

HOUSE OF REPRESENTATIVES—Monday, March 26, 2001

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

March 26, 2001.

I hereby appoint the Honorable JUDY BIGGERT 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, breathe forth upon us the same Spirit that moved Your servant Isaias.

Overwhelmed by Your holiness in our midst we pray for the Members of the 107th Congress and the diverse people of this Nation.

Give us humility and contrition that we may both repent for our sins as individuals and as a Nation. At the same time may we do our very best to set things right.

Make us aware of our misdeeds that we may remove them from Your sight. May our manipulation cease doing evil and causing sadness. Restore hope, for our soul-searching impels us to do good. Make justice our aim both 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 her 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, an-

nounced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 69. Concurrent resolution expressing the sense of the Congress on the Hague Convention on the Civil Aspects of International Child Abduction and urging all Contracting States to the Convention to recommend the production of practice guides.

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.

CALIFORNIA HAS BURNED WHILE FEDERAL GOVERNMENT HAS FIDDLED

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

Mr. FILNER. Madam Speaker, for 10 months California has burned while the Federal Government has fiddled, and the fire is spreading.

For 10 months California and the entire western United States has faced an economic disaster, while the Federal Government has refused to lift a finger to help, and that disaster is spreading. Every business, every resident, every school, every local government has been robbed, virtually at gunpoint, while the Federal Government has looked the other way.

Madam Speaker, I am talking about the electricity crisis that is in California and spreading soon throughout the Nation. We face an economic threat that makes the current downturn in the stock market pale by comparison. If we do not act soon, every American will be forced to pay for this crime. Madam Speaker, many of my colleagues have joined me in calling upon the Federal Energy Regulatory Commission to comply with its mandate, to fulfill its mission to ensure that rates are just and reasonable; yet we continue to pay exorbitant, yes, criminal rates for electricity and natural gas.

Madam Speaker, I, along with many of my colleagues, have asked the President and the Secretary of the Department of Energy to act, and what we have been told is that the markets will work. We have asked the U.S. Department of Justice to enforce our laws, and we have not received a response. We have been told that the energy cri-

sis is simply a matter of supply and demand; yet if one looks at the facts, that is not an adequate explanation. Last summer in the year 2000, demand rose by less than 5 percent over the previous year; yet prices doubled, tripled and then went 50 times what they had been. Demand is less than a third of last summer, and yet prices reach up to 50 times the then-price.

Last week in San Diego and the rest of California, we experienced rolling blackouts. Was this due to high demand? No. One-third of our production was simply off-line; 33 percent of our power-producing plants went out of operation.

It is becoming clearer and clearer to everyone that we are being robbed. This is a clear example of the abuse of market power, of criminal antitrust violations; and it is occurring not just in electricity, Madam Speaker, but in natural gas also. The front page of my hometown newspaper today says: "Market for Natural Gas Was Rigged, Firm Bought Control of Pipeline to Manipulate the Price, the Federal Energy Commission Was Told." Last November this commission declared that the electric rates being charged in San Diego and California by this energy cartel were unjust and unreasonable, and therefore illegal; but the commission refused to act. They basically said rob the State blind, and boy did the cartel do it.

The FERC has issued some findings of market manipulation, but the prices are criminal that we are paying today. Madam Speaker, we in California, like those in Oregon and Washington and the rest of the West, we are being bled dry by this energy cartel. California is paying \$2 million an hour for electricity, \$45 million to \$50 million a day, sometimes \$80 million, over \$1.5 billion per month. This cannot keep up if our economy is going to survive.

What we have is a situation in which a mere handful of private companies control the market and use that power to artificially drive up the prices. This is market manipulation. This is a violation of antitrust laws; and yes, this is criminal behavior.

Madam Speaker, I say we in California know we need more capacity and more generation, and we are doing that. We need more conservation, and we are doing that. The Governor of California has taken steps in these areas to do the maximum that can be done, but still the prices that we are paying today, and will pay in the future, unless FERC acts, are criminal.

☐ 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.

I have a bill, H.R. 268, which would direct the Federal Energy Regulatory Commission to set cost-based rates for electricity in this situation where the rates are illegal and provides for the refunds to the consumers and to the utilities of California the \$20 billion that they have stolen from our State in just the last 10 months.

Madam Speaker, many seem to think that this is only a California problem. Many people say California brought it on themselves, let them dig themselves out. But the reality is this is everybody's problem. That is why the vast majority of Western governors have urged that cost-based rates be imposed by FERC. This disaster is affecting the entire Western region already, and it is going to spread quickly. According to the New York Times, State agencies from New England, the Midwest and the Mid-Atlantic have filed complaints about the high prices with FERC. The Energy Secretary of this Nation warned that New York may face similar problems next summer. This is a national problem. We had better act now.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

ADJOURNMENT

Mr. FILNER. Madam 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 27, 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:

1322. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a letter in response to Senate Report 106-292; to the Committee on Armed Services.

1323. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a letter in response to the reporting requirement of the National Defense Authorization Act for FY 2001, which is anticipated to be completed by April 2001; to the Committee on Armed Services.

1324. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting

the Department's final rule—Consumer Protections for Depository Institution Sales of Insurance; Change in Effective Date [Docket No. 2000-97] (RIN: 1550-AB34) received March 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1325. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Federal Savings Association Bylaws; Integrity of Directors [No. 2001-15] (RIN: 1550-AB39) received March 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1326. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Liquidity [No. 2001-13] (RIN: 1550-AB42) received March 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1327. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification of the Shoulder Joint Metal/Polymer/Metal Non-constrained or Semi-Constrained Porous-Coated Uncemented Prosthesis [Docket No. 97P-0354] received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1328. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Clinical Chemistry and Clinical Toxicology Devices; Classification of B-Type Natriuretic Peptide Test System [Docket No. 00P-1675] received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1329. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 00P-0789] received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1330. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese [FRL-6955-8] (RIN: 2060-AF29) received March 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1331. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri [MO 112-1112a; FRL-6956-9] received March 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1332. A letter from the Acting Administrator and CEO, Bonneville Power Administration, transmitting the 2000 Annual Report of the Bonneville Power Administration, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

1333. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Analysis of the 1st Quarter Cash Collections Against the Revised FY 2001 Revenue Estimate"; to the Committee on Government Reform.

1334. A letter from the Director, Fish and Wildlife Service, Department of the Interior,

transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To Remove the Aleutian Canada Goose From the Federal List of Endangered and Threatened Wildlife (RIN: 1018-AF42) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1335. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Commercial Shark Management Measures [Docket No. 010112015-1015-01; I.D. 120500A] (RIN: 0648-AO85) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1336. 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; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 031301A] received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1337. 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; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea and Aleutian Islands Management Area [Docket No. 010112013-1013-01; I.D. 030801B] received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1338. 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; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 031301B] received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1339. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry [Docket No. 960223046-1049-06; I.D. 011801D] (RIN: 0648-ZA09) received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1340. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation Of Non-immigrants Under The Immigration And Nationality Act, As Amended: Aliens Ineligible To Transit Without Visas (TWOV)—received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1341. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the annual report on the cost of the protective function provided by the Supreme Court Police to Justices, official guests and employees of the court; to the Committee on the Judiciary.

1342. A letter from the Chief Counsel, St. Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule—Seaway Regulations And Rules Tariff Of Tolls [Docket No. SLSDC 2001-8785] (RIN: 2135-AA12) received