

wrap up without a concrete package of procompetitive initiatives to help consumers at the Nation's gas pumps.

It seems to me the focus of such a procompetitive package should be for the energy conferees to direct Government regulators to act to eliminate anticompetitive practices that right now are siphoning the competition out of our gasoline markets.

Specifically, what we have found is that in my home State, and at least 27 other States, there are essentially oligopolies, mini kinds of monopolies, where just a handful of companies—maybe three or so, maybe four, but a tiny number of companies—are controlling more than 60 percent of the gasoline supply.

That is the case in my home State. It is all over the West, where four of the top six States for high gas prices are located. So, in effect, what you have is more than half of our States very highly concentrated as gasoline markets, where, in effect, you have seen the competitive juices drained out of the gasoline business. It is those competitive juices that I want to restore.

What happens in these tightly concentrated markets—there have been numerous studies to this effect—is that you end up losing a lot of the big sources of competition and price restraint. I am talking specifically about the independent wholesalers and dealers, and we are losing them from these concentrated markets.

One way that has taken a huge toll on the consumer is that these markets often get redlined. In effect, when a market is redlined, you have the independent distributor restricted in terms of where they can sell their gas. As a result, the independent stations have to buy their gasoline directly from those large companies, usually at a higher price than the company's own brandname stations pay. With these higher costs, the independent stations cannot compete.

In my home State, we have lost hundreds of gasoline stations in the last few years. We know many of them are the independent stations that are the biggest source of competition that is so beneficial to the consumer.

So it seems to me, at a minimum, the Federal Trade Commission should act to promote competition in these areas, these 27 States, for example, that have these quasi-monopolies. I believe these highly concentrated markets ought to be designated "consumer watch zones," where there would be greater monitoring by the Federal Trade Commission, and where the Federal Trade Commission would be empowered to issue cease and desist orders to prevent companies from gouging consumers.

I also think that in these particular areas, where you have quasi-monopolies, the Congress ought to stipulate that redlining and zone pricing are anticompetitive practices by their very nature, and that companies that engage in redlining and zone pricing in these tightly concentrated markets

should have to carry the burden of proof that what they are doing in those concentrated markets doesn't hurt the consumer.

In the past—and, as I say, I have shared these proposals with Senators of both parties; I have offered ideas to promote competition in the gasoline industry—there have been some who have said, and vociferously, that these kinds of proposals are unacceptable; somehow they would create disincentives to production—this sort of thing.

Well, I see absolutely nothing here that creates a disincentive to production. What I want to do is promote competition and freer markets for consumers at the gas pump.

What I would say to those in the Congress who disagree with the procompetitive proposals I am making today is that I want to issue you a challenge. To those who think the approach I am offering up today is unwise, I would say: Bring your own proposal, give your own proposal to the conferees on the House-Senate committee that is meeting now with your ideas on how to promote competition in the gasoline market.

I want people to know I have offered a proposal to colleagues to both parties in the conference, but I would like to hear from others who have ideas if they happen to agree that my approach is not the way to go—unless someone is prepared to say there is no problem for the consumer. I defy somebody to say that to people I am hearing from in the West and all over the country, who are paying \$2 a gallon for gas.

Unless you are prepared to tell those people there is no problem out there, I believe those who disagree with the proposals I am discussing today to promote competition ought to come forward and put their own ideas on the table.

There are a couple of other points I want to make with respect to this proposal to promote competition in gasoline markets.

I see my good friend from Virginia here, who wants to address the Senate. I will just wrap up with a couple of additional points.

I also believe, Mr. President, and colleagues, that as part of the energy conference, the Congress needs to address the growing gap between consumer demand for gasoline and what the oil companies can produce. When supplies are tight, and there is no spare gasoline in inventories, consumers are especially vulnerable to supply shortages and price spikes when refineries shut down unexpectedly or a pipeline breaks, as happened this summer.

Congress ought to take steps to ensure that the consumer is not left stalled by the side of the road or fuming at the pump, by taking steps to keep supplies available in emergencies. It seems to me that here, at a very minimum, steps ought to be taken to ensure there are inventories on hand to address unexpected supply crunches. That has been done in other areas. Cer-

tainly we have a Strategic Petroleum Reserve for petroleum and heating oil supplies. I think, given the shellacking consumers are taking with respect to gasoline prices, steps ought to be taken by the Congress conferees to ensure that adequate inventories are on hand to address unexpected supply crunches and the hikes that so often accompany them.

Finally, I hope, as the conferees move to complete their business, they look at what is on the record today with respect to anticompetitive practices in our gasoline markets. These are practices that have driven prices up and have driven consumers crazy at the pump. The evidence is very real.

The fact is, the investigation, as the Department of Energy describes it, is toothless. They do not have the authority under current law to stand up for the consumer at the pump. The Federal Trade Commission, for reasons that are beyond my comprehension, refuses to deal with the documented cases of redlining and zone pricing and anticompetitive practices.

So I have come to the floor today, Mr. President, and colleagues, to outline specific steps, specific actions that could be taken on a bipartisan basis by the energy conferees to provide real and concrete relief to energy consumers at the pump.

In this conference, the Congress has the opportunity to say that when our consumers are facing, as I described, price hikes of 50 cents—50 cents—for gas, the Government is going to be on their side with policies that promote competition in gasoline markets, in particularly those 27 States which are, in effect, mini monopolies, where there are just a handful of choices for consumers and prices go up as a result.

I call on the Congress to take up this cause in this House-Senate energy conference. This is a chance to go to bat for consumers on the issue that is frustrating our consumers and our small businesses every single day. They are looking for the Congress to step up and act to provide some real relief. The people of this country are asking for that kind of advocacy. I believe it is time for the Congress to provide that kind of approach.

With that, I yield the floor.

OATH OF ALLEGIANCE

Mr. ALEXANDER. Mr. President, earlier today, I talked about remembering September 11 and the terrible events that happened that day, but it also brought us together as we remembered what it means to be an American.

This afternoon, I wish to address an important statement on what it means to be a citizen of the United States. I mean specifically the oath of allegiance which all new citizens swear in court when they are naturalized.

I rise this afternoon to announce that I will shortly introduce legislation to make the current oath of allegiance

the law of the land. Doing so will give the oath of allegiance the same status enjoyed by other key symbols and statements of being American. The American Flag, the Pledge of Allegiance, the National Anthem, and our national motto—all these symbols and statements have been specifically approved by Congress and are now a matter of law.

The oath of allegiance, which is currently a matter of mere Federal regulation, ought to be treated with the same dignity. I do this today because it has come to my attention that the Bureau of Citizenship and Immigration Services, or BCIS, an agency of the Department of Homeland Security, may be planning to change the oath of allegiance that immigrants take to become citizens of this Nation.

According to National Review Online:

The Federal Government is about to change the Oath of Allegiance that immigrants take at citizenship ceremonies.

The article goes on to say BCIS intends to announce the change, perhaps make it effective immediately, perhaps on September 17, Citizenship Day, or next week, during Constitution Week, which is the anniversary of the signing of the Constitution. I do not know whether that will happen or whether it will not happen, but I have read the new oath that, according to National Review Online, BCIS intends to make public next week.

I prefer the oath we already have. The oath of allegiance is a fundamental statement on the commitment of becoming a U.S. citizen. It should not be altered by a Government agency, no matter how well intentioned. Any change should be subject to the approval of this body. It ought to be enshrined in law.

In the first 5 months of this fiscal year, nearly 170,000 new Americans took the oath of allegiance and were naturalized as citizens of this country. The oath assumed its present form in the 1950s and was first adopted in Federal regulation in 1929, but some of the language dates all the way back to 1790.

Let me describe how this oath is used in practice. Imagine that we are in a Federal courthouse, such as the one I was in in Nashville. It was October 2001. It was Naturalization Day. This happens at virtually every Federal courthouse virtually every month. The room is filled with anxious persons talking among themselves in halting English. They are obviously with their families and their closest friends. They are neatly dressed. Most faces are radiant.

That day there were 77 persons from 22 countries who had passed their exams, learned English, passed a test about American Government, survived a character investigation, paid their taxes, and waited in line for 5 years to be a citizen of the United States of America.

The bailiff shouts: "God save this honorable court." On that day, the

judge, her Honor Aleta Trauger, walked in. She asked each of the applicants to stand, to raise each one's right hand and repeat the following oath, which I am going to state. I hope those listening will listen carefully because this oath makes an impression:

I—

And then you state your name—
hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States, when required by law; that I will perform noncombatant service in the Armed Forces of the United States when required by law; that I will perform work of national importance under civilian direction when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion, so help me God.

Now, that is quite an oath. It has strength. It has clarity. It sounds as if it might have been written by a couple of rowdy patriots in Philadelphia or Williamsburg. Yet, surprisingly, Congress has never voted on the content of this oath of allegiance. We have left it to regulators.

That is not how we treat other symbols of our Nation or other statements on what it means to be an American. For example, the American flag with its 50 stars—one for each State, 13 stripes for the original colonies—cannot be altered by Federal regulation. The only way a star gets added is when Congress acts to admit a new State, and we have never changed the 13 stripes since the flag was first adopted in 1777.

The Pledge of Allegiance, which we repeat each morning in the Senate, cannot be altered by Federal regulation. The pledge is a statement of some of the values of the American creed: "One nation under God, indivisible, with liberty and justice for all."

What if a Federal agency decided we should take out the word "justice," and just say "with liberty for all"? It cannot happen because the pledge can only be altered by an act of Congress, as it was in 1954 when the phrase "under God" was added.

The national motto, "In God We Trust," which appears on all of our coins and dollar bills, cannot be altered by Federal regulation. It is a fundamental statement of the religious character of the American people, even though we do not permit and do not want the establishment of a state religion.

The Treasury Department cannot decide to leave "In God We Trust" off the next dollar bill it prints because the motto was adopted by Congress, at first in 1864 to be printed on the 2-cent piece, and later as the official national motto in 1956.

The national anthem, "The Star-Spangled Banner," cannot be changed

by Federal regulation. It, too, is a statement of our values, declaring our country to be "the land of the free and the home of the brave."

What if a Government agency decided it preferred "America the Beautiful" or "The Battle Hymn of the Republic" or the song we sang on the steps of the Capitol this morning, "God Bless America," all of which are great songs? It cannot be done. The agency would have to ask Congress to act. Why? Because "The Star-Spangled Banner" was named our national anthem by law in 1931.

Likewise, the oath of allegiance should not be altered lightly by a Government agency without public comment and without approval from Congress.

Of the five symbols and statements I have described, the flag, the anthem, the pledge, the motto, and the oath of allegiance, only the oath of allegiance is legally binding on those who take it. New citizens must take it and they must sign it.

Just to be clear, I have no objection to others proposing modifications to the oath of allegiance that we use today. I happen to like the present oath. It has strength. It has clarity. I have seen in the eyes of new Americans how much it means to them. Perhaps ways can be found to make it even stronger. Still, let us make sure any changes have the support of a people as represented by Congress.

The oath of allegiance is a statement of the commitments required of new citizens. Current citizens, through their elected representatives, ought to have a say in what those commitments are. That is a lesson in democracy. A legally binding statement on an American citizen ought to reflect American values, including democracy.

So as we remember the sobering events of September 11, we are also reminded of how our country came together as one nation in response to those events. Today, more than at any time in a generation, we understand and value what it means to be an American. We ought to protect in law the great statements of our citizenship, such as the oath of allegiance. If it should ever be revised, it should be done in an open and democratic manner. The people should have a chance to make their views known. Congress should vote. That is the American way.

RYAN WHITE CARE ACT

Mr. FRIST. Mr. President, I would like to make some comments regarding the Ryan White CARE Act and the Labor-HHS appropriations bill that we passed yesterday.

Twenty two years ago, the Centers for Disease Control published a case study that involved five patients infected with a mysterious virus. At the time, I was a third-year surgical resident at the Massachusetts General Hospital in Boston. I remember, vaguely, those first cases and the worrying