

goes to churches to preach social service, urging the congregation to accept the status quo and help minister to its victims. Like Moses, King led his people out of oppression. Like Pharaoh, Bush urges people to adjust to their condition.

Dr. King's legacy is as important today as at his death because things haven't gotten much better. A report by United for a Fair Economy shows racial inequities in unemployment, family income, imprisonment, average wealth and infant mortality have gotten worse since he died. And progress in areas like poverty, homeownership, education, and life expectancy has been so slow it will take literally centuries to close the gap.

As Americans celebrate Dr. King's birthday and listen to President Bush's State of the Union address tonight, we must remember King's warning of the moral peril of a nation that fails to create opportunity for all of its people.

No longer do we hear of a War on Poverty, which as Dr. King noted was "barely a skirmish" before abandoned for war abroad. Instead, as Dedrick Muhammad, author of the UFE report, observed: We are left with a "compassionate conservatism, which has been very conservative in its compassion."

[From the Wall Street Journal, Jan. 19, 2004]

THE PICKERING PRECEDENT

President Bush's recess appointment of Charles Pickering Sr. to the federal appeals bench last Friday is a welcome move, not least because it shows he's willing to carry the fight over judicial nominees from here to November. Mr. Pickering will now get the honor of serving a year on the Fifth Circuit Court of Appeals, and at 66 years old might well make this his career coda. The Mississippi judge was one of Mr. Bush's first nominees, in May 2001, and has always had confirmation support from a bipartisan majority of Senators. But he has been denied a floor vote by a minority filibuster orchestrated by Northeastern liberals Ted Kennedy, Hillary Rodham Clinton and her junior New York partner Chuck Schumer.

Mr. Bush has every right, even an obligation, to use his recess power to counter this unprecedented abuse of the Senate's advice and consent power. A filibuster has never before in U.S. history been used to defeat an appellate court nominee, but Democrats have used it against six of Mr. Bush's choices. All of them have enough bipartisan support to be confirmed if they could only get a full Senate vote.

One of the more despicable elements of the anti-Pickering smear has been the use of the race card, even though the judge has the support of the African-Americans who know him best, including the Mississippi chapter of the NAACP. Mr. Pickering sent his children to the newly integrated public schools in that state in the 1960s, and he helped the FBI in prosecutions of the KKK, testifying against the imperial wizard in 1967 at some personal risk.

But these facts are irrelevant to liberals who are panicked after their recent election defeats and are clinging to their last lever of national power through the appointed judiciary. They're hoping the public won't notice or care much about this power play, which means that Mr. Bush and Republicans will have to keep the issue front and center. Five Southern Senate seats are open this year, and voters in those states in particular deserve to know how much the bicoastal Democratic liberals despise their values.

ELECTRIC RELIABILITY ACT OF 2004 AND ELECTRICITY NEEDS RULES AND OVERSIGHT NOW ACT

Mr. FEINGOLD. Madam President, I would like to express my support for two bills that my colleague, the junior Senator from Washington, introduced this week and that I am pleased to co-sponsor: the Electric Reliability Act of 2004 and the Electricity Needs Rules and Oversight Now Act, or ENRON Act. I strongly believe that the country needs to achieve a balanced national energy policy. An essential part of a national energy policy should be to ensure electricity reliability and to protect consumers from energy market manipulation. If Congress cannot agree on an omnibus energy bill, then we must act to pass these stand-alone bills on electricity reliability and market manipulation.

Our citizens deserve a reliable, safe power grid. This is one of the country's most pressing energy needs. We have to do all that we can to prevent blackouts like the one that hit the east coast and Midwest last August and the Electric Reliability Act of 2004 takes a crucial step toward that goal. The bill grants the Federal Energy Regulatory Commission—FERC—the explicit authority to create mandatory electric reliability standards. FERC can also approve the formation of electric reliability organizations, which will, subject to FERC review, enforce these standards. Strong and enforceable electric reliability standards will help ensure that our citizens and businesses do not have to worry about their respective lives and livelihoods being disrupted by blackouts.

In fact, a joint investigation by a United States-Canadian task force found that the lack of mandatory reliability standards contributed to the August 14, 2003, blackout. This massive outage affected 50 million people in eight U.S. States and parts of Canada. The task force report found that an Ohio-based utility and regional grid manager together violated at least six reliability standards on the day of the blackout. Examples of the reliability violations that contributed to the blackout included: not reacting to a power line failure within 30 minutes, not notifying nearby systems of the transmission problems, failing to analyze what was happening to the grid, inadequately training operators, and failing to adequately monitor transmission stations. Since the industry is largely self-regulated, violations of these voluntary reliability standards carry no penalties.

In testimony before the Senate Governmental Affairs Subcommittee on Oversight of Government Management last fall, regulators declared that enforceable reliability standards are vital to a secure power grid. This bill is an important step toward that goal. It provides for enforceable, mandatory electric reliability standards to ensure that our Nation has a secure, reliable power grid.

