

sewer system which, during periods of heavy rainfall can discharge directly into the Anacostia River and, eventually, the Chesapeake Bay. However, the rain garden filters out as much as 90 percent of the pollutants that would otherwise go directly into the stormwater sewer. As it turns out, a rain garden is a simple, inexpensive, yet attractive solution to a very difficult problem in most urban areas.

While this rain garden will not solve all of the runoff problems on Capitol Hill, it will serve as a model that can be replicated throughout the Capitol complex. As Members of the Senate we represent all 50 States, but we must never forget that we have a responsibility to be thoughtful and caring stewards of our Nation's Capital.

Now that the rain garden project is complete, I extend my thanks to Doug Siglin of the Anacostia River Initiative for bringing the concept to my attention last year, to the Architect of the Capitol, for moving the project forward, and to Ecosite, the Maryland-based contractor, that did the physical construction work on the project.

However, special thanks are reserved for the two people most responsible for making this project a reality, Nancy Olkewicz, who works for the Legislative Branch Appropriations Subcommittee, and Matthew Evans, the Landscape Architect of the Capitol.

Matthew brought his great vision and gentle determination to bear on this project and it shows in the way the rain garden blends seamlessly into the overall Capitol Hill landscape plan. He has been pleasant and responsive throughout this entire process and I appreciate his hard work.

I asked Nancy to investigate whether a demonstration rain garden could be built on Capitol Hill given all of the restrictions and rules that govern everything that takes place within the Capitol complex. Nancy took my request and ran with it. In large part, the rain garden is a product of her determination and doggedness in seeing it through to completion. I have great admiration for such perseverance and appreciate all that she does for me and the Senate, which she has made her professional home for 25 years.

The Senate rain garden was completed on time and under budget and will undoubtedly contribute to a cleaner environment on Capitol Hill and throughout the region. I am pleased to have played a small role in its development.

COMMEMORATING THE 60TH ANNIVERSARY OF D-DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the anniversary of the Allied invasion of Western Europe.

Sixty years ago yesterday, Allied troops landed on the beaches and parachuted into the fields of Normandy in an effort that would lead to the eventual destruction of the German

Army and the liberation of the European continent.

On the early morning of June 6, 1944, after years of logistical coordination and deceptive intelligence operations, U.S. troops and their counterparts from Britain, France, Canada, and Poland brought to bear their enormous power and tremendous bravery on Hitler's military.

On that momentous day, over 150,000 Allied servicemen, including 73,000 Americans, 5,000 ships, and more than 1,000 planes started to beat back the German Army.

The attack began just after midnight when more than 13,000 paratroopers carrying between 70 and 90 pounds of equipment jumped down into German-occupied territory. As these men fell through enemy fire to the fields and farmland of Normandy, the largest armada ever assembled steamed across the English Channel toward the French coast.

At 6:30 a.m., the first wave of troops arrived on the beaches, unloading tens of thousands of soldiers in the face of mortar, artillery, and machine gun fire from the cliffs above the Normandy beaches.

A second wave of Allied Forces landed at 7 a.m., charging up hills and scaling cliffs through continued firepower. The fighting continued throughout the day, and at day's end, the Allied casualties numbered nearly 10,000, of which 2,500 had died, including more than 1,400 Americans.

But more than 100,000 Allied soldiers had made it ashore and secured French coastal towns. On D-Day Plus Five, June 11, over 325,000 Allied troops, 54,000 vehicles, and 104,000 tons of supplies had arrived in Normandy.

The D-Day invasion was one of the most daring military operations in history and it succeeded because of the courage of Allied soldiers and the careful planning of Allied military leaders. These brave troops and their leaders knew that this attack would determine the fate of Europe and much of the world for many years to come.

With success on the coast of Normandy, the Allies advanced across France, liberating village after village on the path to Berlin. The massive landing and subsequent arrival of troops had allowed for a relentless advance and cleared the way to a conclusion of the war.

The Americans who survived that day and that war are no longer young. Indeed, there are fewer D-Day veterans this year than last, and there will be fewer still next year. Yet the men who fought on that day 60 years ago, and the Americans who supported their efforts at home and abroad, have created a legacy of peace and prosperity that continues to reign across Europe today.

