

has been a partner at the Knoxville law firm of Bass, Berry & Sims, PLC since 1998.

Mr. Varlan has practiced law in the areas of employment, school, commercial, patent and trade secrets, antitrust, contracts, product liability, civil rights, tort, annexation, tax, zoning, condemnation, workers' compensation, constitutional, telecommunications, real property, governmental relations, and labor law. Mr. Varlan has practiced in federal, state, and administrative law courts throughout his career and has conducted a number of jury and bench trials.

Mr. Varlan has also been active in his community, providing legal services to disadvantaged persons and for organizations such as Volunteer Legal Arts Services in Atlanta, GA, and the Knoxville Bar Association's Mentor for the Moment Program.

I am confident that Mr. Varlan will be a fine addition to the Federal bench in Knoxville, and I thank all of my colleagues for their overwhelming support for him.

---

NOMINATION OF JOSEPH  
KELLIHER TO THE FEDERAL EN-  
ERGY REGULATORY COMMISSION

Mr. WYDEN. Mr. President, I cannot allow the Senate to proceed with Mr. Kelliher's nomination to the Federal Energy Regulatory Commission today or anytime soon.

This is a position of enormous importance to my constituents in Oregon who have had their energy prices soar through the roof during the past few years while the Commission has failed to serve as an effective watchdog over energy markets.

In the limited time I was able to question Mr. Kelliher at his confirmation hearing, he demonstrated little understanding of the impact on the Northwest of the manipulation of west coast spot markets by Enron using the various strategies described in the Enron memos. These strategies have had a devastating impact on Northwest energy consumers and on long-term contracts that the Bonneville Power Administration (BPA) and many other Northwest utilities subsequently were induced to sign in order to protect themselves from the volatility of the manipulated spot markets. In response to my question about whether the Enron memos provided grounds to get out from overpriced contracts, Mr. Kelliher states: "As a legal matter, I do not know sir. I thought those memos were designed to manipulate spot markets."

To date, there has been a total failure on the part of the Commission to make any kind of connection between the manipulation of spot markets and the impact on long-term contracts that have raised rates for Northwest ratepayers. In fact, the Commission currently appears to be pursuing two completely different standards for when ratepayers may be entitled to refunds

for manipulation of spot markets as compared to when overpriced, long-term contracts that were a direct result of that manipulation can be voided or reformed. The net effect could be that Northwest ratepayers could be struck in long-term, overpriced contracts even if the rates in those contracts are not considered just and reasonable according to FERC's own standards.

What is also of concern to me is that there are a number of critical issues to Northwest energy consumers that will be coming before the Commission in the next several weeks. These include Commission decisions on filings by the Bonneville Power Administration and other Northwest utilities for relief from contracts with Enron and other energy traders, enforcement cases against the marketers accused of manipulating west coast energy markets and the Commission's proposal to create a one-size-fits-all standard market design for transmission systems that would be ill-suited to our region's transmission system and could create new opportunities for manipulation of Northwest energy markets. With these critical issues coming before the Commission, the Northwest needs to be assured our region's interests will be fully and carefully considered.

Mr. Kelliher has not convinced me he fully understands the impact of manipulation of west coast energy markets on Northwest ratepayers or the problems the Commission's standard market design proposal could create for the Northwest electric power grid. For these reasons, I would object to a unanimous consent request for the Senate to take up Mr. Kelliher's nomination until my concerns can be addressed.

---

LOCAL LAW ENFORCEMENT ACT  
OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement 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.

I would like to describe a terrible crime that occurred April 15, 2001. Two men taunted and attacked four lesbian students outside a cafe near Louisiana State University. The attackers approached the women and asked them if they were "boys or girls." The victims said that one of the attackers threw a drink at them and another attacker punched the victims repeatedly.

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.

SIERRA LEONE SPECIAL COURT  
INDICTMENTS

Mr. FEINGOLD. Mr. President, I rise to call my colleagues' attention to the historic developments that have unfolded in Sierra Leone in recent days.

On Monday, the Special Court for Sierra Leone, a body charged with bringing to justice those most responsible for the horrific war crimes that occurred in that country, issued its first indictments. Seven people were indicted for war crimes, crimes against humanity, and violations of international humanitarian law: Foday Sankoh, Johnny Paul Koroma, Sam Bockarie, Issa Hassan Sesay, Alex Tamba Brima, Morris Kallon, and Sam Hinga Normam. The subjects of these initial indictments—ranging from infamous RUF leader Sankoh to former junta leader Koroma to Cabinet Minister Norman—clearly illustrate the commitment of the Court and of Sierra Leone to genuinely break with the past, and to firmly assert the illegitimacy of all of the abuse and atrocities of the past, not just that portion committed by one faction or another. Five of the indicted individuals are under arrest today; two remain at large. I urge the international community to ensure that they are found, arrested, and turned over to the court.

This development is an important step toward breaking the cycle of violence and impunity in West Africa—a cycle that plunged the people of Sierra Leone into a long national nightmare from which they have only begun to recover. That same cycle is responsible for the ongoing suffering of the people of Liberia, and now threatens the once-stable country of Cote d'Ivoire. It is true that fear of accountability may provoke some actors to try to disrupt the progress made in Sierra Leone thus far, but the history of that beautiful country has shown that turning a blind eye to the abuses of the past only ensures more in the future. The people of Sierra Leone are bravely pursuing justice. They deserve international support.

---

LLOYD J. OGILVIE

Mr. ENZI. Mr. President, ever since I first arrived in the Senate, I have always looked forward to starting each new day with a prayer. Whether that prayer came from one of his excellent books, like *One Quiet Moment*, or on the Senate Floor, we have all received a great deal of inspiration and encouragement from our Chaplain, Dr. Ogilvie. Each day, as we prayed together on the floor or in our offices, Dr. Ogilvie has helped us to focus on the tasks of the day and the importance of working together as one family to solve the problems we face as a nation. His words have also reminded us of the beliefs of our Founding Fathers and their inherent trust in God for all things.

Looking back over the years he has served in the Senate, Dr. Ogilvie has

helped us through a long list of trials, tribulations and difficulties. In particular, he prayed with us each morning as we began to recover from the pain of the attacks of September 11. As the Chaplain of all the Senate, he took the pain and isolation that some of us felt from those days, and through prayer and understanding, he brought us together as one, the Senate family, and taught us how to console each other and how to help each family member through the pain of that day.

Now, after all he has done for us, Dr. Ogilvie will be leaving to help his own special family and his wife, Mary Jane. Their's is a remarkable story, and someday it may be written, about teamwork, love and happiness. Now she needs his time, his caring and his attention and so he will be working with her, just as she has worked with him as part of his team for all of the years of their marriage, to bring her back to health.

As he prepares to return to California to be with his wife, a lot of us have taken a few moments to think about the difference he has made in our lives, in our staff's lives, and in the every day routines of the Senate.

I have always believed that there was no better gauge of how well you did your job than to measure your results against what you said you wanted to do on your first day in the office. For Dr. Ogilvie, that meant pursuing a role as "intercessor, trusted prayer partner and faithful counselor to members of the Senate family as they seek to know God and discover His will in the monumental responsibilities entrusted to them."

I don't think there is any doubt that he has fulfilled his own charge to the letter. He has been a counselor, comforter and a source of strength for us all, no matter our status or rank in the Senate or in each office because those things don't matter to the other members of a family when someone is in need.

One of my favorite moments from the New Testament has to do with the story of the apostles who were in a boat with Jesus Christ when a terrible storm came up all around them. As Christ slept peacefully, the apostles were in the throes of a terrible panic about their situation and what was to become of them. As Christ was awakened and sensed their fear, He stretched out His arms and quelled the seas and the winds and everything around them became peaceful and calm once again.

Our lives are often like that. We see the storm clouds and the very real rough winds and seas that seem like they will batter and demolish the little boat of our life. The thought can often leave us feeling very afraid of what is to become of us. In those moments, Dr. Ogilvie was a constant reminder that the strength of God was never far off, and we were never far from Him. All we needed to do was to imitate Christ, stretch out our arms to God and listen

for the peace and calm that is always within us. That is God's gift to the troubled and confused and it always lies within us, in the depths of our hearts and souls. Another of God's gifts was surely Dr. Ogilvie, who has a wonderful talent of helping us to find that small, still place in ourselves where we can find the peace, strength and comfort of God for those times when life seems unfair and our boat feels adrift and lost in the turbulent seas of the world.

After coming to know Dr. Ogilvie over the years, and seeing him in prayer with my staff, and so many others, I have no doubt that a book about our Chaplain and the many ways he has made a difference in our lives would be a very thick one. Every office, and every staff has at least a handful of stories about Dr. Ogilvie and the difference he made in their day or their lives just by being available and joining in prayer—or by being there to listen. To those who are fortunate enough to know him, he has been more than a Chaplain to us—he has been a trusted friend who could always be relied on for a good word of advice or to help with an idea or suggest a different approach to a problem.

We all know that all prayers are answered, it is just a difficult thing when the answer we pray for isn't the one we receive. Through the years, Dr. Ogilvie helped so many of our staff members through the storms of their own lives and he did so with great humility, kindness and a gentleness of spirit.

As I thought about the problems faced by my staff, I remembered the mother of one of my staff members who has a problem with pain. When he found out about it, Dr. Ogilvie called her and personally expressed his support for her and his intention to keep her in his prayers. It meant a lot to his mother and to my staff member to know just how much he could count on and rely on the Chaplain for help.

Another member of my staff had just received the devastating news that both of her parents were ill and facing a crisis in their health. Again, Dr. Ogilvie offered his prayers, his support and his spiritual strength for the battle. When a miracle came to pass and both parents recovered, he was there to express the joy and happiness that he found in another's victory. As the old adage says so well, each person's joy was his own.

Another staff member's wife was battling cancer. Dr. Ogilvie was there again to support and encourage as he prayed with them and helped them to face and battle the illness together.

Those are just a few examples of a long list that I could put together of the times when Dr. Ogilvie joined us in prayer, silently and in the background, helping to strengthen the ties between us and the Lord—because, as he said in his mission statement—it was more than his job, it was his charge from God.

For my own office, we will never forget all that Dr. Ogilvie shared with us

when one of our staffers, a young man named Ben, faced the ultimate crisis of his life.

Ben was a remarkable young man, someone you took a liking to as soon as you met him. He had a remarkable spirit that comes from being young and being convinced you can do pretty much anything you want to. I don't think I've ever seen anyone at so young an age that was so full of promise and potential—mixed in with a lot of personality and spirit. We all knew when we met Ben that he was one colt that would be impossible to break—but sometimes the spirited ones make the whole herd run better. Such was the case with Ben.

He had come to us in the middle of a battle with cancer and every day we could sense his joy at the gift he was given of another day, another moment of life. Every day he seemed to be getting better and stronger until one terrible day when he seemed to lose a lot of ground and strength—all of a sudden. That was the day it started to seem clear that he might lose his battle with cancer.

Each day, as Ben battled for his life, we battled to be heard as we prayed in earnest for his recovery. Although each passing day seemed to put that elusive goal further from us, we joined together with Dr. Ogilvie in our prayers for a miracle. Sadly, we didn't get what we prayed for. I still remember the day we got the news we had come to dread but expect. Ben had passed away.

Once again, Dr. Ogilvie was with us, to comfort those of us who had lost a good friend, a hard working colleague, and an all around nice guy who had made a difference in all our lives. As we remembered our past years together many of us wondered why God had taken his future from him and from us at such a young and tender age.

Together with Dr. Ogilvie we prayed for answers to these and to all the questions that haunt those who have lost a loved one.

Those answers will come from God at His own speed and at His own time. For then, and for now, it was enough to have our good friend, Dr. Ogilvie, lead us in prayer and provide the words that resonated in our hearts as he helped us find the strength and courage to support each other as we continued to reach out to his family as they mourned the loss of a special son.

Dr. Ogilvie never said this in his prayers or lectures, but it was so clear from the way he lives his life that he knows it's not about him—it's about his service and it's about our God. He is God's servant and he continues to serve Him with great strength and an abundance of good cheer and good will. In many ways he's like a beacon of light that helps to light the way we must walk to draw closer to God and His holy heaven.

One of the greatest preachers of our time was Billy Graham. When asked what made for a good preacher he said, "The test of a preacher is that his congregation goes away saying, not,

"What a lovely sermon!" but "I will do something."

If that is the test, Dr. Ogilvie is one of the best. In fact, I don't think there is a single one of us who met with Dr. Ogilvie to discuss a problem who didn't leave feeling absolutely certain that he or she knew what to do and when to do it.

That was one of Dr. Ogilvie's great gifts. He could listen and provide strength and support while he helped us all to find the answer that was right for us—from the silence and peace that lies within our hearts.

God bless you, Dr. Ogilvie, for you certainly were a blessing to each of us while you were here.

I have always believed that God puts us where He needs us, where He wants us to be found. I have no doubt that He is doing that with you right now. Wherever you go from now on, and whatever path He chooses to have you follow, I have no doubt you will continue to do a good job and represent well He who has sent you. As it teaches us in the Bible, "you have been faithful over a few things, I will make you ruler over many things. Enter into the joy of your Lord." God bless you, Dr. Ogilvie, and may you continue to find the joy of your Lord wherever you go and in everyone you meet.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO TAYLOR AGATHEN

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to Taylor Agathen, winner of the Conservation Art Contest. Over 100,000 students ranging from first to fifth grade throughout the Commonwealth of Kentucky participated in the Conservation Art Contest. As part of the Conservation Art Program, the contest's purpose is to teach students about the importance of soil conservation in their communities. This year's theme was "Kentucky Soil . . . It touches all of us."

Taylor's poster, titled, "Kentucky Soil . . . it touches my life," detailed erosion problems throughout Taylor County and ways to prevent it. Along with the help of her family, Taylor discovered that such ways to prevent erosion included the use of rocks, logs, and cement walls, and had pictures in her poster to prove it. It was a creative design that underscored the need to address the erosion problems throughout our Commonwealth.

Taylor Agathen's first grade teacher, Ms. Laura Dickens, informed her of the Conservation Art Contest. As the first place recipient, Taylor will receive a \$500 savings bond and will be an honored guest at The Courier-Journal Awards Luncheon on May 22. She worked hard for this achievement and has earned these rewards. One day Taylor hopes to be a marine biologist and I am sure she will make a good one.●

##### TRIBUTE TO THE UNIVERSITY OF VERMONT CATAMOUNTS

• Mr. JEFFORDS. Mr. President, I rise today to congratulate coach Tom Brennan and the University of Vermont Catamounts for their 56-55 victory over home team Boston University in the America East Men's Basketball Championship game this past Saturday. Matt Sheftic, a native of Essex Junction, VT, scored a career-high 23 points in the conference final and was named Tournament Most Outstanding Player. In a dramatic finish to a hard-fought contest, David Hehn hit the winning shot with just 5.6 seconds remaining. As time expired you could hear cheers from Boston to Brattleboro to Burlington.

The Vermont Catamounts will now play the top-seeded Arizona Wildcats on Thursday. The game marks Vermont's first-ever appearance in the NCAA tournament. Although the Catamounts will be a heavy underdog, they bring a 21-7 record, conference player of the year Taylor Coppenrath, of West Barnet, VT, and the heart and determination of every player and coach on the UVM team. In addition, the support and enthusiasm of all Vermonters will travel with the team to the Huntsman Center in Salt Lake City.

I congratulate each member of the team: Coach Tom Brennan, Associate Head Coach Jesse Agel, Assistant Coach Pat Filien, Assistant Coach Jeff Rush, David Hehn, Germain Njila, Matt Sheftic, Grant Anderson, Taylor Coppenrath, Jack Phelan, Andre Anderson, Mike Goia, Corey Sullivan, Scotty Jones, T.J. Sorrentine, and Martin Klimes.

As the team prepares for the Arizona game, I want to extend my congratulations and best wishes to the Catamounts. GO, CATS, GO.●

##### HONORING MICHAEL NELSON FOR HIS SERVICE TO NEBRASKA

• Mr. NELSON of Nebraska. Mr. President, today it is my honor to recognize Michael Neil Nelson for his many years of dedicated and selfless service to the State of Nebraska.

Since 1992, Michael Nelson has worked for the Lincoln, NE Department of Housing and Urban Development. As a housing rehabilitation specialist, he has aided hundreds of Lincoln families by rehabilitating their homes and improving their quality of life. Mr. Nelson has also assisted first-time home buyers in finding suitable housing for their families, and has taught many homeowners how to maintain their investment and enhance the neighborhood.

Mr. Nelson was instrumental in establishing a Rebuilding Together affiliate organization in Lincoln. Rebuilding Together preserves and revitalizes houses and communities, assuring that low-income homeowners, particularly those who are elderly and disabled, and

families with children, live in warmth, safety, and independence. Through this worthwhile initiative, Mr. Nelson spent countless hours recruiting and organizing volunteers in our community. He worked tirelessly to secure donations from community members and often spent his weekends arranging project publicity and outreach efforts.

Mr. Nelson has always viewed his job with housing initiatives as his way of improving our community. His construction management expertise, coupled with his ability to connect with citizens, makes him a valuable asset to our community. His hard work was often noticed, and he received many accolades from his clients and awards from the city for going above and beyond his responsibilities.

I am proud to represent Nebraskans like Michael Nelson who are committed public servants. Volunteer services are an essential part of communities. The selfless efforts of committed citizens like Mr. Nelson make our communities a better place to live and improve the quality of life for our neighbors. The city of Lincoln and State of Nebraska are fortunate to have Michael Nelson as a member of their community.●

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 629. A bill to amend the Internal Revenue Code of 1986 to assist individuals who have lost their 401(k) savings to make additional retirement savings through individual retirement account contributions, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 630. A bill to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. CARPER):

S. 631. A bill to amend title 39, United States Code, with respect to cooperative mailings; to the Committee on Governmental Affairs.

By Mr. CRAIG (for himself, Mr. BINGAMAN, Mr. WARNER, Ms. COLLINS, Mr. SARBANES, and Mr. ROCKEFELLER):

S. 632. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. LANDRIEU, Ms. STABENOW, Ms. CANTWELL, and Mr. PRYOR):

S. 633. A bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH (for himself, Mr. DOMENICI, and Mr. BINGAMAN):

S. 634. A bill to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility