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No. 32

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOLF).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 12, 2001.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, send forth Your prophetic and discerning Spirit upon this chamber and this Nation.

Why is it we can recognize grace building upon grace and goodness begetting goodness, yet, without Your Spirit, fail to see lie feeding lie and evil eroding everything around it.

Whenever any part of society or government has forsaken You, O Lord, or any member of family or branch of corporation disregards common faith or breaks sacred trust, the whole body trembles.

Our oneness is disturbed by any negative force. Our sinful behavior affects not only our relationship with You, Almighty Father, but impacts one another.

Isaiah says, "The whole head is sick, the whole heart is faint. From the sole of the foot to the head there is no sound spot."

Be moved by our repentance, Lord, now and forever.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. FILNER) come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

S. Con. Res. 22. Concurrent resolution honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia.

The message also announced that pursuant to Public Law 106-550, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individuals to serve as members of the James Madison Commemoration Commission Advisory Committee—

Gary G. Aguiar of South Dakota; and Jack N. Rakove of California.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 9, 2001.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 9, 2001 at 9:08 a.m.

That the Senate passed without amendment H. Con. Res. 47.

With best wishes, I am  
Sincerely,

JEFF TRANDAH,  
*Clerk of the House.*

### APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to Public Law 106-292 (36 U.S.C. 2301) the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LANTOS of California;  
Mr. FROST of Texas.  
There was no objection.

### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

### TIME FOR CONGRESS TO ACT TO PROTECT THE PUBLIC FROM PROFITEERING ENERGY PRODUCERS AND MARKETERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, last summer I was on the floor many times as

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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the Congressman from San Diego, California, with a grave electricity crisis and said, "The rest of California better watch. The rest of the West of the United States better watch. The rest of the United States better watch, because they are next." Sure enough, they are next. Let us talk about this electricity crisis today and how we are going to get out of it.

Let me remind Members that San Diego, California, was ground zero in this crisis. Our county became the first area in California where full electricity deregulation occurred in both retail and wholesale prices. Within 60 days, Mr. Speaker, our prices to families, to those on fixed incomes, to small business doubled and then tripled. There was no end in sight.

In fact, dozens of small businesses were forced to close their doors. Panic literally engulfed San Diego, and the State legislature responded with a deferred cap on retail prices; that is, a cap on the real cost of electricity that would be deferred for several years. So each month since last August the debt for San Diego consumers, the debt for San Diego businesses, has mounted monthly.

What caused this incredible price increase? Yes, supply was tight, but demand was less than the previous summer had been. The cost of production had not even risen at that point significantly.

The answer, Mr. Speaker, the answer was market manipulation, in my view criminal manipulation by a wholesale energy cartel. There is evidence that has been supplied to the Federal Energy Regulatory Commission, the Attorney General of the United States, the State of California Attorney General, our local district attorneys, evidence of supply illegally withheld, transmission data falsified, and "laundering" of electrons to avoid California price cap.

Based on such evidence last December the Federal Energy Regulatory Commission, known as FERC, found wholesale prices in California to be illegal. Yet, incredibly enough, up to last week no action, no corrective action, was taken. Last week FERC said, hey, we know there has been some overcharge in California. In fact, \$69 million should be refunded.

I say to FERC, that is way too little, way too late. That is the price we are now paying in California for electricity in a day and a half; in a day and a half we pay the \$69 million.

What FERC is saying to the energy cartel is, go and rob the State blind. Boy, did they do it. Today's crisis is still fundamentally all about obscene and illegal wholesale prices. Yes, we all know we need new generating capacity. Yes, we need more conservation. Yes, we need to focus on renewable resources.

But the State of California, Mr. Speaker, is today paying \$2 billion an hour, \$45 million a day, \$1.5 billion per month, for electricity. Our major utili-

ties are in de facto bankruptcy, and the energy cartel has sucked almost \$20 billion, that is \$20 billion with a B, out of the State economy in just less than a year.