Europe is united, not by force of arms or tyranny, but by economic strength and cooperation. Last month, 10 new countries joined the European Union. Former battlefield adversaries

now enjoy freedom of movement, a single currency, and a secure future for themselves and their children.

The legacy of those D-Day veterans is also apparent in our Nation today. Just last week, thousands of veterans came to Washington, DC, to celebrate the opening of the World War II Memorial. These veterans reminded us that the prosperity we have enjoyed for most of the past 60 years came at a price—the 400,000 American lives that were lost during World War II.

The remarkable advancements in our Nation and the world during the past 60 years would not have been possible without the extraordinary effort undertaken by this generation of Americans and our allies who shared our commitment to freedom.

Today, courageous soldiers, sailors, marines, and pilots continue to serve and sacrifice for this country. As we remember the brave individuals who served in Normandy and across the globe during World War II, we must also honor the men and women of today's military who are in harm's way.

As of June 3, 126 American soldiers have died in Afghanistan and another 818 have died in Iraq. Thousands more have been injured. These men and women, along with their families, have made the ultimate sacrifice for our country. Today, I honor them and the approximately 140,000 soldiers who continue to serve in the Middle East.

June 6, 1944, was a crucial day in the history of this Nation and the history of the world. Today we recognize the contribution of those who served our Nation on that day and thank them for staring down tyranny and liberating Europe. They continue to serve our nation through the undiminished memory of a battle fought far from home for the good of all people.

MANIPULATION OF THE CALIFORNIA ENERGY MARKET

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the callous attitudes of Enron employees that were brought to light recently in transcripts released by the Snohomish County Public Utility District in Washington and broadcast on CBS News.

These tapes provide concrete evidence of the manipulation and fraud that was perpetrated by energy companies in the 2000-2001 energy crisis in California.

This manipulation resulted in the cost of energy in California increasing from \$7 billion in 1999 to \$27 billion in 2000 and 2001, respectively.

This type of price gouging and market manipulation can and will happen again if the energy market is not restructured.

I urge the California State Legislature to take action on Speaker of the Assembly Fabian Nunez's bill—AB 2006, the Reliable Electric Service Act.

This bill would re-regulate the energy market and protect small consumers served by utilities from this type of unethical behavior.

In more than a dozen taped conversations, the Enron power traders show complete disdain for consumers throughout the West, and particularly those in California.

While I cannot read the transcripts verbatim due to the coarse language used by the traders, I would like to read to you some excerpts: One trader sang: "Burn, baby, burn. That's a beautiful thing."

This was in reference to a wildfire that shut down a major transmission line, decreasing power supplies and raising energy prices.

Another trader said: "Just cut 'em off. They're so [expletive]. They should just bring back . . . horses and carriages, . . . lamps, . . . kerosene lamps." (Expletives Deleted)

To have traders say these things shows a complete disregard for the health and safety of Californians. And this was not an isolated trader—this was a mentality apparently endemic to Enron employees.

The only thing these traders cared about was how much money they could bleed from the California marketplace.

Let me read you a second excerpt: One trader complained: "They're [expletive] taking all the money back from you guys? All the money you guys stole from those poor grandmothers in California?"

A second responded: "Yeah, grandma Millie, man."

The first responded: "Yeah, now she wants her [expletive] money back for all the power you've charged right up, [expletive phrase], for [expletive] \$250 a megawatt hour."

To thumb your nose at a grandmother on a fixed income is completely reprehensible, but it was how these traders operated—with no compassion for those suffering from their behavior—that galls me the most.

When I heard these tapes, I knew that we could not expect any ethical conduct from traders in this energy market.

Let me read you another excerpt, this one illustrating the lengths these traders would go to manipulate the market:

Tom: The headline before that is "California Grid Operators Call Stage 2 Power Emergency as Reserves Drop."

Matt: Yeah. They're on the ropes today. I exported like a [expletive] 400 megs.

Tom: Wow.

Matt: I bought it all. I'll see you guys—I'm takin' mine to the desert.

Tom: [Expletive] 'em, right?