In addition to securing our Nation's power grid, we must protect consumers from energy market manipulation. We cannot let the market abuses that took place during the Western energy crisis a few years ago happen again. The ENRON Act would prohibit the use of manipulative practices like the schemes used by Enron and other energy traders that raised prices and put consumers, and the reliability of the electric transmission grid, at risk. We learned from this crisis that electricity markets need close Government oversight to ensure that companies do not engage in risky trading schemes leading to soaring energy prices and their own possible financial failure. In both cases, consumers—the people who depend upon the electricity these companies generate or trade—are the losers.

Energy market manipulation crippled the west coast during 2000–2001. Just last month, a former energy trader pleaded guilty to manipulating natural gas markets 2 years ago during the west coast power crisis. This trader admitted to supplying false reports to trade industry publications that calculate the price of natural gas indexes, which are used by derivative traders to buy and sell natural gas futures and real-time transactions. This manipulation apparently benefitted the energy company at the expense of energy consumers.

Other Enron-style trading practices include "ricochet" electricity deals. In a ricochet transaction, Enron sent California-generated power to another company. The electricity was then sold back to California, but billed as being generated outside the State. Prosecutors state that this practice allowed Enron to evade California electricity price caps. There is also the "Death Star" trading scheme. Apparently, Enron attempted to generate revenue by fraudulently charging fees for services Enron did not provide. Enron charged California for electricity that was not delivered. Charging the State for undelivered power prevented the State from alleviating backlogged transmission lines. This market manipulation scheme was especially harmful since it came at a time when part of the State experienced rolling blackouts.

In June, FERC deprived Enron of its right to trade power and natural gas. Even though the company is barred from the energy-trading industry it helped create, market manipulation remains a threat to consumers. In December 2003, another energy company agreed to pay \$1.7 billion to resolve market manipulation claims brought by the California Public Utilities Commission and various business and residential consumers. Other companies allegedly bought and sold natural gas simultaneously at the same price to make demand appear greater.

The ENRON legislation requires the Federal Energy Regulatory Commission to prohibit the use of manipulative practices like these that put at

risk consumers and the reliability of the transmission grid. The Senate recently went on record in support of barring abusive market practices when it approved an amendment to the fiscal year 2004 agricultural appropriations bill offered by Senator CANTWELL. I am disappointed that this language was stripped from the omnibus spending bill.

I think the August blackout should make clear to all of my colleagues the need for improvements in the power grid system. We need to make the electric grid safer and more reliable for all Americans and we also need to prevent manipulation of electricity markets. For those reasons, I encourage the Senate to move forward and act quickly with respect to these bills.

THE NEED FOR COUNTRY-OF-ORIGIN LABELING

Mr. JOHNSON. Madam President, I rise today to speak about country-of-origin-labeling, an issue of critical importance to farmers, ranchers and the consumers in our great country.

Yet even as our country grapples with its first case of mad cow disease, the Republican leadership and special interest groups aligned with the packing industry celebrate the possible delay in the implementation of my country-of-origin labeling law.

Yes, country-of-origin labeling is the law. We voted on it and it was included in the last farm bill. Yet today I stand before you, concerned that an action in the dead of night by certain House members will sink this law, a law that is good for consumers of beef as well as producers of beef.

Country-of-origin-labeling will help American producers market their beef as the superior product we know that it to be. It will also help American producers choose a product they know is safe while avoiding foreign product produced without the safeguards provided by the United States Department of Agriculture.

Just a few weeks ago it was discovered that a cow from Canada was discovered with mad cow disease, yet consumers have no way to distinguish meat from a Canadian cow from meat from an American or Mexican cow.

As recent events have shown Americans still have confidence in American beef and we must give them the ability to choose that beef. This law is also critical to our ability to begin exporting beef to countries, such as Japan, that closed their border to our beef after the recent case of mad cow in Washington State. Forty-eight out of 57 of the United States' largest trading partners, including Japan, have country of origin labeling. Why can't we? I ask, why can't we?

It dismays me, that there are people opposed to this law. It will allow consumers to make their own decisions about food safety, a critical issue in today's world of weapons of mass destruction and terrorism.

I ask unanimous consent to print in the RECORD an article written by Lee Pitts titled "Who Killed COOL?"

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO KILLED COOL?

(By Lee Pitts)

COOL has been universally praised by producer and consumer organizations alike. The overwhelming majority of farmers and ranchers supported it and COOL even had bipartisan support in Congress. So what went wrong? Who killed COOL?

Here's a Most Wanted list of the thieves who stole COOL from us and killed it in cold blood until COOL is deadlier than a can of Argentinean corned beef.

THE MAN WHO WOULD BE KING

To see who killed COOL just follow the money. And we can start right at the top. George Bush has been vehemently against COOL from the beginning. But one wonders why Bush would feel so passionate about legislation and use up political capital on something that will anger the very people who helped elect him in a very tight presidential race. Surely Bush must have had good reason to betray us? In fact, he had had millions of reasons. Plain and simple . . . Bush sold out to BIG business.

Remember this name: Tom Hicks. According to Forbes Magazine Mr. Hicks is the 350th richest man in America with an estimated net worth of \$750 million. Hicks heads up a leveraged buyout outfit called Hicks, Muse, Tate and Furst. One of their better deals was buying Dr Pepper and 7-Up for \$45 million and selling it after two years for \$700 million. Hicks is also the man who made our current President a multimillionaire by buying the Texas Rangers from a group that included George W. In some circles Mr. Hicks is known as "The man behind the throne at the White House."

In May, 2002, Hicks, Muse, Tate and Furst bought 54 percent interest, along with ConAgra, in Australia Meat Holdings, that country's largest meat processing company. Needless to say, the firm sends a lot of meat in this direction. Do you think Mr. Hicks' meat packing interests might have anything to do with Bush's concern about COOL? If Mr. Hicks calls Bush, I wonder, does he have any trouble getting through?

The Texas Cattle Feeders, no doubt, also leaned on their favorite son. The TCFA's members import thousands of Mexican steers every year into the U.S. where they would like to continue passing them off as domestics. Don't you find it interesting that the Representative who came up with the legislation to delay COOL for one year, Mr. Bonilla, was a Texas House member. In the Senate there was a similar attempt by Senator Cornryn. Surprise, surprise . . . Mr. Cornryn is from Texas too.

USDA: UNITED STATES DEPARTMENT OF ANN

If you're looking for the killers of COOL you can take a line from Casablanca and, "Round up the usual suspects." Ann Veneman and her cronies at the USDA surely are guilty. We all know by now that Veneman is a free trader, that's why she's currently trying to rewrite the rule book to reopen the border with Canada to live cattle. COOL could be an impediment to Veneman's vision of one global marketplace.

We shouldn't be surprised by Ann's actions, she's sold us out before. Like with mandatory price reporting. USDA officials said COOL is a bad idea because "there is no definitive data available to quantitative the benefits of COOL." In one voluminous COOL report there was page after page of reasons

why COOL is bad but there was not a single sentence suggesting a benefit. If one didn't know better, a casual observer might think the USDA was being biased. You think?

The USDA completely ignored a University of Florida study that outlined the many benefits of COOL. The USDA came up with cost estimates between \$582 million and \$3.9 billion but it was always the higher figure they quoted. The Florida study concluded that COOL would cost a fraction of that and said consumers would be given a choice and producers would benefit by increased demand for U.S. produced food. All good! At exactly the same time Veneman saw no benefits to COOL, Japan and Korea were making it clear they wanted only U.S. labeled beef. Also, at the same time a hepatitis outbreak was killing three people and sickening 259 in Georgia and 16 people in North Carolina. The feds aren't completely sure the same strain sickened 600 people in Pennsylvania in the Nation's biggest known outbreak of the disease. But they are sure it was Mexican onions that caused the outbreaks in Georgia, Tennessee and North Carolina. Gosh, if only the onions were labeled so consumers could decide for themselves if they wanted to risk death by liver failure.

If she had bothered to look Veneman could have also seen at least one major benefit from COOL by looking northward to her Canadian buddies. They started labeling their beef after the Mad Cow scare and it paid off big time when Canadian consumers started eating more domestic beef to show their support for the domestic industry.

And how's this for irony: A couple days after killing COOL the feds announced they were launching a major initiative to track food imports for national security reasons!

THE MEAT WE EAT

The food processing industry hates COOL because their business models are based on being able to buy product anywhere around the globe, wherever it is the cheapest. Then they have a U.S. inspection stamp placed on it and mix it in with domestic product. If you doubt that multinationals would have the breadbasket of the world turned into a beggar nation consider that 11.6% of beef eaten in the U.S. is imported, 40% of lamb, 16.6% of all vegetables, 23.1% of fresh and frozen fruit, and even 10% of wheat and wheat products. Talk about carrying coal to Newcastle!

Meat packers don't want COOL because it would diminish the profits they are making on cheap imports, like the obscene profits they are now making on Canadian boxed beef. COOL would derail this business model. So when COOL legislation passed all the hurdles and road blocks and looked like it would become a reality the packers were willing to resort to dirty politics in an effort to kill it.

First the packers said it would cost too much. What they should have said it would cost THEM too much if they had to start buying more U.S. beef because consumers were demanding it. We know exactly how much extra COOL will cost ranchers. You can currently get your calves verified as born and raised in the U.S. using a USDA approved process for 50 cents apiece. That's half of the beef checkoff buck. That doesn't seem like too much, does it?

Globalists hate COOL because it will build demand for U.S. products, exactly what they don't want. COOL would dampen their plans to outsource production to the cheapest supplier because the only place to get U.S. products is guess where? U.S.

THE BOTTOM LINE

Ann Veneman herself helped identify some of the culprits who killed COOL. She fingered the NCBA, the National Pork Producers Council and the United Fresh Fruit