

we do use it, we should not be equivocal: we should win and win decisively. If our objective is something short of winning—as in our air strikes into Libya in 1986—we should see our objective clearly, then achieve it swiftly and efficiently.

I am preaching to the choir. Every reasonable American deplores the resort to war. We wish it would never come again. If we felt differently, we could lay no claim whatsoever to being the last, best hope of earth. At the same time I believe every American realizes that in the challenging days ahead, our wishes are not likely to be fulfilled. In those circumstances where we must use military force, we have to be ready, willing and able. Where we should not use force we have to be wise enough to exercise restraint. I have finite faith in the American people's ability to sense when and where we should draw the line.

Mr. STEVENS. Mr. President, I rise today to salute a very special person, Joseph C. Chase, of the Senate Appropriations Staff who retired yesterday after 31 days of service in the Senate.

When asked for his wisdom and advice after such a long period of distinguished service, Joseph smiled and easily responded by saying "deal with people as they are and always in a positive way."

Joseph C. Chase was born on March 18, 1948. He was raised in Brandywine in Prince Georges County. He is a graduate of Gwynn Park Senior High School in 1967 and attended Bowie State University from 1968 to 1970 where he majored in physical education and studied to be a teacher.

Joseph comes from a large family. He is the tenth child in a family of 11, nine boys and two girls. In 1988, he donated a kidney to his brother Andrew Chase who worked for the Sergeant at Arms.

He has been married to his lovely wife Peggy Elsey Chase for 29 years. The Chases met in 1969, and were married on July 27, 1974. Peggy has been a teacher for over 30 years. The Chases have two children, a daughter JoVonna, born August 1, 1977, and a son Joseph Jr., born August 21, 1983. They have one granddaughter, Kylah who is 3½.

Joseph's family legacy on Capitol Hill started over 60 years ago with his uncle Lewis Brooks, age 89, who worked on the House side as a doorkeeper. Over the years, more than 20 members of Joseph's family have worked on Capitol Hill. After working as a driver for Master Distributors and Brody Brothers Trucking, Joseph started working for the Senate Sergeant at Arms in July of 1972. He then came to the Senate Appropriations Committee in March of 1973 under the chairmanship of Senator John McClellan. In total, Joseph has worked for the Senate for over 31 years.

Since that time, Joseph has witnessed the growth in size and power as well as a host of other changes on the Senate Appropriations Committee. When Joseph started it consisted of only 30 people—today we have 95. Full committee meetings and conferences were held in the Old Supreme Court Chamber, would last for days and days,

and were usually closed to only members and very few staff.

Joseph is actively involved in his church and community. He is a senior member of Asbury U.M. Church in Brandywine which is pastored by W. Otto Kent. In addition to being a member of the Prince Hall Masons, he is a vice president of the Danville Floral Park Citizens Association.

In closing, I just want to offer a special thank you to Joseph for all his outstanding contributions to the Senate Appropriations Committee over the past 31 years and wish him the best of luck in all his future endeavors.

#### HONORING DR. BILL MADIA

Mr. FRIST. Mr. President, I rise today to recognize a true leader in the science community and to thank him for his hard work on behalf of Tennessee and the Nation. After 3 years as Director of the Oak Ridge National Laboratory, Dr. Bill Madia will be stepping down to return to Battelle headquarters in Columbus, OH as the Executive Vice President for Laboratory Operations. During his tenure in Oak Ridge, Bill has had a tremendous impact not only on the laboratory, but on the Oak Ridge community as well.

Bill Madia came to ORNL to continue the lab's tradition of world-class scientific research dating back to the Manhattan Project, and to advance its work on critical Department of Energy missions. His presence was felt immediately, as he took on an ambitious laboratory revitalization effort which included building new facilities to expand research capabilities, upgrading existing facilities to enhance ongoing research, and tearing down outdated facilities to relieve the lab from unnecessary overhead costs.

The cornerstone of this revitalization effort is the Spallation Neutron Source, a \$1.4 billion dollar user facility that will be the most powerful machine of its kind in the world. Under Bill's watchful eye, the SNS has remained on schedule and on-budget. Alongside the SNS is the site for the new Center for Nanophase Materials Sciences, the first of DOE's cutting-edge nanoscience centers. Down the hill is the upgraded High Flux Isotope Reactor; the combination of these three facilities has ORNL poised to become a premier neutron science laboratory.

Bill's vision for ORNL also includes scientific computing, and with the recent completion of the Center for Computational Sciences, one of the most modern computer laboratories in the world, ORNL is ready to be a major participant in the Department of Energy's high-end supercomputing programs.

On the biological sciences front, the old "Mouse House" is being replaced with a new facility, the Laboratory for Comparative and Functional Genomics. This updated lab will keep ORNL on the cutting edge of genetic

research utilizing the mouse colony to address the need to study gene function and apply that knowledge to curing human diseases. For this research ORNL is participating in a statewide effort known as the Tennessee Mouse Genome Consortium, a group that includes the University of Tennessee/Knoxville, the University of Tennessee/Memphis, Vanderbilt University, the University of Memphis, St. Jude Children's Hospital, Meharry Medical College and East Tennessee State University.

Bill's leadership and commitment have truly made a difference at ORNL and throughout Tennessee, and I thank him for his service. I wish him all the best in his future endeavors.

#### SENATE ENERGY AND WATER APPROPRIATIONS BILL SECTION 205

Mr. BINGAMAN. Mr. President, before we adjourn for the August recess, I'd like to make a brief statement related to Section 205 of the Senate Energy and Water appropriation bill. While we have not yet taken up this bill on the Senate floor, I expect that we will do so very quickly once we return from the August recess. I would therefore like to provide my views on a provision that has received significant attention in New Mexico.

Section 205 is a provision that addresses endangered species issues in the Middle Rio Grande in New Mexico. As a threshold matter, let me state that I support the approach taken in Section 205 to address the ongoing conflict between water use and the ESA in the Middle Rio Grande basin. While there is a remaining issue about the interpretation of one aspect of the language in that section, I have worked with Senator DOMENICI to address that issue and we will follow-up on that matter when the bill comes to the floor.

The conflict in the Middle Rio Grande was exacerbated by a recent decision by the Tenth Circuit Court of Appeals. Section 205 responds to that decision. I think it is an appropriate response because it provides a level of certainty for water users in the basin but leaves intact the requirements and goals of the Endangered Species Act. Let me explain that in more detail.

As many of my colleagues have already heard, the decision by the Tenth Circuit Court of Appeals in the case of Rio Grande Silvery Minnow v. Keys requires the Bureau of Reclamation to reallocate water from the San Juan-Chama project if necessary to meet the requirements of the Endangered Species Act. What is remarkable about this decision—which needs to be redressed in my view—is that the San Juan-Chama project water is not native to the Rio Grande basin. It is water that originates in the San Juan River basin, and is brought over as a supplemental water supply for use in the Rio Grande basin. Use of this water—quite simply—has not caused the decline of the Rio Grande silvery

minnow, nor does it further jeopardize the existence of that species. The Court's decision, however, disregards these facts and erroneously directs the Bureau of Reclamation to reduce water deliveries to project contractors such as the cities of Albuquerque and Santa Fe, if necessary to meet the needs of endangered species. This result is not consistent with the intent of section 7(a)(2) of the ESA, and therefore unreasonably creates an uncertain water supply situation for a number of communities in New Mexico.

This situation needs correction and the intent of section 204 is to do just that. It eliminates reclamation's discretion to unilaterally take water from San Juan-Chama contractors and reallocate it for ESA purposes. Section 205, however, preserves voluntary transactions by which Reclamation can meet the needs of the endangered fish. This is how business has been done since 1996, and that process is allowed to continue.

Section 205 also includes a subsection that legislates the sufficiency of the ten-year biological opinion addressing water operations in the Middle Rio Grande. I understand that protecting a biological opinion through Federal legislation is not insignificant. Nonetheless, there are several reasons why I believe this approach is appropriate in this content. First, there has been an endless cycle of litigation over water operations in the Middle Rio Grande. We simply need some level of certainty for water users if we are to proceed to address the long-term requirements of the ESA. Second, it is important to keep in mind that compliance with the biological opinion not only ensures compliance with the ESA, but should serve to improve water-supply and habitat conditions in the Middle Rio Grande. The Biological Opinion contains a reasonable and prudent alternative, or "RPA", that emphasizes a broad approach to conserving endangered species in the Middle Rio Grande. It requires minimum river flows based on the annual available water supply, and includes spring releases to trigger silvery minnow spawning activity. The RPA also contains No. 1, requirements for significant habitat improvements, including fish passage at the San Acacia diversion dam; No. 2, population enhancement activity; and No. 3, water quality improvements in the basin.

As a fall-back, to ensure continued survival of the silvery minnow if the RPA does not significantly improve its status, the legal coverage provided by the biological opinion lapses if minnow mortality exceeds the limits defined in the opinion's incidental take statement. In that event, the Federal agencies will need to re-consult with the U.S. Fish & Wildlife Service to ensure that the survival of endangered species is not jeopardized.

As a final matter, although I believe that the approach in Section 205 will maintain progress in recovering the minnow, mere compliance with the bio-

logical opinion is not the end of the story. I also expect that the Secretary of the Interior will aggressively pursue other actions to promote the recovery of endangered species in the Middle Rio Grande, including support for the efforts of the Middle Rio Grande ESA Collaborative Program. The Collaborative Program has been very successful in bringing together a diverse group of parties to work towards common restoration goals in the Middle Rio Grande. It will continue to be key to the recovery effort and I will continue to support funding its work.

Before yielding the floor, I want to specifically address some ongoing concerns with Section 205. First, Governor Richardson in New Mexico has been working with all the parties to the ongoing litigation to try and develop a comprehensive settlement to the difficult issues in the Middle Rio Grande. That settlement, while not yet secured, is within reach. If finalized, it will likely address a broader range of issues than the approach in Section 205. The concern being expressed is whether the Section 205 could be modified to accommodate legislation associated with any potential settlement. I want to ensure Governor Richardson and the parties at the table that I will remain open to consider any settlement proposal that may be developed as part of that process. A more comprehensive solution, particularly one developed by all the parties together, is a preferred approach that deserves substantial attention and consideration.

The Middle Rio Grande Pueblos have also expressed concern that their water supplies are not protected in Section 205. On this point, I think it is clear that the Tenth Circuit's decision does not provide any basis for the Secretary of the Interior to assert discretion over the Pueblos' available water supply and unilaterally reallocate such water for endangered species purposes. The Pueblos' legal status is different from the project contractors covered by the Tenth Circuit's decision. In fact, it is highly questionable whether any provision of law gives the Secretary discretion over the Pueblos water similar to that determined by the Tenth Circuit. Nonetheless, it is premature to conclusively address that issue at this time. I will, however, continue to work with the Pueblos, as well as Senator DOMENICI on this issue, to determine if a modification to this legislation should be considered.

I hope this statement provides a clear explanation on why I am supporting the legislative approach set forth in Section 205. I believe that it is a reasonable response to the issues confronting my state—and one that should avoid being the basis for an Endangered Species Act fight. I thank Senator DOMENICI for working with me on this provision and I urge my colleagues to support this language.

I yield the floor.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### EXTENSION OF CHAPTER 12 OF THE BANKRUPTCY CODE

• Mr. FEINGOLD. Mr. President, I am pleased that the majority has finally cleared H.R. 2465, to extend Chapter 12 of the Bankruptcy Code for another six months. As a cosponsor of companion legislation, S. 1323, I have been working to get this done ever since the House passed its bill on June 23 by a vote 379-3. Chapter 12 expired at the end of June. It is unfortunate that it took an entire month for the Senate to take up this simple bill that keeps in place special simplified bankruptcy provisions for family matters. But with the harvest season just around the corner in many of our States, I am pleased that the Senate has taken this action. We have helped many farmers who are in difficult financial straits. That is a good thing.

It is high time that the Congress made chapter 12 permanent. It has been in place since the mid-1980s and has worked well. Along with the Senator from Iowa, Mr. GRASSLEY, I have championed taking this step along with the number of important improvements to chapter 12, including adjusting the income limitations for inflation, which has never been done. The major bankruptcy bill that has been before the Congress for a number of years includes those improvements. I oppose the overall bankruptcy bill, but I believe that the provisions dealing with chapter 12 can and should be passed independently. Family farmers in difficult financial situations deserve our support. I applaud the Senate for finally passing this short extension, and I hope we will make chapter 12 permanent before the end of the year, when another extension will be necessary. •

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### PASSAGE OF THE ENERGY BILL

• Mr. KERRY. Although I was not present to vote on the Energy bill passed last night, I would like the Record to reflect my opposition to the bill and the process by which it was passed.

I voted for the Democratic Energy bill, H.R. 4, last Congress. When the same bill came up for a vote last night as S. 14, I was announced against it. The reason is that debate on the Energy bill was closed down prematurely before consideration of important provisions such as renewable portfolio standards, clean air standards, and climate change could even take place.

Furthermore, there is no indication that the Senate and House conference committee is going to lead to any type of meaningful bipartisan negotiations. In fact, the Republican leadership has already boasted they will do little if anything to defend the Senate position.