Matt: I think those gamblers in Las Vegas need the power more than you.

Matt goes on to say that he and Enron were getting rich off of exporting power out of California when Californians needed it most.

The transcripts prove that Enron intentionally congested transmission lines and used its influence to delay wholesale price caps in order to maximize its profits.

Other transcripts also prove that Enron traders made secret deals with power producers, deliberately driving

up prices by ordering power plants shut down.

But Enron did not act alone in manipulating the California energy market. In fact, this type of manipulation was pervasive among many energy companies operating in California. Here are several more examples.

Reliant, for instance, decided to game the market by deliberately holding back power generation for two days at its facility near Barstow in late June 2000. This is when the State needed power the most. Worse, these decisions were made from the top. The vice-president of power trading at Reliant directed traders to manipulate the market in this manner.

At one point, Reliant charged the State of California \$1,900 per megawatt-hour for electricity, or approximately 6300 percent more than the historic standard of \$30 per megawatt-hour. Yet the Federal Energy Regulatory Commission only fined Reliant \$13.8 million and the company did not have to admit any guilt or wrongdoing.

Dynegy also demonstrated manipulative behavior such as load shifting, false reporting, and double selling. The company deliberately reported false gas market data to publications and created bogus trades to drive up the price of electricity.

Dynegy was only concerned with its bottom line in the first quarter of 2001, the company posted a recurring net income of \$137.5 million, a 73 percent increase in net income from the \$79.4 million it reported in 2000 and a 102 percent increase from the company's reported first quarter income in 1999.

For this manipulative behavior, FERC levied a fine of only \$3 million, and, again, Dynegy did not have to admit any guilt.

In yet another instance, El Paso Merchant Energy and its affiliates inflated the price of natural gas by reducing deliveries to the State. In fact, El Paso withheld capacity from at least 21 percent of its pipelines that delivered natural gas to the California border. It is estimated that El Paso's price manipulation cost California's consumers \$3.7 billion.

FERC settled with El Paso, letting them walk away, again, without admitting any wrongdoing, for a \$1.5 billion fine. That is only a fraction of the cost that California consumers were forced to bear due to El Paso's misdeeds.

These companies used many deliberate strategies to manipulate the market, which included: Death Star, Get Shorty, Fat Boy, Load Shift, Black Widow, and Red Congo.

California is still suffering from this unethical conduct.

Californians are forced to pay higher prices for electricity because of long-term contracts that were signed when wholesale prices were artificially inflated by price manipulation.

And Californians still have not gotten the \$9 billion in refunds they deserve, which were overcharges as a result of Enron and other companies' manipulation of the energy markets.

These tapes provide concrete evidence that there was intentional manipulation and fraud perpetrated by energy companies during the 2000–2001 energy crisis in California.

That is why I have joined my colleague, Senator BOXER, in calling upon the Federal Energy Regulatory Commission to immediately refund California the \$9 billion that it is owed and to order a renegotiation of the long-term contracts that were made under manipulated prices.

These transcripts further prove that the rates Californians paid for electricity were not "just and reasonable."

Consumers are not served well by a deregulated marketplace where traders from companies including Enron, Dynegy, Reliant, Mirant, Williams, AES, CMS, El Paso Merchant Energy, and Duke can manipulate the market in the grossest way.

Absent strong action, I have no doubt that this unethical, immoral and illegal behavior will continue.

That is why I support re-regulating California's energy markets. Speaker Nunez's bill would create a regulatory framework that will put California back in charge of its energy future.

The bill would attempt to ensure reliable electricity at stable and affordable rates for small customers; require California's utilities to meet a renewable portfolio standard of 20 percent by 2010; and require utilities to have enough generation capacity to meet the demands of their consumers and have a significant reserve on hand in case of an emergency.

This bill will provide Californians the protection they need from exorbitant energy prices and energy traders with no ethical standards.

California was the first to experiment with de-regulation. Sadly, the 1996 deregulation was a total failure for consumers in California.

We learned the hard way that energy is not a commodity like pork bellies or frozen orange juice, but is a public good.

California needs to put in place a new framework to take regulate the energy market in order to ensure reliability and reasonable prices for consumers.

