

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) **REDUCTION OF MOTOR FUEL EXCISE TAXES ON BIODIESEL MIXTURES.**—

(1) **IN GENERAL.**—Section 4081 (relating to manufacturers tax on petroleum products) is amended by adding at the end the following new subsection:

“(f) **BIODIESEL MIXTURES.**—Under regulations prescribed by the Secretary—

“(1) **IN GENERAL.**—In the case of the removal or entry of a qualified biodiesel mixture, the rate of tax under subsection (a) shall be the otherwise applicable rate reduced by the biodiesel mixture rate (if any) applicable to the mixture.

“(2) **TAX PRIOR TO MIXING.**—

“(A) **IN GENERAL.**—In the case of the removal or entry of diesel fuel for use in producing at the time of such removal or entry a qualified biodiesel mixture, the rate of tax under subsection (a) shall be the rate determined under subparagraph (B).

“(B) **DETERMINATION OF RATE.**—For purposes of subparagraph (A), the rate determined under this subparagraph is the rate determined under paragraph (1), divided by a percentage equal to 100 percent minus the percentage of biodiesel which will be in the mixture.

“(3) **DEFINITIONS.**—For purposes of this subsection, any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

“(4) **CERTAIN RULES TO APPLY.**—Rules similar to the rules of paragraphs (6) and (7) of subsection (c) shall apply for purposes of this subsection.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 4041 is amended by adding at the end the following new subsection:

“(n) **BIODIESEL MIXTURES.**—Under regulations prescribed by the Secretary, in the case of the sale or use of a qualified biodiesel mixture (as defined in section 40B(b)(2)), the rates under paragraphs (1) and (2) of subsection (a) shall be the otherwise applicable rates, reduced by any applicable biodiesel mixture rate (as defined in section 40B(b)(1)(B)).”.

(B) Section 6427 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

“(p) **BIODIESEL MIXTURES.**—Except as provided in subsection (k), if any diesel fuel on which tax was imposed by section 4081 at a rate not determined under section 4081(f) is used by any person in producing a qualified biodiesel mixture (as defined in section 40B(b)(2)) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the per gallon applicable biodiesel mixture rate (as defined in section 40B(b)(1)(B)) with respect to such fuel.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to any fuel sold after December 31, 2002, and before January 1, 2008.

**SA 3331.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself, and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

In Division H, on page 50, strike lines 23 and 24, and insert the following:

“(1) **TERMINATION.**—This section shall not apply to any property placed in service—

“(1) in the case of property relating to hydrogen, after December 31, 2011, and

“(2) in the case of any other property, after December 31, 2006.”.

(b) **INCENTIVE FOR PRODUCTION OF HYDROGEN AT QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY.**—Section 179A(d) (defining qualified clean-fuel vehicle refueling property) is amended by adding at the end the following new flush sentence:

“In the case of clean-burning fuel which is hydrogen produced from another clean-burning fuel, paragraph (3)(A) shall be applied by substituting ‘production, storage, or dispensing’ for ‘storage or dispensing’ both places it appears.”.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 24, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2017, a bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, April 30, 2002, at 9:30 a.m., in room 428A of the Russell Senate Office Building to conduct a joint hearing with the Senate Small Business Committee on “Small Business Development in Native American Communities: Is the Federal Government Meeting Its Obligations?”

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 23, 2002, at 10 a.m., to conduct an oversight hearing on “The Federal Deposit Insurance System and Recommendations for Reform.”

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

### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 23, 2002, at 9:30 a.m. on “Generic Pharmaceuticals: Marketplace Access and Consumer Issues”.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 23, 2002, at 10:15 a.m., to hold a hearing titled, “Increasing Nonproliferation Efforts in the Former Soviet Union.”

## Agenda

### Witnesses

Panel 1: The Honorable William S. Cohen, Former Secretary of Defense, Chairman and Chief Executive Officer, The Cohen Group, Washington, DC.

Panel 2: Dr. Siegfried S. Hecker, Senior Fellow, Los Alamos National Laboratory, Los Alamos, NM, and Dr. Constantine C. Menges, Senior Fellow, the Hudson Institute, Washington, DC.

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

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, April 23, 2002, immediately following the first rollcall vote of the day for a business meeting to consider the nomination of Paul A. Quander, Jr., to be Director of the District of Columbia Court Services and Offender Supervision Agency.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “Implementation of ESEA: Status and Key issues” during the session of the Senate on Tuesday, April 23, 2002, at 2:30 p.m.

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

### SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Business Rights and Competition, be authorized to meet to conduct a hearing on “Dominance on the Ground: Cable Competition and the AT&T-Comcast Merger,” on Tuesday, April 23, 2002, at 2 p.m., in SD-226.

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

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENTAL MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President I ask unanimous consent that the Committee on government Affairs, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, be authorized to meet on Tuesday, April 23, 2002, at 10 p.m., for a hearing to examine “The Economic Implications of the Human Capital Crisis.”

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

### SUBCOMMITTEE ON PUBLIC HEALTH

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health,

be authorized to meet for a hearing on "Protecting Human Subjects in Research: Are Current Safeguards Adequate?" during the session of the Senate on Tuesday, April 23, 2002, at 10 a.m.

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

#### FAMILY FARMER BANKRUPTCY PROTECTION

Mr. REID. Mr. President, it is my understanding H.R. 4167, received from the House, is at the desk. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4167) to extend for 8 additional months the period for which chapter 12 title 11 of the United States Code is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass H.R. 4167, to retroactively renew family farmer bankruptcy protection until June 1, 2002. After months of inaction, the House of Representatives finally passed this legislation two days ago to reinstate Chapter 12 of the Bankruptcy Code. It is past time for Congress to act to restore this basic safety net for America's family farmers.

Unfortunately, too many family farmers have been left in legal limbo in bankruptcy courts across the country since Chapter 12 of the Bankruptcy Code expired on October 1, 2001. Since last November, Senator CARNAHAN and I have tried to pass S. 1630, a Carnahan-Grassley bipartisan bill to retroactively restore chapter 12. The Senate Judiciary Committee unanimously reported the bill to the Senate on November 8, 2001, but it has been subject to a secret hold by the minority for the last six months.

This is the third time in the last year that this Congress must act to retroactively restore basic bankruptcy safeguards for family farmers because Chapter 12 is still a temporary provision despite its first passage into law in 1986. Our family farmers do not deserve these lapses in bankruptcy law that could mean the difference between foreclosure and farming.

In 2000 and into last year, for example, the Senate, then controlled by the other party, failed to take up a House-passed bill to retroactively renew chapter 12 and, as a result, family farmers lost chapter 12 bankruptcy protection for 8 months. The current lapse of chapter 12 has lasted more than 6 months. Enough is enough.

Our family farmers do not deserve these lapses in bankruptcy law that could mean the difference between foreclosure and farming. It is time for Congress to make chapter 12 a permanent part of the Bankruptcy Code to provide a stable safety net for our nation's family farmers.

I strongly support Senator CARNAHAN's bipartisan amendment to

make chapter 12 a permanent part of the Bankruptcy Code that is part of the Senate-passed farm bill. The Senate unanimously approved the Carnahan amendment by a 93-0 vote. Unfortunately, the House majority is objecting to including the Carnahan amendment in the farm bill conference report.

In the current bankruptcy reform conference, I am hopeful Congress will update and expand the coverage of chapter 12. In the meantime, the farm bill conference should make permanent basic bankruptcy protection for our family farmers across the country by adopting the Carnahan amendment.

I commend Senator CARNAHAN for her continued leadership in protecting family farms across the country.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

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

The bill (H.R. 4167) was read the third time and passed.

#### EXTENDING SYMPATHY AND CONDOLENCES TO FAMILIES OF CANADIAN SOLDIERS KILLED AND WOUNDED IN AFGHANISTAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 250 submitted earlier today by Senator LANDRIEU.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 250) extending sympathy and condolences to the families of the Canadian soldiers who were killed and the Canadian soldiers who were wounded on April 18, 2002, in Afghanistan, and to all the Canadian people.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I rise today to speak on a rather unpleasant subject.

I wish to offer a resolution offering the condolences of the United States Senate to the families and loved ones of those Canadian servicemen who were killed and wounded in Afghanistan last week.

The Canadian and American armies have fought side-by-side since the first world war and that tradition has continued during our current war on terrorism. The servicemen and women of Canada have always proven to be brave and courageous fighters and they are certainly keeping up that reputation in engagements such as Operation Anaconda. Without the assistance of our Canadian allies, the burden of this present war would be much heavier on our own Soldiers, Sailors, Airmen and Marines.

It is with heavy heart that I offer this measure. Not since the Korean

War has a Canadian soldier died in a combat zone. It is my hope that Canadian servicemen and women will not be again called upon to make the ultimate sacrifice for a long time.

I would like to honor today the Canadian soldiers of the 3rd Battalion, Princess Patricia's Canadian Light Infantry Battle Group, who have been in Afghanistan since late January as part of Operation Apollo and have distinguished themselves for their heroism and professionalism. No doubt today is a sad day amongst that unit as they mourn the loss of their comrades. Despite this horrible setback, the Canadian Army is focusing on the task at hand and is still fully engaged in its mission.

For these reasons and for the countless acts of friendship between our two nations, I offer this resolution to extend the sympathy of this Senate to the people and fighting forces of Canada.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 250), with its preamble, reads as follows:

#### S. RES. 250

Whereas United States and Canadian military forces have fought side by side in conflicts since the World War I;

Whereas the fighting men and women of Canada have always proved themselves to be brave and courageous warriors;

Whereas the Canadian forces are currently fighting alongside United States and European troops in the hunt for the remnants of Osama bin Laden's terrorist organization, al Qaeda, and Afghanistan's former ruling militia, the Taliban;

Whereas the Canadian soldiers of the 3rd Battalion, Princess Patricia's Canadian Light Infantry Battle Group, have been in Afghanistan since late January 2002, as part of Operation Apollo, and have distinguished themselves for their heroism and professionalism; and

Whereas despite this tragic incident, the Canadian Army is focusing on the task at hand and is still fully engaged in its mission in Afghanistan: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses sorrow for the loss of life and wounding of Canadian servicemen in Afghanistan;

(2) offers sympathy and condolences to the families of the Canadian soldiers who were killed and the Canadian soldiers who were wounded on April 18, 2002, in Afghanistan, and to all of the Canadian people;

(3) affirms that the centuries-old bond between the Canadian and American peoples and their Armed Forces remains solid; and

(4) praises the performance of Canadian servicemen in Afghanistan for their heroism and professionalism.