The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 1206. An act to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Brown) for 5 minutes.

UNEMPLOYMENT BENEFITS EXTENSION

Mr. Brown of Ohio. Mr. Speaker, in the first 6 months of 2002, 2 million American workers are expected to exhaust their unemployment benefits. Even when we account for growth in the workforce, this means more workers are expected to exhaust their benefits in the next 3 months than in any first quarter since the early 1970s.

Of those exhausting benefits over the next 6 months, only 4 percent, 4 percent, are expected to receive extensions through State unemployment programs.

This extraordinary number of anticipated exhaustions is due to the huge number of job losses that occurred in the last 6 months of 2001. These job losses were caused by a slowing economy, by unsafe trade policies and by the devastating attacks of September 11. To make matters worse, many of the jobs lost in 2001 were good-paying, high-skilled manufacturing jobs that have probably been lost forever.

In my home State of Ohio and across the country, the steel industry has been devastated by a combination of foreign dumping and the current recession. According to the Department of Labor, the U.S. has lost 1.4 million manufacturing jobs since President Bush took office, 1.4 million manufacturing jobs. Total job losses from 2001 reduced our manufacturing base by 8 percent, 8 percent in 1 year, diminishing our industrial capacity to 1964 levels.

In each of the last five recessions, the Federal Government stepped in to provide additional benefits to those temporarily out of work. This recession, Mr. Speaker, should be no different.

Last week efforts to craft a bipartisan stimulus package failed in the Senate. The Senate did, however, approve a 13-week extension of unemployment benefits.

For the last 5 months, however, the Republican leadership in this House has repeatedly promised to help laid-off workers. They made that promise during the debate of the initial disaster relief bill; then they did nothing. They made that promise during the debate of the $5 billion airline bailout bill; then they did nothing. They made that promise in the two economic stimulus bills passed by the House; again, Republican leadership did nothing.

The question is, were their promises to help laid-off workers, to help America’s unemployed, were their promises contingent upon simply obtaining new and permanent tax breaks for America’s wealthiest companies and wealthiest individuals? To prove this is not the case, I urge the Republican leadership to bring a simple, clean 13-week unemployment benefit extension to the House floor as soon as possible. Our workers have waited long enough.

NBC LIQUOR AND ADVERTISEMENTS ON THE OLYMPICS

The SPEAKER pro tempore (Mr. Culberson). Pursuant to the order of the House of January 23, 2002, the gentleman from Virginia (Mr. Wolf) is recognized for 5 minutes.

Mr. Wolf. Mr. Speaker, as many know, NBC recently announced its decision to begin airing hard liquor advertisements. This decision abruptly terminates over 50 years of corporate responsibility and effective self-regulation.

Now more troubling is that NBC is not even abiding strictly to its own guidelines. For instance, NBC has promised that they will not extend their decision to advertising hard liquor on the Olympics. Well, as this recent article from USA Today says, and I will submit for the RECORD, they are skating on thin ice.

Mr. Speaker, NBC plans to allow the advertisement of products such as Bacardi Silver. Yes, the Olympics, perhaps one of the most youth-oriented sporting events ever, will have promotions for Bacardi Silver and other alcohol advertisements.

Technically, Bacardi Silver is not a distilled spirit since its alcohol content is approximately that of beer; however, we all know the reality of such an advertising tactic. Bacardi is a name people associate with hard liquor, period. Simply put, this appears to be a subterfuge to actually market hard liquor. NBC is allowing direct marketing to youth of a well-known brand of hard liquor.

This is outrageous. For all the protestations by NBC about their responsible policy of alcohol advertising, it is...
a sham. Young people, 13-, 14-, 15-year-olds, will be watching the Olympics and see the ads for products such as Bacardi Silver. Does anyone responsible think there will not be any association?

We are just now making progress with regard to dealing with drunk driving by young people.

The Center on Alcohol Advertising conducted a pilot study that demonstrates beer commercials and attendant bands are reasonably understood by children as young as 9 to 11. That is the exact type of advertisements we are talking about for the Olympics.

What will the consequences of this policy be? In short, more young people drinking will result in increases in drunk driving, teen deaths and alcoholism. Alcohol is a factor in the four leading causes of death among persons age 10 through 24: motor vehicle crashes, intentional injuries, homicide and suicide. The Centers for Disease Control and Prevention say alcohol is the leading cause of death among teenagers 15 to 24. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 15-19.

NBC is being irresponsible. NBC will cause the hurt and pain and suffering in the families of many, many people in this United States. The public has spoken out on this issue, and NBC does not care. The National Center for Science in the Public Interest conducted a poll that shows 75 percent of the public believes hard liquor advertising will increase youth drinking.

NBC does not care.

We are submitting a letter from 25 groups asking NBC to go back to the policy it had for 52 years. I urge Members to speak out on this issue and let NBC know that it ought to do what the American people think is reasonable. It ought to go back to its voluntary guidelines, which are as follows:

- MARKETING BY SPIRITS MAKERS GETS ICY RECEPTION
  (By Michael McCarthy and Theresa Howard) Piggybacking would be the only closely watched competition at the Salt Lake Games. Major marketing pushes by some big beer and spirits makers also may be dancing on thin ice.

Bacardi Silver. And Seagram’s rum brand, Captain Morgan, will take to the slopes to tout its sponsorship of the U.S. Ski Team. Just weeks after Olympics broadcaster NBC executives said that promoting alcohol advertising, the debate over alcoholic beverage marketing during the Games is heating up.

“The Olympics are a youth-oriented event,” says Timothy Mixon of the Center for Science in the Public Interest. “For the Olympic Committee to make the connection between drinking and sports is irresponsible.”

But executives from both A-B and Captain Morgan defend their right to be at the Salt Lake Games.

“It’s a wonderful opportunity for us,” says Bob Lachky, vice president of brand management at Anheuser-Busch. “We’ll have a national and international audience.

A-B will air more than 130 commercials for its Budweiser, Bud Light, Michelob and Bacardi Silver brands. A-B is the exclusive malt-beverage sponsor and advertiser of the 2002 Games and has a seven-year deal with the U.S. Olympic Committee to serve as official beer sponsor of the U.S. Olympic Team.

The Centers for Disease Control and Prevention say the latest government data, nearly one-third of the public believes hard liquor advertisements we are talking about for the Olympics.

What will the consequences of this policy be? In short, more young people drinking will result in increases in drunk driving, teen deaths and alcoholism. Alcohol is a factor in the four leading causes of death among persons age 10 through 24: motor vehicle crash-
CRASH KILLS TWO IN STERLING

Two people were killed after a two-car crash involving a drunk driver last night in Sterling, Virginia State Police said.

The crash happened on Route 28 near Route 625 about 8:30 p.m., police said. The victims were believed to be a man in his sixties and a boy.

One of the drivers was also injured in the crash and was flown to an area hospital, police said.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore, Pursuant to the order of the House of January 23, 2002, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, not surprisingly in this political city the debate over campaign finance reform has taken the shape of people talking about how to fix the system would be advantaged, but there is a more profound issue, more profound even than the kind of subtle corruption that campaign money takes. It goes to the nature of democracy.

We have two systems in this country. We have an economic system, capitalism, which is based on inequality. It is inequality which drives that system which has been so productive of wealth and which is so broadly supported. If people are not unequally rewarded for their labor, if people are not unequally rewarded because they respond to consumer demand, capitalism does not work. So inequality, some of us want to keep it from getting excessive, but it is at the heart of that system.

We also have a political system, and the heart of that political system is equality. That was the genius of the American Constitution, not fully realized at the time, a goal that we have been striving towards with some success ever since. What we have in our public policy is a tension between an economic system built on inequality where people are unequally rewarded and unequally powerful and a political system in which people are supposed to be equal, in which people's preferences are supposed to count each equally one for one.

What we have in America today is a corruption of that system in the broadest sense. As money has become more and more influential in politics, the inequality of the economic system has damaged the ability of the political system to function in a way that carries out equality. We cannot allow the inequality that is a necessary element of our capitalism to swamp the equality that is supposed to be the element of our political system.

That is why the Steny H. Hoyer, Meehan bill is so important. It reduces the role of money. Soft money is a way that the unequal part of our system gains undue influence over the place where it is supposed to be equal, and that, Mr. Speaker, is the profound philosophical reason why campaign finance reform ought to reduce the role of money, ought to reduce the extent to which inequality undermines formal equality.

Interestingly those opposed to the bill have implicitly acknowledged this. I have heard people say, on the Republican side mostly, that we cannot go ahead with that kind of a forum; if we got rid of the next thing we know, labor and environmentalists and all those people will dominate the election. We have, in fact, had people almost explicitly say that the danger in campaign finance reform is that the people will have too much to say.

Well, that is the way it is supposed to be in the political part of the system. The financial, the economic system has inequality, but in the political system peopey are supposed to be equal. That is also the answer to those who say that somehow this violates freedom of expression in the first amendment.

I should note, Mr. Speaker, I am somewhat interested to see Members that I have served with for a very long time who for the first time in their careers have become champions of free speech. That is, there are Members who have supported virtually every restriction on free speech, including censorship on the Internet and other rules that the Supreme Court has thrown out, and they have voted for them cheerfully, but when it comes to the power of money to swamp the equal part of our political system, suddenly they become advocates of free speech. Indeed, it seems that many of them are for free speech as long as it is not free. They are for free speech when it costs money, which they can buy.

In fact, if we look at the purpose of our Constitution and our political system, if we look at the role that equality is supposed to play, we understand, because we do not just interpret the Constitution, Constitutionally interpret it in its context, our political system is meant to be one in which people are equal, and what we are doing with campaign finance reform is restricting the ability of money to swamp that equal sector.

It does not impinge on free speech as we have ever understood it. Everyone in this country will be as free as they ever want to say what they want to say, to speak out. We do say that they cannot use money, they cannot use the inequality that has accrued to them through the capital system to undermine the electoral system.

So, for that reason, precisely because the very heart of our democratic political system is at stake, I hope that we will pass the campaign finance reform bill in an appropriate form, in a form that can go right to the President's desk, because it is essential that we vindicate the equality principle against those who are the beneficiaries of inequality who are seeking to erode it.

TRIBUTE TO ABRAHAM LINCOLN

The SPEAKER pro tempore, Pursuant to the order of the House of January 23, 2002, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, it is February 12, 2002, and on this calendar date 162 years ago today, a two lifetimes ago, came into the world the 16th President of the United States of America, the father of the Republican Party, the leader who ended slavery and at the same time saved the Union.

I speak, of course, of President Abraham Lincoln, born humbly in Kentucky, raised proudly in Indiana, who then moved and pursued a public and adult career in Illinois.

The Bible tells us, "If you owe debts, pay debts. If honor, then honor. If respect, then respect. I thought today, in the midst of all our debates about of what is pressing nationally, as now having the privilege of being able to call Abraham Lincoln, the Congressman Abraham Lincoln from 1846, a colleague, that it would be all together fitting to rise today and remember the occasion of his birthday. Let us do so, Mr. Speaker, with his own words.

Abraham Lincoln spoke of many issues, but of course freedom and the abolition of the evil of human slavery were chief among them.

April 1859: "Those who deny freedom to others deserve it not for themselves; and, under a just God, cannot long retain it."

August 1858: "As I would not be a slave, so I would not be a master. This expresses my idea of democracy."

July 1858: "I leave you, hoping that the lamp of liberty will burn in your bosoms until there shall no longer be a doubt that all men are created equal."

And in June of 1858: "A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free. I do not expect the union to be dissolved, I do not expect the House to fall, but I do expect it to cease to be divided. It will become all one thing or all the other."

Abraham Lincoln was also a man of very profound faith, which inspires many millions to this day, writing: "I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go but to my own wisdom and that of all about me seemed insufficient for the day."

In September of 1864, he wrote: "In regard to this Great Book, I have but to say, it is the best gift God has given to man. All the good the Savior gave to man the other day, he made part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe this last day of
Thursday of November next, as a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverances, and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners, or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty Hand to heal the wounds of the nation and restore it as soon as it may be consistent with Divine purposes to the full enjoyment of peace, harmony, tranquility and union.

President Abraham Lincoln was lastly a man who understood and cherished liberty and knew where its threats would be presented. As he said in January of 1838: "At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never. All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth in their military chest, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a thousand years of trial. At what point then is the approach of danger to be expected? I answer: If it ever reach us, it must spring from theocal citizens never want people to stay away.

We cannot help it that the security is not as it was. It is being fixed. We sympathize with the Architect of the Capitol and the police board, but we have to do something in the meantime. I have distributed a fact sheet that I hope Members will send to their own constituents in their constituent mail simply telling them what are absolutely unknown facts for most of them: that Reagan National Airport will be 77 percent up by March 1; telling them everything is open, and all the rest. If Members will find it informational; and more than that, I think Members will find their constituents will find that they are getting word from Washington that they have not gotten in a long time, not since September 11.