In other words, consumers should be protected from price spikes, market manipulation, and blackouts.

In closing, I cannot express how disgusted I am by the newest Enron transcripts.

I wish we could have prevented the manipulative behavior in the first place.

Congress still has not acted to pass bills that would prevent this kind of unethical and immoral manipulative behavior in the energy markets, such as those that were offered by me, Senator CANTWELL and others.

As a result, I feel that California must act on its own to control its own energy supplies in order to prevent further manipulation of our markets and keep our lights on.

CBS News is to be commended for bringing these tapes to light.

It is imperative that we learn as much as we can about Enron's behavior—so that we know its impact on the western energy markets and so that this type of fraud and manipulation can be prevented from ever happening again.

ADDITIONAL STATEMENTS

TRIBUTE TO ROBERT CLIFFORD UERZ

• Mr. JEFFORDS. Mr. President, today I pay tribute to Robert Clifford Uerz, an outstanding Vermonter and a national leader in the not-for-profit sector. As he prepares to retire from his position as president and CEO of the American Lung Association of Vermont, it is important to reflect on how much one person can accomplish in serving others.

Robert "Bob" Uerz has had a distinguished career with the American Lung Association. He has served the organization for a quarter of a century working in various chapters in the States of New York, Connecticut, and most recently serving in Vermont.

Bob has been on the forefront of the association's efforts in Vermont to carry forward its worthy goals of reducing the presence of lung disease and improving lung health in our communities through preventive measures.

He was the primary force in establishing the American Lung Association's Asthma Clinical Research Center at the University of Vermont, an institution that has served Vermonters and others by advancing medical knowledge through research. I was indeed impressed with the national implications of this study and responded by securing \$500,000 in Federal funds to further our understanding of ways to prevent and treat asthma.

Bob has proven himself to be an effective educator and advocate in Vermont by striving to protect and improve the quality of indoor and outdoor air and by expanding services to residents with lung disease or those at risk of developing lung disease. His leadership was key to the establishment of the Better Breathers Support Group Network in Vermont.

Bob has always brought a high level of integrity and dignity to every task. It has become impossible to separate the identity and good name of the American Lung Association of Vermont from the name of Robert Clifford Uerz.

Bob's unwavering commitment toward improving the quality of life of Vermonters of all ages is a model for all who aspire to lead in the not-for-profit sector. The people of our Green Mountain State are truly indebted to him. He has our best wishes for the future.●

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate

crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred on November 18, 2001 in Huntington, WV. Michael Fife, 28, was beaten, robbed of \$20 and left in an alley for dead while walking home from a gay nightclub. Mr. Fife suffered a fractured skull and internal bleeding. Due to a rash of hate crimes biased against gays in the area, some believe that Mr. Fife may have been attacked because the alleged perpetrators thought he was gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7780. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox Compensation" (Doc. No. 00-035-3) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7781. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, transmitting, pursuant to law, the report of a rule entitled "Flexible Marketing Allotments for Sugar" (RIN0560-AH08) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7782. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nonvaluron; Pesticide Tolerance" (FRL#7359-2) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7783. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Streptomyces Iydicus WYEC 108; Exemption from the Requirement of a Tolerance" (FRL#7361-3) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7784. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Overseas Surplus Property"; to the Committee on Armed Services.

EC-7785. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to the International Traffic in Arms Regulations; to the Committee on Armed Services.

EC-7786. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursu-

ant to law, a report relative to the Senate Armed Services Committee Report 107-62 relative to the use of decision support information tools to impact clinical outcomes and the quality of care in the Military Health System; to the Committee on Armed Services.

EC-7787. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to the Republic of Korea (South Korea); to the Committee on Banking, Housing, and Urban Affairs.

EC-7788. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Government Securities Act Amendments of 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-7789. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Government Securities Act Amendments of 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-7790. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary, Department of Housing and Urban Development, received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7791. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary-Designate, Department of Housing and Urban Development, received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7792. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 17606" (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7793. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 17600" (44 CFR 65) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7794. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 64 FR 17312" (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7795. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 64 FR 17310" (44 CFR 64) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7796. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 17608" (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7797. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland