

received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1362 Air Force nominations (155) beginning MELISSA A. AERTS, and ending RICHARD M. ZWIRKO, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1353 Air Force nominations (295) beginning TODD E. ABBOTT, and ending STEPHEN J. ZIMMERMANN, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1369 Air Force nominations (56) beginning KIRBY D. AMONSON, and ending DALTON P. WILSON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1377 Air Force nominations (2) beginning SANDRA G. MATHEWS, and ending MARGARET M. NONNEMACHER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1378 Air Force nominations (2) beginning REBECCA A. DOBBS, and ending MAX S. KUSH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1379 Air Force nominations (11) beginning ERNEST H. BARNETT, and ending RONALD W. SCHMIDT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1380 Air Force nominations (16) beginning SANDRA H. ALFORD, and ending FRANCIS C. ZUCCONI, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1381 Air Force nominations (14) beginning RAUL A. AGUILAR, and ending GILBERT L. WERGOWSKA, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1382 Air Force nominations (143) beginning LARRY W. ALEXANDER, and ending CLAUDIA R. ZIEBIS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

#### ARMY

PN1299 Army nomination of LESLIE C. SMITH, II, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 2001

PN1353 Army nominations (8) beginning FRANKLIN E. LIMERICK, JR., and ending GARY J. THORSTENSON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1354 Army nominations (7) beginning DARLENE S. COLLINS, and ending MICHAEL J. WAGNER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1364 Army nominations (17) beginning GARY J. BROCKINGTON, and ending DONNA M. WRIGHT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1438 Army nominations (35) beginning MARIAN AMREIN, and ending STEVEN M. WALTERS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 15, 2002

#### MARINE CORPS

PN1367 Marine Corps nominations (143) beginning ROBERT J. ABLITT, and ending CARL J. WOODS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1368 Marine Corps nominations (192) beginning DONALD A. BARNETT, and ending NICOLAS R. WISECARVER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1418 Marine Corps nominations (365) beginning ALBERT R. ADLER, and ending PETER D. ZORETIC, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

#### NAVY

PN1391 Navy nominations (4) beginning GREGORY W. KIRWAN, and ending MATTHEW M. SCOTT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 5, 2002

PN1392 Navy nominations (9) beginning MICHAEL J. ADAMS, and ending SCOTT A. SUOZZI, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 5, 2002

PN1419 Navy nomination John J. Whyte, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

PN1420 Navy nominations (33) beginning KELLY V. AHLM, and ending THOMAS A. WINTER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

PN1421 Navy nominations (262) beginning RENE V. ABADESCO, and ending MARK W. YATES, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. 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. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

### BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, perhaps one of the most moving anthems of this Nation was written by Katharine Lee Bates, "America The Beautiful." In the fourth verse, Ms. Bates wrote:

O beautiful for patriot dream that sees beyond the years,  
Thine alabaster cities gleam undimmed by human tears!

From the inception of our Nation, many Americans have given their lives in order that we may enjoy the freedom and prosperity of American society. Now where is that more apparent than in our military history.

As we celebrate Black History Month, it is fitting that we take time to remember those Americans who, undaunted by the confines of slavery, oppression, and segregation, fought valiantly to preserve our great Nation.

During the struggle for national independence during the Revolutionary

War, approximately 8,000 to 10,000 African-American soldiers served the cause for freedom. Of that number, 5,000 African Americans served in combat roles. These brave soldiers fought or provided labor in virtually every major action of the war, from the first exchange of fire at Lexington and Concord to the decisive victory at Yorktown.

When the war of 1812 broke out between the United States and Great Britain, once again African Americans offered their services to protect this country. For example, New York raised two 1,000-man African-American regiments and many White units included African-American soldiers.

In Philadelphia, 2,500 African Americans volunteered to erect fortifications on the outskirts of the city, and an estimated 10 percent of those serving on U.S. Navy ships in the Great Lakes were African Americans, who took part as seamen in Capt. Oliver Hazard Perry's victory over the British on Lake Erie in 1813. During the battle, an African-American soldier, Cytus Tiffany, used his body as a shield to protect Captain Perry during the battle.

Captain Perry later wrote:

I have yet to learn that the colour of a man's skin \* \* \* can affect a man's qualifications or usefulness.

Similarly, many African Americans quickly volunteered their military services during the Civil War. In fact, many slaves escaped persecution to join the Union forces in order to end slavery in this country.

One such brave individual was Robert Smalls. Smalls, who was born into slavery, was "hired out" by his Master for various jobs, including that of sailor. While serving on a ship called the Planter, Smalls coordinated and carried out an escape with the Confederate vessel into Federal lines on May 13, 1862.

Following this heroic deed, Robert eventually was made captain of the vessel. Robert's courage and intelligence in delivering the Planter to the Union forces helped invalidate the theory that Blacks were inferior to whites and greatly influenced the 1862 debates over slavery and the Union's use of African American soldiers.

One of the most distinguished and revered African-American military regiments in our Nation's history was the Buffalo Soldiers.

After the Civil war, the future of African Americans in the U.S. Army was in question. However, in July 1866, Congress passed legislation establishing two cavalry and four infantry regiments that were to be solely comprised of African Americans. The mounted regiments were the 9th and 10th Cavalries, soon nicknamed "Buffalo Soldiers" by the Cheyenne and Comanche Tribes.

Until the early 1890s, they constituted 20 percent of all cavalry forces on the American frontier. Their invaluable service on the Western frontier still remains one of the most exemplary services preformed by a regiment in the U.S. Army.

As a Kansan and an American, I am very proud of the Buffalo Soldiers. In fact, this is a picture of the late Elmer Robinson, Sergeant 1st Class, 10th Cavalry. Mr. Robinson served his country valiantly from 1935 to 1955. After he retired from the military, he resided in Leavenworth, KS until his death in July 2000. Over the years African-Americans continued to serve valiantly for our country such as with the Tuskegee Airmen in World War II and subsequent wars following. In 1948, President Harry Truman issued an Executive Order that paved the way for our Armed Forces to end segregation.

Over the years, the military produced many distinguished African-Americans such as, Benjamin O. Davis, Sr., who was the first African-American general in the regular Armed Forces and his son, Benjamin O. Davis, Jr., who became the second African-American general in the regular Armed Forces and in the Air Force.

Finally, one of the most distinguished and recognized African-American military leaders in our Nation is Secretary of State, General Colin Powell. Secretary Powell has served and continues to serve this country with distinction. He dedicated the monument we have, a statue of a Buffalo soldier on horseback in Leavenworth, KS.

During the late 1980s, former President George Bush nominated Secretary Powell as Chairman of the Joint Chiefs of Staff—becoming the first African-American to serve in this capacity. This would not be his last “African-American first” accomplishment however. After the election of President George W. Bush, the President nominated Secretary Powell to the position of Secretary of State where he serves currently with distinction.

This American history is just a glimpse of what I hope will be showcased on a national level. As you know, we recently passed legislation that creates a Presidential Commission charged with recommending a legislative plan of action to establish a National African-American history and culture museum in Washington, DC. It had been 70 years people had fought for this museum. We passed it last year.

This is the first concrete step we have taken to properly honor the many contributions of African-Americans in this society. Currently, we are in the process of nominating the presidential commission and I am looking forward to the commission’s recommendations regarding establishing this museum on the National Mall—where it belongs.

Indeed, this country has been richly blessed by the contributions and sacrifices of African-Americans.

Cytus Tiffany, Robert Smalls, the Buffalo Soldiers, and the Tuskegee Airmen only make up a fraction of Americans who believed in the ideals of America and were willing to “see beyond” the years of their oppression to a society that was fully inclusive of all citizens despite race.

Because of their sacrifices, our Nation has prospered and grown into the

symbol of freedom around the world. As we continue to ensure our national freedom, we encourage you to join us and celebrate this magnificent American history; a history of a group of individuals who were brought to our shores in shackles, yet, helped remove “shackles” from our society to ensure that we live together in peace and prosperity.

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.

#### UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 2917, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 2917 be modified with the changes at the desk, notwithstanding the pendency of S. 517; that upon modification, the amendment be printed as a Senate document.

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

The amendment, as modified, is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy Policy Act of 2002”.

#### SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

#### DIVISION A—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

##### TITLE I—REGIONAL COORDINATION

Sec. 101. Policy on regional coordination.

Sec. 102. Federal support for regional coordination.

##### TITLE II—ELECTRICITY

###### Subtitle A—Amendments to the Federal Power Act

Sec. 201. Definitions.

Sec. 202. Electric utility mergers.

Sec. 203. Market-based rates.

Sec. 204. Refund effective date.

Sec. 205. Transmission interconnections.

Sec. 206. Open access transmission by certain utilities.

Sec. 207. Electric reliability standards.

Sec. 208. Market transparency rules.

Sec. 209. Access to transmission by intermittent generators.

Sec. 210. Enforcement.

###### Subtitle B—Amendments to the Public Utility Holding Company Act

Sec. 221. Short title.

Sec. 222. Definitions.

Sec. 223. Repeal of the Public Utility Holding Company Act of 1935.

Sec. 224. Federal access to books and records.

Sec. 225. State access to books and records.

Sec. 226. Exemption authority.

Sec. 227. Affiliate transactions.

Sec. 228. Applicability.

Sec. 229. Effect on other regulations.

Sec. 230. Enforcement.

Sec. 231. Savings provisions.

Sec. 232. Implementation.

Sec. 233. Transfer of resources.

Sec. 234. Inter-agency review of competition in the wholesale and retail markets for electric energy.

Sec. 235. GAO study on implementation.

Sec. 236. Effective date.

Sec. 237. Authorization of appropriations.

Sec. 238. Conforming amendments to the Federal Power Act.

###### Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

Sec. 241. Real-time pricing standard.

Sec. 242. Adoption of additional standards.

Sec. 243. Technical assistance.

Sec. 244. Cogeneration and small power production purchase and sale requirements.

Sec. 245. Net metering.

###### Subtitle D—Consumer Protections

Sec. 251. Information disclosure.

Sec. 252. Consumer privacy.

Sec. 253. Unfair trade practices.

Sec. 254. Applicable procedures.

Sec. 255. Federal Trade Commission enforcement.

Sec. 256. State authority.

Sec. 257. Application of subtitle.

Sec. 258. Definitions.

###### Subtitle E—Renewable Energy and Rural Construction Grants

Sec. 261. Renewable energy production incentive.

Sec. 262. Assessment of renewable energy resources.

Sec. 263. Federal purchase requirement.

Sec. 264. Rural construction grants.

Sec. 265. Renewable portfolio standard.

Sec. 266. Renewable energy on Federal land.

#### TITLE III—HYDROELECTRIC RELICENSING

Sec. 301. Alternative mandatory conditions and fishways.

Sec. 302. Charges for tribal lands.

Sec. 303. Disposition of hydroelectric charges.

Sec. 304. Annual licenses.

Sec. 305. Enforcement.

Sec. 306. Establishment of hydroelectric relicensing procedures.

Sec. 307. Relicensing study.

Sec. 308. Data collection procedures.

#### TITLE IV—INDIAN ENERGY

Sec. 401. Comprehensive Indian energy program.

Sec. 402. Office of Indian Energy Policy and Programs.

Sec. 403. Conforming amendments.

Sec. 404. Siting energy facilities on tribal lands.

Sec. 405. Indian Mineral Development Act review.

Sec. 406. Renewable energy study.

Sec. 407. Federal Power Marketing Administrations.

Sec. 408. Feasibility study of combined wind and hydropower demonstration project.

#### TITLE V—NUCLEAR POWER

##### Subtitle A—Price-Anderson Act Reauthorization

Sec. 501. Short title.

Sec. 502. Extension of Department of Energy indemnification authority.

Sec. 503. Department of Energy liability limit.

Sec. 504. Incidents outside the United States.

Sec. 505. Reports.

Sec. 506. Inflation adjustment.

Sec. 507. Civil penalties.

Sec. 508. Effective date.

##### Subtitle B—Miscellaneous Provisions

Sec. 511. Uranium sales.