

to the fore, such as renewable sources of electricity, and the increased dependence on natural gas was not looming as a big problem, then fine. But we would be looking at this natural gas issue on a periodic basis at least each 3 years as hydrogen technologies move forward.

The second change the amendment would make would be to add a similar analysis to a report from Federal agencies that is already required in the bill on their own future use of hydrogen. It would require Federal agencies to assess how their own increased use of hydrogen would affect natural gas demand.

Obviously, all of us want hydrogen to be better developed as a technological option. We all, I believe, also want to make sure we do not have unwanted consequences or unwanted impacts on our strained natural gas picture going forward. This amendment will help ensure that we keep our eyes open and we keep focused on this important potential problem as we move toward a hydrogen-based economy.

Mr. President, I think this amendment would strengthen the bill, and I hope it is acceptable and can be agreed to.

I yield the floor.

EXHIBIT 1

UNITED STATES SENATE,  
Washington, DC, May 27, 2003.

Hon. SPENCER ABRAHAM,  
Secretary, Department of Energy, Washington, DC.

DEAR SECRETARY ABRAHAM: We are writing to express our concern about continued high natural gas prices, the impact on industries that rely on natural gas for manufacturing, and the possibility of severe price spikes recurring later this year. In your recent address to the National Petroleum Council, you correctly pointed out that the amount of natural gas in storage is unusually low and that injection rates must increase dramatically in order to fill storage to levels sufficient to meet anticipated demand this year. With natural gas prices twice as high as they were last year and the increased demand for electricity expected this summer, market fundamentals are not encouraging for robust storage refill rates.

We commend you for focusing on the near term challenges we face with respect to natural gas and for calling an emergency meeting of the National Petroleum Council next month to identify actions that can be taken immediately to ease short-term supply constraints. The expertise of the NPC's members in the production, transmission and distribution of natural gas should be very helpful. Increased natural gas supplies are needed of course and, in fact, drilling is up thirty percent this year. But significant new gas supplies are not likely to come on line in the near term.

Energy efficiency and conservation, as well as fuel switching, are more likely to make a difference in natural gas markets this summer and next winter. Analysis of the successful efforts of California to reduce electricity consumption in 2001 demonstrated that efficiency and conservation were the fastest and least costly solutions available. We urge you to cast a wider net for recommendations on natural gas including meeting with Governors, state and federal regulators, industrial and commercial gas consumers, electric utilities and independent generators, and experts in efficiency and conservation.

We look forward to working with you to address this critical issue.

Sincerely,

Tom Daschle, Tim Johnson, Jay Rockefeller, Russell D. Feingold, Harry Reid, Joseph Lieberman, Jeff Bingaman, Tom Carper, Frank R. Lautenberg, Ron Wyden, Debbie Stabenow, Maria Cantwell, Mary L. Landrieu, Jon S. Corzine, Jack Reed, Charles Schumer, Evan Bayh, Daniel K. Inouye, Dianne Feinstein, Barbara Boxer, Dick Durbin, Hillary Rodham Clinton, Patrick Leahy, John F. Kerry, Paul Sarbanes, Barbara A. Mikulski, Ted Kennedy, Carl Levin, Daniel K. Akaka, Patty Murray.

THE SECRETARY OF ENERGY,  
Washington, DC, June 6, 2003.

Hon. JEFF BINGAMAN,

U.S. Senate,

Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for your May 27, 2003, letter expressing concern about continued high natural gas prices and their impact on consumers and industries that rely on natural gas.

The Administration shares your concern—and it is for this reason that I called for a Natural Gas Summit on June 26, 2003, which your letter referenced. In addition to including members of our National Petroleum Council, the Summit will also bring together State and Federal regulators; industrial, residential, and commercial gas consumers; electric utilities and independent generators; along with experts in energy efficiency and conservation to discuss and develop recommendations relating to the future of the natural gas markets.

Based on the Department's analysis, we concur with the conclusion advanced in your letter that over the next 12 to 18 months there are only limited opportunities to increase supply; and that, therefore, the emphasis must be on conservation, energy efficiency, and fuel switching. That is why the speakers and attendees at the Summit will be substantially consumer focused. I would note, however, that the feedback we have been getting from the natural gas industry has been strongly supportive of this conservation message as they are concerned about the long-term effect on the market of these high short-term prices.

In addition to sharing the same opinion regarding the role of conservation, I am pleased that we also are in agreement concerning the need to increase natural gas supplies. Last year, I commissioned a National Petroleum Council study focused on long-term issues that will more directly address supply. This study, to be released in the fall, will include a comprehensive evaluation of future natural gas supply and demand issues. We will, of course, share the results of that study upon its completion.

I appreciate your interest in the Natural Gas Summit and look forward to working with you to address these important issues.

If you have any questions please feel free to contact me or Ms. Kelly S. Lugar, Deputy Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

SPENCER ABRAHAM.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, we have reviewed the amendment. We have no objection to the studies provided for in the amendment. We think they will be worthwhile and helpful, so we have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 867) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask Senator BINGAMAN, have you finished with that issue?

Mr. BINGAMAN. Yes, I have.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent to be permitted to proceed as in morning business for no longer than 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business starting in 5 minutes and not to exceed 10 minutes.

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

Mr. DOMENICI. I yield the floor.

Now, Mr. President, I ask unanimous consent that the 5 minutes I asked to transpire before the time started be waived and that I be able to proceed with my 7 minutes.

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

The Senator is recognized as in morning business.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1211 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

(The remarks of Mr. MCCAIN are printed in today's RECORD under "Morning Business.")

Mr. MCCAIN. Mr. President, 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. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Mr. President, I understand, from my parliamentary inquiry, that at 5:15 the Senate resumes executive calendar debate.

The PRESIDING OFFICER (Mr. ENSIGN). In executive session, that is correct.

MORNING BUSINESS

Mr. DOMENICI. I ask unanimous consent that we be in morning business until we go into executive session.

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

Mr. DOMENICI. 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. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL CHERTOFF, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 5:15 having arrived, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Michael Chertoff to the U.S. Court of Appeals for the Third Circuit. I happen to be admitted to the bar of the Third Circuit. I can't imagine a better person we can put on that circuit than Michael Chertoff.

This is not the first time this body has had the opportunity to consider Mr. Chertoff's qualifications. In May 2001, my colleagues and I voted to confirm his nomination to the post of Assistant Attorney General for the Criminal Division of the United States Department of Justice. He has worked tirelessly in that position on behalf of our country prosecuting those whose specific goal is to harm America, and we are grateful for his service.

The same credentials and experience that paved the way for Mr. Chertoff's confirmation as Assistant Attorney General demonstrate that he will make an exceptional Federal appellate judge. He graduated magna cum laude from Harvard College in 1975 and magna cum laude from Harvard Law School in 1978. After his graduation, he served as a law clerk to United States Supreme Court Justice William J. Brennan, Jr.

Following his clerkship, he embarked on a long and distinguished professional career dedicated to fighting crime and corruption that began in the United States Attorney's Office for the Southern District of New York in 1983, where he served as a line prosecutor. In 1987, he was promoted to First Assistant U.S. Attorney for the District of New Jersey. In 1990, former President Bush appointed him to be the United States Attorney for the District of New Jersey.

During his time as a Federal prosecutor, Mr. Chertoff gained extensive experience in all phases of criminal investigations and prosecutions. He handled major organized crime, fraud, and corruption prosecutions. Here are a few examples:

Mr. Chertoff successfully prosecuted a RICO murder case involving the third ranking member of the Genovese La Cosa Nostra family and others. The principal defendants were convicted of conspiring to murder John Gotti and murdering a mob associate. They each received 75-to-80 year prison terms.

Mr. Chertoff successfully prosecuted the Mafia commission case, which charged the bosses of all five New York La Cosa Nostra families with operating a national commission through a pattern of racketeering acts such as extortion, loan sharking, and the murders of a mafia boss and two associates.

Mr. Chertoff successfully prosecuted the mail fraud, bank fraud, and tax evasion trial of the mayor of Jersey City, NJ. The case arose out of an investment fraud perpetrated by the mayor while he was in office. The defendant was convicted of 14 felonies, sentenced to jail, and removed from office.

Mr. Chertoff also successfully prosecuted Arthur and Irene Seale for the 1992 kidnapping and murder of Exxon executive Sidney Reso, a tragic case which garnered substantial media attention.

This record alone demonstrates that Michael Chertoff has the experience and qualifications to serve as a judge on the Third Circuit. However, his public service is not limited to holding high level government positions. For example:

Mr. Chertoff served as special counsel to the New Jersey Senate Judiciary Committee in its investigation of racial profiling. Under his counsel, the Committee held nine hearings examining racial profiling allegations, concluding that the former attorney general had misled the Committee and had attempted to cover up the extent of racial profiling in New Jersey from the U.S. Department of Justice.

After a convicted rapist was mistakenly released from prison, Mr. Chertoff again served as Special Counsel for the New Jersey Senate Judiciary Committee during its hearings into the application of Megan's Law, which requires State correction officials to notify prosecutors 90 days prior to the release of a sex offender, and the reasons why it was not being systematically employed by the State.

Mr. Chertoff also represented three indigent defendants on death row in Arkansas through a program operated by the NAACP legal defense fund. The death sentences of all three defendants were overturned on the appeal that he handled.

Mr. Chertoff has received numerous awards and honors, including an honorary law degree from Seton Hall University in 2002; the Anti-Defamation

League Distinguished Public Service Award in 1992; and in 1987 the U.S. Department of Justice John Marshall Award for Outstanding Achievement in Trial.

These are but a few examples of public service that reinforce the true nature of Michael Chertoff's character. Recognizing this level of excellence, the American Bar Association has given Mr. Chertoff a unanimous well-qualified rating, the highest possible designation.

Plenty of others share the ABA's view of Mr. Chertoff. In a joint press release, New Jersey's two Democratic Senators, JON CORZINE and FRANK LAUTENBERG, expressed their strong support for Mr. Chertoff, stating, "We are pleased that the President has selected a distinguished New Jerseyan for this important seat on the U.S. Court of Appeals for the Third Circuit. Michael Chertoff is a highly intelligent and competent lawyer with a long and impressive record of public service."

In a March 11, 2003 editorial, the Bergen Record endorsed Mr. Chertoff's nomination, calling it "a refreshing change." The newspaper continued, "Mr. Chertoff is exactly the type of nominee the nation needs for federal judgeships," and concluded, "Mr. Chertoff is the type of smart, non-ideological high achiever whom Presidents of both parties should consider for the bench."

Mr. President, I have touched on only some of the attributes and accomplishments that demonstrate Michael Chertoff's overwhelming qualifications for the Third Circuit. He will be an outstanding Federal appellate judge, and I urge my colleagues to vote in favor of his nomination.

Mr. President, I notice the distinguished Senator from Pennsylvania is here. Both he and I are admitted to the bar of the Third Circuit Court of Appeals. I am also admitted to the bar of the Tenth Circuit Court of Appeals.

I yield the floor so the distinguished Senator from Pennsylvania can make his statement.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is especially appropriate for members of the Court of Appeals for the Third Circuit to have a little special understanding of the needs of that court, and the Court of Appeals for the Third Circuit is very badly overworked at the present time and very much in need of judicial replacements. The court has served under the superb leadership of Chief Justice Edward R. Becker, and I know personally from my discussions with him and the new Chief Judge, Anthony Scirica, the tremendous backlog and tremendous pressures the court of appeals has for the very busy States of Pennsylvania, New Jersey, and Delaware. I am pleased to see that Michael Chertoff is now coming up for a vote before the Senate. He has an extraordinary record—Harvard undergraduate, Bachelor's degree, magna cum laude,