California is just part of a regional electricity grid. The obscene prices have spread to Oregon and Washington. Idaho and New Mexico are next, and the rest of the West will soon follow.

What has been the response of this administration to what will surely be a national disaster soon? They say, drill for oil in the Arctic National Wildlife Refuge and let the markets work.

I say, Mr. Speaker, there is not a market in electricity. The President's corporate friends, like Enron of Houston, now control our electricity future. Since the administration cannot or will not act, Congress must by immediately passing my legislation, H.R. 268, the Electricity Consumers' Relief Act.

What this bill does is require that FERC set immediately cost-based rates for electricity, and require that energy producers and marketers that profited from their illegal rates in California refund the overcharge to our consumers and our utilities.

Only this legislation will make California whole again economically, and give us time for the Governor's longer-term program to take effect. We know from evidence in San Diego that there was power in California during our whole electricity crisis. Even at stage 3, turbines were taken out of circulation when businesses in San Diego were being shut down. It was not being provided because the energy cartel wanted to make the market work for increased prices.

They have gouged California consumers. They have forced small businesses to close their doors. They have brought our utilities in our whole State to their knees. Yet their quarterly reports show increased profits by nearly 1,000 percent.

It is time for Congress to act. We must hold this cartel accountable and provide the relief that Californians and all Americans so desperately need and deserve.

#### ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 13, 2001, at 12:30 p.m. for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1160. A letter from the Acting Administrator, Agricultural Marketing Service, Research and Promotion Branch, Department of Agriculture, transmitting the Depart-

ment's final rule—Watermelon Research and Promotion Plan; Redistricting and Adding Two Importer Members to the National Watermelon Promotion Board [FV-00-703-FR] received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1161. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Disclosure to Shareholders; Annual Report (RIN: 3052-AB94) received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1162. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report entitled, "Monetary Policy Report to the Congress"; to the Committee on Financial Services.

1163. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Rules Regarding Equal Opportunity [Docket No. R-1096] received January 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1164. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Application Processing [No. 2001-11] (RIN: 1550-AB14) received March 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1165. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employers Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1166. A letter from the Director, Office of Congressional Affairs, NMSS, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: VSC-24 Revision (RIN: 3150-AG70) received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1167. A communication from the President of the United States, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1168. A letter from the Deputy Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Exports to the Federal Republic of Yugoslavia; Revision of Foreign Policy Controls [Docket No. 010208031-1031-01] (RIN: 0694-AC36) received March 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1169. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 022601B] received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1170. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 022701B] received

March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1171. A letter from the Acting Secretary of the Army, Department of Defense, transmitting the feasibility report for New York and New Jersey Harbor Navigation Study, pursuant to Section 101 (a)(2) of the Water Resources Development Act (WRDA) of 2000; to the Committee on Transportation and Infrastructure.

1172. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Fort Point Channel, MA [CGD01-00-234] (RIN: 2115-AE47) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1173. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 Series Airplanes [Docket No. 2000-NM-279-AD; Amendment 39-12117; AD 2001-03-13] (RIN: 2120-AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1174. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2000-NM-285-AD; Amendment 39-12113; AD 2001-03-09] (RIN: 2120-AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1175. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2000-NM-118-AD; Amendment 39-12111; AD 2001-03-07] (RIN: 2120-AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1176. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Pratt & Whitney Engines [Docket No. 99-NM-365-AD; Amendment 39-12091; AD 2001-02-07] (RIN: 2120-AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1177. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model MU-300, MU-300-10, 400, and 400A Series Airplanes [Docket No. 98-NM-368-AD; Amendment 39-12110; AD 2001-03-06] (RIN: 2120-AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1178. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule—Regulations Governing Fees For Services Performed In Connection With Licensing And Related Services—2001 Update—received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1179. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Coast Guard Activities New York Annual Fireworks Display [CGD01-00-227] (RIN: 2115-AA97) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1180. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2001-NM-11-AD; Amendment 39-12109; AD 2001-03-05] (RIN: 2120-AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1181. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Siesta Key Bridge (SR 758), Sarasota, FL [CGD07-01-014] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1182. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Kennebec River, ME [CGD01-00-193] (RIN: 2115-AE47) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1183. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulations; Arroyo Colorado, TX [CGD08-01-001] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1184. A letter from the Secretary, Judicial Conference of the United States, transmitting a report on the judiciary's courthouse construction requirements for FY 2002; to the Committee on Transportation and Infrastructure.

1185. A letter from the Director, Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting the Department's final rule—Appeals Regulations: Title for Members of the Board of Veterans' Appeals—Rescission (RIN: 2900-AK61) received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1186. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Revised Criteria for Monetary Allowance for an Individual Born with Spina Bifida Whose Biological Father or Mother Is a Vietnam Veteran (RIN: 2900-AJ51) received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1187. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Cafeteria Plan/Qualified Retirement Plan Hybrid Arrangement—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1188. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—IRC Section 807 Basis Adjustment—Change In Basis v. Correction Of Error—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1189. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low Income Housing Credit—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1190. A letter from the Deputy Director, Congressional Budget Office, transmitting the CBO's Sequestration Preview Report for FY 2002, pursuant to 2 U.S.C. section 904(b); jointly to the Committees on Appropriations and the Budget.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 90. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes (Rept. 107-13). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 860. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions (Rept. 107-14). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 802. A bill to authorize the Public Safety Officer Medal of Valor, and for other purposes (Rept. 107-15). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 861. A bill to make technical amendments to section 10 of title 9, United States Code (Rept. 107-16). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 809. A bill to make technical corrections to various antitrust laws and to references to such laws (Rept. 107-17 Pt. 1).

Mr. SENSENBRENNER: Committee on the Judiciary. S. 320. An act to make technical corrections in patent, copyright, and trademark laws, with an amendment (Rept. 107-18). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Armed Services discharged from further consideration. H.R. 809 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED  
BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 809. Referral to the Committee on Armed Services extended for a period ending not later than March 12, 2001.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. EVANS (for himself, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. KUCINICH, Ms. BALDWIN, Mr. MCGOVERN, Mr. RUSH, Mr. CAPUANO, Mr. STARK, Mr. ANDREWS, Mr. WOLF, Mr. KIRK, Ms. PELOSI, Mr. HOEFFEL, Mrs. LOWEY, Mr. FRANK, Mr. FALCONE, Mr. LANTOS, Mr. UDALL of Colorado, and Mr. WAXMAN): introduced a concurrent resolution (H. Con. Res. 60) condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that violence; which was referred to the Committee on International Relations.

H.R. 31: Mr. GOODE and Mr. SHADEGG.  
H.R. 247: Mr. RILEY, Mr. CRAMER, Mr. PICKERING, Mr. HILLIARD, and Mr. CLEMENT.  
H.R. 295: Mr. FERGUSON.  
H.R. 482: Mr. BARR of Georgia.  
H.R. 527: Mr. SANDLIN, Mrs. MYRICK, and Mr. OTTER.  
H.R. 548: Mr. CALVERT, Mr. RUSH, and Mr. CLAY.  
H.R. 609: Ms. HART.  
H.R. 622: Mr. NETHERCUTT, Mr. SNYDER, and Mr. PETERSON of Minnesota.  
H.R. 632: Mr. PETERSON of Pennsylvania, Mrs. DAVIS of California, Mr. CLAY, and Mr. CALVERT.  
H.R. 737: Mr. BOEHLERT and Mr. FRANK.  
H.R. 744: Mrs. JO ANN DAVIS of Virginia.  
H.R. 824: Mr. RILEY.  
H.R. 871: Ms. HART.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows: