we are in no way forgetting or diminishing the contribution made by all who have faithfully served our nation as members of its armed forces.

Because we are honoring those whose names will be in the Hall of Heroes, it seems fitting to ask, ''What is a hero?'' The first time someone called me a hero, my reaction was, ''I am no hero. I just did my duty.'' As I have thought about it, however, maybe that is part of what a hero is. It is someone who puts duty above self—someone who exhibits selfless dedication to a noble cause.

Another characteristic of a hero is courage. But, what is courage? British author C.K. Chesterton aptly described courage as follows:

''Courage is almost a contradiction in terms. It means a strong desire to live taking the form of a readiness to die. 'He that will lose his life, the same shall save it,' is not a piece of mysticism for saints and heroes. It might be printed in . . . a drill book. The paradox is the whole principle of courage. . . . A soldier surrounded by enemies, if he is to cut his way out, needs to combine a strong desire for living with a strange carelessness about dying. He must not merely cling to life, for then he will be a coward, and will not escape. He must not merely wait for death, for then he will be a suicide, and will not escape. He must seek his life in a spirit of furious indifference to it; he must desire life like water and yet drink death like wine.

In combat, you have no future. You have no past. You have only the present. To survive, you must consider yourself already dead, and then fight with all that is in you to stay alive, and to keep alive those who are fighting alongside you.

I first learned this truism not long after I started flying as a crew chief on a Huey gunship. As a crew chief, my job was to maintain the helicopter and to be a door gunner when we were flying. One afternoon, as we were returning from a mission, I moved from my normal position literally two seconds before a 51-caliber round tore through my helicopter. Had I not moved, it would have hit me right in the Adam's apple, and would have taken my head off. There was no reason for me to have moved, other than the intervention of God.

I pondered that event for a little while. Before then, being killed in combat had been an abstract possibility. I now realized that as long as I was flying in gunships, being killed was a distinct probability. Perhaps what was most disconcerting was that the bullet came without any warning. It was like a bolt out of the blue. We were not even in a place where we were expecting enemy fire. I realized that on any given day, I could be killed by one bullet coming without warning out of nowhere. I concluded that I could either worry about dying and get ulcers, or simply choose not to worry about it. I chose the latter course. From that day on, I simply considered myself already dead. Those who have accepted their death need not fear it.

Certainly, those who willingly risk their lives in combat while fighting for our country are heroes. The people we are honoring today, however, did more than merely risk their lives. The military does not award medals for valor simply for risking one's life. That is expected in combat. I was on a Huey gunship during most of my two years in Vietnam. Our job was to find the enemy and engage them. We did not have any high-tech equipment to help us locate the enemy. Our most sophisticated electronics were our two-way radios. To find the enemy, we simply tried to be an attractive target so that they would shoot at us. We would fly as low as we could, sometimes only a few feet above the ground, over or near places where the enemy may be hiding, trying to draw their fire. Once the enemy opened fire, we would know where they were and could take them on. Having the enemy shoot at us was simply part of our job; it was all in a day's work. That is the same for anyone who serves in combat.

Those we are honoring today did not merely risk their lives in combat. They went far above and beyond the call of duty, putting then lives at extraordinary risk. They may have done so to rescue wounded or trapped comrades, or to accomplish the mission. Firefights are decided, battles are won, and victory is gained because of soldiers like these—who put themselves at extraordinary risk to save others, to accomplish the mission, and to defeat the enemies of freedom.

One of God's blessings upon this nation has been that throughout her history, in times of great trials, ordinary people have come forward and done extraordinary deeds. Today, we are honoring some of those people. On behalf of my fellow Americans, I thank them and I salute them.

TRIBUTE TO A GOOD FRIEND AND LOYAL PUBLIC SERVANT, JAMES J. MANCINI

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 2003

Mr. SAXTON. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to one of my greatest friends and one of Ocean County's finest, Ocean County Freeholder and Long Beach Township Mayor James J. Mancini.

Upon hearing of his passing, I was deeply saddened, given the tremendous impact he had on my life and those he served in Ocean County. To say that Jim will be missed is an understatement; he touched the lives of so many around him and spent every day of his life helping others.

A champion for seniors and veterans, Mayor Mancini's dedication to his community and his genuine interest in reaching out to others was unparalleled. As one of Ocean County's best advocates for seniors, his commitment to providing retirees with quality health care was unwavering. Every chance he had, Jim worked to make life better for every senior who lived in Ocean County.

Additionally, as a Veteran of World War II, Mayor Mancini made it his top priority to work on behalf of our local veterans. In fact, as a result of his efforts, services to tens of thousands of veterans were increased and improved.

Many of us from south Jersey remember the two ''nor'easter'' storms in the early 1990's that severely damaged the beaches of Long Beach Island. As a result of the threat to property and lives, Mayor Mancini made it his mission to guarantee these beaches would be rebuilt.

After ten years of work—including securing 3 million federal dollars, 8 years of study and design, and overcoming hurdles that prevented new beach replenishment projects from starting—just yesterday we found out that Jim's long-sought after funding to begin replenishing Long Beach Island's beaches came to fruition. This funding was included in the House-passed final version of the 2004 Energy and Water Appropriations Bill.

How ironic. After more than a decade, the project was approved by the House of Representatives on the same day as Mayor Mancini's passing. Without his persistence, it likely would not have happened.

Beginning from his election as Mayor of Long Beach Township in 1964 to his serving as a State Assemblyman in the 1970s to his becoming an Ocean County Freeholder in the 1980's, Mayor Mancini lived his life to serve and help others, and his legacy will live on for many years to come.

Throughout my life, I have met few people as compassionate and as selfless as Jim Mancini; it was an honor and privilege to be his friend. I extend my deepest sympathies to Madeline Mancini and the rest of their family, and know we will remember this caring friend, wonderful father and grandfather, admired leader, and dedicated public servant for the rest of our lives.

PAYING TRIBUTE TO DON SCHNEIDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I pay tribute to Retired Lieutenant Colonel Don Schneider from Grand Junction, Colorado. Don has dedicated his life to the betterment of his family, country and community, and I am proud to call his contributions to the attention of this body of Congress here today.

Don moved to Colorado Springs, Colorado in 1959. Between 1959 and 1964, he accomplished a great deal. He attended the Air Force Academy, completed Airborne Jump School, Officer Training School, and earned a degree from the University of Denver, eventually working with Martin-Marietta on the Titan II missile program. In addition, Don met and married his wife Judy and had three wonderful children during this period.

After his training, Don was transferred to Tennessee, where he served as a navigator and instructor at Stewart Air Force Base. While stationed in Tennessee, Don acquired 2000 hours of flying time on deployments worldwide. Between 1970 and 1971, Don flew 180 combat missions in the Vietnam conflict. In a time of war, Don's patriotism and valor shone through, proving him a true hero. At war's end, Don's honorable service had earned him numerous decorations, including the Distinguished Flying Cross and the Meritorious Service Medal.

Following the war, Don was stationed in Myrtle Beach, where he was a pilot, safety officer, and instructor who trained a number of National Guard units, including the Colorado Air Squadron stationed at Colorado's Buckley Air Force Base. Don completed his service to the United States Air Force in 1985. After entering the private sector for some time, Don and his family moved to Grand Junction in 1998. In Grand Junction, Don has continued his service to his country. He currently serves as the President of the Western Colorado Chapter of Military Officers, and is an active member of the Order of the Dandelions, the Red River Valley Fighter Pilots Association and the Aircraft Owners and Pilots Association.

Mr. Speaker, I am proud to pay tribute to Don Schneider's courageous service before this body of Congress and this nation. His selfless desire to protect the freedom of all Americans is a reflection of his unwavering love for our country and his continued service to his community is further illustration of a lifetime of devotion to our nation. Thank you, Don, for your service.

CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 2003

Mr. TAUZIN. I rise to elaborate on the colloquy I had with Mr. Norwood during consideration of the conference report for H.R. 6 regarding section 1242 (relating to participant funding). Section 1242 (''Voluntary transmission pricing plans'') adds a new section 219 to the Federal Power Act. Under this section, any transmission provider (''TP''), regardless of whether the TP is a member of an RTO or ISO, is eligible to submit a transmission pricing plan to the FERC. In the case of a participant funding (''PF'') plan, the Federal Energy Regulatory Commission (''FERC'') must approve the plan if it meets the requirements of the section, regardless of whether a TP is in an RTO or ISO, because the native load customers of the TP should not be penalized by being compelled to pay for unneeded generator interconnection transmission upgrades.

The provision requires the FERC to approve a PF plan if the plan is just and reasonable and meets other requirements relating to cost responsibility and allocation. The rates referenced means rates as they affect the TP's shareholders and native load customers. The rate must not be so low as to be confiscatory of the TP-shareholder's property. At the same time, the rate must not unjustly shift costs to the TP's native load customers. The just and reasonable requirement here operates in the context of a clear policy choice by Congress in favor of PF where an application meets the other requirements of this section. The requirements of (b)(2)(B) constitute a limitation or channelling of the FERC's discretion within the bounds of the just and reasonable standard, which the courts have held does not require a specific formula, method, or single numeric result in any given case. In determining the zone of reasonableness, the FERC is required to comply with the policy of allowing PF as provided in (b)(2)(B).

PF ensures just and reasonable rates in three ways. First, the TP fully recovers (in charges assessed to all transmission customers) the costs of any monetary credits it must grant to the party requesting the upgrade. Second, PF protects consumers from bearing costs for facilities they do not need, by ensuring that the party causing the upgrade costs is assigned those costs. Third, rates are kept at reasonable levels by ensuring that generation and transmission are sited in an economically efficient manner.

Subsection (b)(2)(B) provides that the upgrade costs are ''assigned in a fair manner.'' The costs ''assigned'' or ''paid'' here means the costs initially allocated at the time of the upgrade. If a cost is assigned to the TP, the TP rolls that cost into its embedded cost rate base and recovers the entire cost in a transmission charge assessed to all its own transmission customers. If a cost is assigned to, or paid by, the requesting party, the requesting party makes a lump-sum payment at the outset, financed by whatever means the requester arranges. Subsequently, the requesting party pays the same embedded cost transmission charge assessed to and paid by any transmission customer—this charge is not considered a ''payment'' in this context.

Subsection (b)(2)(B)(i) means that if, at the time of the request, the native load customers had no need for the upgrade, they do not have to pay for it. The phrase ''such transmission service related expansion or new generator interconnection'' refers to the specific upgrade requested. Thus, if the TP would not have built the same upgrade at the same time to serve its own customers, such customers should not have to pay for it. The phrase ''would not have required'' means that, at the time the upgrade is requested, the native load customers would not have needed the upgrade to reliably meet their load. Projected or hypothetical future ''needs'' or other ''benefits'' in no way qualify as upgrades required by these customers for the purposes of this provision.

Going forward, the requester would be charged the same embedded cost transmission service charge as any other transmission customer—a charge that includes the cost of any monetary credit (as it is used) or any other item in the embedded cost ratebase. This point is made clear in subsection (b)(2)(B)(iii)(I), which provides that a monetary credit would be ''against the transmission charges that the funding entity or its assignee is otherwise assessed [by the TP].''

Clause (ii) is a clarification of precisely what costs are assigned in the up-front allocation of the upgrade costs. Clause (ii)(I) references the requirement that the requesting party ''pay for'' the ''assigned'' cost of the upgrade as set forth in clause (i). This language means that the requesting party makes a lump sum payment at the time of the upgrade for the costs of constructing the upgrade and any costs associated with completing the upgrade. Clause (ii)(II) makes clear that the requester is not also assigned, as part of this initial, lump-sum payment, certain future costs, resulting from the upgrade, that are later' included in the TP's embedded cost rate base. The initial cost of the ''physical'' upgrade is not directly or immediately included in the embedded cost because the upgrade itself is paid for (assigned to) up front by the requesting party. The term ''embedded cost'' is a term of art typically defined as funds already expended for investment in plant and operating expenses, as shown on the utility's books.

The physical upgrade does not immediately qualify as a cost of ''plant'' because the TP has not been assigned the cost in the initial upgrade—such cost is paid for in the initial cost assignment by the requester, not by the TP. The ''cost of the requested upgrade'' does, however, enter the TP's embedded cost basis in the form of any monetary credit given to the requester as compensation for the requester's initial payment. Because this credit is a credit against the transmission charge assessed to the requester, it is revenue foregone by the TP that must be recovered in the TP's rolled-in transmission rate. This cost is included in the TP's embedded cost charge to all transmission customers each billing period in the form of the cost of the monetary credit. Every transmission customer's rate (including the requester's) includes the cost of such credit. The difference for the requester is that he gets a credit against the same embedded cost transmission rate as charged to all transmission customers. Clause (ii)(II) means that, in the initial cost assignment, the requester does not also pay up front for the future rolled-in cost of the monetary credit. In the initial cost assignment, the requester pays only once for the transmission upgrade—and, under a PF plan using the monetary credit approach of (iii)(1), he gets full compensation for that lump sum payment in the form of the monetary credit over a 30 year period. In this lump-sum, up-front cost allocation, the requester does not have to pay for the upgrade twice by paying in advance for the monetary credit cost of the upgrade. For clarity, subclause (II) is expressed as a formula. The ''difference'' between the embedded cost including the upgrade and the embedded cost absent the upgrade equals the total cost of credits associated with the upgrade. Subclause (ii), in other words, means that the requester does not, in the up-front cost allocation, need to pay for both the cost of building the upgrade and the future cost of the credits needed to compensate it for that payment.

Subsequent to the initial cost allocation, the requester, like any other transmission customer, is assessed a standard transmission service charge for accessing the transmission system. It is against this service charge that any monetary credit under (iii)(I) is applied. Nothing in the provision prevents the TP from rolling the cost of the monetary credit into the embedded cost transmission charge for the use of the system—a charge that all transmission customers must pay as they take service. Clause (ii)(II) does not say or imply that the requester should not have to pay a transmission charge for the use of the system. Such a misreading would result in an unjust and unreasonable confiscation of utility-shareholder property, as well as an absurd departure from the FERC policy requiring all transmission customers to pay an access charge derived from the embedded cost of the system, including the cost of any credits given as the requester is assessed transmission charges. In other words, the provision is not intended to give the requester a double credit or double compensation (i.e., a discounted transmission rate on top of a credit or other compensation).

Conversely, the fact that the requester is assessed this charge (including the portion of the charge attributable to the cost of the monetary credit) in no way means that the requester is having to ''pay twice'' for the upgrade, because the transmission service charge is entirely separate from the cost allocation provided for in clause (ii). The requester pays for the upgrade in advance, and in exchange receives the credit or rights. By contrast, the requester is assessed a transmission charge in exchange for accessing the transmission system. Thus, this is not so-called ''and'' pricing.

Clause (iii) provides that the requester over time shall receive a form of compensation for its up-front, lump-sum payment. This compensation may be in the form of a monetary