. But we cannot read what is in that person's mind. That is impossible with the technology of today. That comes from the human side of the capability I talk about, which we have been under-investing in, or divesting of, for the last several decades.

Clearly, we must get back into the minds of the citizens of the world—those who would do us damage and view our country as an enemy or an evil. It is only then that we can use the look-down from 3 miles high to determine where that person is going and when he or she may be there. But we must access the mind as well as observe the movement.

If we can accomplish all of those things—and I believe we can, and I believe our President will ask us to invest in those—then we will all stand in a bipartisan way to support it, because what is at stake here is the very strength of our country and the very freedom of our citizens. I have never once questioned the fact that we will not only stand for the test, but in the end, without question, we will win.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what question is before the Senate?

The PRESIDING OFFICER. H.R. 2590.

Mr. BYRD. Has the Pastore rule run its course?

The PRESIDING OFFICER. Yes, it has.

Mr. BYRD. I thank the Chair. That being the case, I can speak out of order. Are there any restrictions?

The PRESIDING OFFICER. There is none.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

#### THE SENATE AND THE CONSTITUTION

Mr. BYRD. Mr. President, this is Constitution Week. Of course, I am talking about the U.S. Constitution. A point that all Governors and Senators might well remember: No State constitution in this country is like the Federal Constitution. No State's constitution so clearly and so strictly delineates the separation of powers as precisely as does the U.S. Constitution. So it is here in the Senate that the Constitution is defended—the U.S. Constitution—and it is here that we support the separation of powers, the checks and balances; and the one Constitution that we are bound by in this institution is the U.S. Constitution, a copy of which I hold in my hand. I want to take a little while today to talk about this Federal Constitution.

On Monday of this week we marked the 114th anniversary of the U.S. Constitution. Of course, the Senate was not in on Monday, and consequently I have been forced to wait until today to speak about the Constitution. Again, this is Constitution Week. In tragic and sad times, we instinctively reach for what matters most in our lives: Our faith, our families, and our fundamental rights as Americans.

As we struggle with the horrific events of September 11, we should take a measure of strength from the events of another September day, an 18th century September day.

On September 17, 1787, an extraordinary convention of American statesmen, meeting at Independence Hall in Philadelphia, adopted the Constitution of the United States of America. My memory may prove me wrong, but I believe that, too, was a Monday—as was September 17, in 2001, this year of our Lord. So today I wish to commemorate that singular event by discussing several of the constitutional provisions that shape the structure and guide the operations of the U.S. Senate. I think there will never be a better time, or a more propitious time, or a time when we more need to think and to speak of the Constitution of the United States, than this time, and amidst the circumstances that have attracted the attention and galvanized the attention of

Americans, wherever they may live—in this country or elsewhere—as well as the people of other countries. So it is timely to think about the Constitution of the United States.

Imagine a U.S. Senate in which the State of West Virginia was assigned three Members while California was entitled to 30.

Or, consider a Senate in which Members served for life—or for just a single year.

How about a system in which the House of Representatives elected the Senate?

Or a Senate in which Members voted as a State block rather than as individuals?

To our modern ear, these options sound preposterous, perhaps, but to the Framers of the Constitution, these proposals deserved serious consideration.

There was nothing inevitable about the Constitution as we now know it. Every word required delicate construction, balancing, and refinement. In cases where the Framers could not fully agree on a particular point, they chose ambiguity—or even silence.

Among that charter's 55 draftsmen—only 39 actually signed the document—there existed a vast fund, a vast reservoir of knowledge about the operation of legislative bodies. That knowledge served the Framers well as they struggled to fashion the institutional structure of the United States Senate.

Let us examine some of the Senate-related options that the Convention's delegates confronted from the Convention's convening on May 25 until its adjournment on September 17.

First the issue of representation. Delegates representing large States at the Constitutional Convention advocated a strong national government. In Edmund Randolph's Virginia Plan, the number of Senators in each State would be determined by that State's population of free citizens and slaves. Large States, then, stood to gain the most seats in the Senate. As justification for this advantage, these delegates noted that their States contributed more of the Nation's financial and defense resources than did small States, and therefore, deserved a greater say in Government.

Small-State delegates countered with a plan designed to protect States' rights within a confederated system of government. Fearing the effects of majority rule, they, the small States, demanded equal representation in Congress. This was the system, they noted, that was then in effect under the Articles of Confederation. When the Convention agreed to divide the national legislature into two chambers, various Framers argued that every State should enjoy equal representation in both Chambers. In fact, some delegates threatened to withdraw from the Convention if it adopted any population-based representation plan.

Other delegates sought a compromise between large State and small State interests. As early as 1776, Connecticut's Roger Sherman—he is one of the