

have to talk about the dangers of forgetting. We have to talk about the dangers of forgetting, because 7 years later our obligations have not gone away.

Our obligations have not gone away to those whom we lost, and to their families and those who survived the attacks but came away injured. For them, it has been a long and heroic struggle to get by and find some sense of normalcy. People who ran out of burning buildings, the firefighters, EMTs, and other rescue workers who ran in, all breathed thick air as they were saving lives. Today, they are reminded of what they have to face with literally every breath they take. We think about them very deeply today, but those heroes triumph every day. Their supply of courage has never run out, and we can never walk out on them.

So not forgetting means caring for those whom we lost, and their families, and remembering them. But it also means caring for those who were made ill because of the attacks. Not forgetting means supporting all the heroes, paid and volunteer, who risked their lives to save others. Not forgetting means securing our ports, chemical and nuclear plants, so we don't have to experience another horrendous tragedy in the future, getting Federal grant money to our communities based on the risks they face, getting firefighters the funding they need for new equipment and increased personnel, and making sure our first responders can talk to each other during an emergency. And let's be very clear: Not forgetting means destroying the terrorist network that planned the attacks and bringing those responsible to justice.

Today, September 11 of 2008, we remember what has been lost, and we find strength in what we still have. No amount of time can ultimately heal what has been seared into our hearts and minds since September 11, 2001. But those wounds continue to drive us to make sure that no New Jersey, no American ever has to experience them again. If we come together now, as we did on one of the darkest days of our history, then I believe our future can be filled with security, prosperity, and hope. On this day in which we remember that darkest day, we can see the light and our brightest days are yet to come.

Once again, my thoughts and prayers go out to the 700 New Jerseyans who were lost on that fateful day, for their families who live with this for the rest of their lives and for which this day has an incredible resonance in their lives far beyond what anyone can imagine. But for votes here in the Senate, I would be in New Jersey today, and I wanted to take to the floor to let them know that we are one with them on this most sacred day.

CONCLUSION OF MORNING BUSINESS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that all

time for morning business be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the previous order with respect to the prohibition on a motion to proceed remain in effect during today's session.

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

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, we had an announcement yesterday by the Secretary of Defense on the procurement question for the tanker for the U.S. Air Force that is very disturbing and disappointing to me. Basically, the history of that was that the Secretary and the U.S. Air Force had evaluated the two competing bids and had selected the Northrop team's bid as the best aircraft and best buy for the country.

The GAO, Government Accountability Office, reviewed that and said the Air Force had made errors. I did not think great errors, but they said there were errors and they ought to review the process. The Secretary of Defense said he, in effect, was disappointed those errors had occurred and he personally would take the process under the Department of Defense's jurisdiction and he would direct individuals to evaluate the two bids and to make a decision on what the best aircraft would be and the best buy for the American warfighter.

Remember that the Air Force had declared that replacing the 50-, 60-year-old tanker fleet was their No. 1 priority in the entire U.S. Air Force. For those of us who know about the Air Force and know how much they like fighters and those kinds of aircraft, for them to say that was a significant thing. So we were proceeding along that path. Secretary Gates said he was going to do it fairly and objectively, and he would do his best to complete the process by the end of the year. So his announcement yesterday that they could not complete it at the end of the year, that there has been controversy about this, and that he would, therefore, put it off and cancel the bid process and let the next Congress and next President deal with it was a bad mistake. It was contrary to what he had said in the country needed to be done a few months ago.

I think this is a matter he made a mistake on. I respect Secretary Gates. I was pleased when he stood up and said: We need this tanker. We need to get this done. We are going to get it done. I am personally going to be responsible to ensure it is done right and fair. Then, to walk away from that, and to leave the impression the reason that occurred was because of a political brouhaha going on, and Members of Congress fussing here and there and making comments was doubly disturbing.

My view has always been the Department of Defense ought to pick the best aircraft, and I thought they had when they chose the plane they did. I will note the aircraft Northrop Grumman/EADS had offered was 16 years newer than the aircraft Boeing had submitted, it would have much more capabilities, and was a better aircraft. That is what it was, and that is how it was selected. The Northrop team submitted a very frugal bid, and even though it was an aircraft that had more capabilities, it was very competitive or lower on price. So I thought we were heading in the right direction.

I will note for the record I was involved in this early on. When Senator McCain questioned a lease agreement that was entered into with the Boeing company, he felt something was not healthy there and he objected. It was going to release 60 of these aircraft. They had not been bid. It was a sole-source contract. It did not go through the Armed Services Committee. But it was actually done through the Appropriations Committee without the

Armed Services Committee studying the issue or looking at it. After all that happened—and it is unfortunate people went to jail over it in the Air Force, and others—we ordered, the Congress did, that a bid process take place. There were two bidders. Only two entities could supply this kind of aircraft. The Air Force selected the one they thought was best.

Some people did not like that, and we had a big fuss, and now we are at a position where we could literally be looking at a delay of 2 or 3 more years. It has already been delayed about 7 years. This is very disturbing and very concerning to me ultimately because the Air Force is going to be further delayed, substantially, in a new aircraft being chosen and put into the fleet. It can save money in the long run because it will be newer, require less upkeep and maintenance, carry more fuel, and it has more capability. It can do the work of three airplanes at once.

I know Senator WARNER and others on our committee, when this issue arose—Senator LEVIN and Senator MCCAIN—felt that a bid was the right thing to do. We ordered that we pass legislation to do that. I am sorry the Defense Department seems to have given up and punted it. Many are estimating this could result in a delay of 3 years before the matter comes to a conclusion now.

Mr. WARNER. Mr. President, if the Senator will yield, actually it was a series of appropriations. The committee approved it in the House and the Senate—the House Armed Services Committee. When it came to our committee—at that time I was the chairman—we decided this contract was not right, and a lot of work subsequent to that has been done to try to correct it. The Deputy Secretary of Defense contacted me yesterday. I look upon this latest development with some concern because this airplane is needed for the U.S. inventory.

But I thank the Senator for his support through the years. It was our committee that stopped that contract which we felt was faulty at that time, and the rest is history.

Mr. SESSIONS. I could not agree more, I say to Senator WARNER. I thank the Senator for his leadership at that time. Basically, it did point out, did it not, I ask Senator WARNER, that the authorizing committee is a valuable committee and that those kinds of major programs should be taken through the committee of authorization? Would the Senator agree to that as a matter of historical perspective here in the Senate?

Mr. WARNER. Mr. President, I share the views of my distinguished good friend.

Mr. President, I have been informed—and I will await the leadership to make the formal announcements—but I do believe we are going to move to some votes, hopefully, this afternoon on our bill.

Mr. SESSIONS. Very good.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I further ask that at the hour of 12:30, the Chair declare a moment of silence.

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

MOMENT OF SILENCE FOR THE VICTIMS AND FAMILIES OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in memory of the victims of the September 11 attacks.

(Moment of silence.)

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. I ask unanimous consent to be recognized and speak for a moment on this day, 9/11.

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

Mr. SCHUMER. Mr. President, we just commemorated a moment of silence for those who were lost on 9/11. Of course, for the husbands and wives, sons and daughters, fathers and mothers and friends, that moment of silence, in a sense, lasts every day, every moment.

In New York, of course, we lost close to 3,000 people. Some people I knew—a person I played basketball with in high school; a firefighter I was close to and worked with to encourage people to donate blood; a business man who helped me on the way up; the range of people who were lost in every walk of life, every ethnic group, every profession, in every way of thinking. The enormity still, 7 years later, is hard to have it sink in. Furthermore, when one thinks of just the uselessness of this tragedy, it is even more confounding.

There are many things to say in the advent of 9/11 that would be relevant on this floor, but today is not the day for that. Today we just think and remember and try to do everything we can to give solace to those we know who mourn and will mourn for the rest of their lives the senselessness of this tragedy that took loved ones from them.

So I just wish to say to those who do walk around with holes in their hearts as a result of 9/11: We will never forget.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, if I may just for a moment echo the comments of the Senator from New York, this morning I watched on television the ceremony at the Pentagon. As I watched the calling of the names, a photo flashed on the screen of each individual. What you saw were young military men, you saw a lieutenant colonel, you saw the faces of whole families wiped out, young people, older people, you saw every race. In a sense, when you looked at the benches and the water flowing under the benches and the maples that will grow around them, as you listened to the sad song of the pipers, you realized what a great country this is and how we respect every single human life and how important that is; also, how important it is that the message remain true, that the message remain full of heart but also full of vigilance that this must never happen again in our homeland.

So I wish to join Senator SCHUMER and send our best wishes, our sympathy, our sorrow to these families 7 years later, and our thanks to those who gave their lives in the Pentagon.

I had a chance to sit down with the family of a captain of the American Airlines plane that flew into the Pentagon. It was very revealing because at the time they were convinced it was the heroic gesture of this captain in turning the plane away from the U.S. Capitol that played a role. I want them to know that I was thinking of them both during the Pentagon ceremony and the ceremony in front of the Capitol.

So all those victims remain in our hearts and in our minds, and we consecrate ourselves to work on their behalf.

Thank you very much, Mr. President.

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the innocent Americans who were killed in the terrorist attacks of September 11, 2001. I ask that we commemorate the emergency responders who provided relief in the aftermath of the attacks. I also ask that we salute our brave men and women in uniform who have volunteered to serve their country in this time of need. Not to be forgotten are the families who support our troops and the families who lost loved ones on this tragic day; to them we must also pay tribute.

We should continue to remember the family of Al Marchand from Alamogordo, NM, a flight attendant on United Airlines flight 175 and one of the first casualties on that horrific day. He and his family remain in my thoughts and those of my fellow New Mexicans. Since that day, many New Mexicans have volunteered to serve their country by entering the ranks of our Armed Forces. Some of these brave men and women today live with the injuries and scars they received in this fight. Sadly, some lost their lives in