The fact is we have been waging it because we have never had anything like September 11; ad hoc decisions; this open, this closed, this barricade up, this one comes down, a new one goes up, it is closed, it is closed; now down. Now that is something we need to hear more about. That is part of the great wonderful axis of Washington created by L'Enfant himself. We need to know more about that, because the armor of Washington is a city where we ought to believe that if we just think a little harder.

Do not think I give short shrift to security. I live here 7 days a week, my colleagues; and 600,000 of my constituents live here. We want this place safe, and in Washington the safest city in America because this is the Nation's capitol. We know that AWACs and those F-16s are up 24-7. Our constituents do not know. My colleagues' constituents do not know, that is. They need to be told that their Members of Congress want to see them this year, the way we want to see them every year.

Honesty, I do not believe that it is beyond American ingenuity to find ways to be safe and secure and democratic at the same time. We have to try harder. Some of the things we need to do are absolutely simple. I have been having conversations with the White House and have suggested that if people left their Social Security numbers, the way they have to anyway if they want to visit someone in the White House, that the White House tours could be open. And I am grateful for the White House which has decided to open tours to school groups.

So that means we are getting somewhere just because they have begun to think harder. The White House, after a great protest from the press and others when the Christmas tree lighting ceremony closed down, decided to open it up simply by putting the same glass around the President they use during the inauguration. Some of this is not rocket science, but it does require us to think a little harder than we did before September 11.

I will have a bill that I will ask Members to cosponsor called The Open Society With Security bill, because I think we need a Presidential commission to step back and look at how we run an open society when there is global terrorism all around us. I think such a commission would help us get our bearings so that we would not be under the pressure we are under today to make decisions as we go along.

We can do much better. The White House is doing much better. The capitol tours are open. Washington is open. Only the monument, which was closed for renovations, is not open. A tour of the Pentagon can be arranged ahead of time. But our constituents do not know that.

I want Members' constituents to come visit Washington because, obviously, that helps my economy; but my colleagues want them to come for a reason which is equally important to them. We do not want a full year in which people think that this is an uninviting place and that this is not the year to come to see their Member of Congress. It is not the year to come; it is the year after September 11.

It is a year when we want to make the point that terrorists cannot close us down.

We set the example in the Nation's capital by opening ourselves up and sending the message that the whole country should be open.

HOUSE LEADERSHIP URGED TO CONSIDER ACCELERATED DEPRECIATION IN STIMULUS PACKAGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, today our Nation is at war. We are in a war against terrorism. We are working to build our homeland security, and we are also stressing an economic recession.

Our Commander in Chief, President Bush, is demonstrating strong, resolute leadership in the war against terrorism. We must not forget that the war against terrorism will last a long time, not just months, but likely years. The war against terrorism will not end in Afghanistan. The al Qaeda terrorism network has a presence in 65 nations, and tens of thousands of terrorists have gone through their death training camps.

Part of winning the war on terrorism is also getting our economy moving again. Clearly, the terrorist attack was directed at our economy. If we look back and remember 1 year ago this month, when President Bush was sworn into office on the east front in inaugural ceremonies, he inherited a weakening economy, an economy which was getting weaker and Americans were beginning to lose their jobs. He proposed a tax cut, a tax cut he said that would add $50 billion to the economy. Between that and an extra $1 trillion in the pocketbooks of America's consumers, giving them more money to spend at home for their families' needs.
That was enacted into law in June. By Labor Day, economists were telling us the tax cut was working on getting our economy moving again. Unfortunately, the tragedy of the terrorist attacks on September 11 occurred and that has cost millions of Americans their lives. It was a terrible tragedy, but also it gave a psychological blow to our economy, causing investors and consumers to step back from decisions they had made prior to September 11, and sending back from those decisions, it cost hundreds of thousands, and almost a million, Americans their jobs.

Today, over a million Americans have lost their jobs since the terrorist attacks on September 11, tens of thousands in the area that I represent in the Chicago area. To win the war against terrorism, we must get this economy moving again. We must give Americans the opportunity to go back to work.

I would note that this House, the House of Representatives, has twice, in October and in December, acted to get the economy moving again, passing a bipartisan stimulus package and sending it over to the Senate. Unfortunately, partisan politics prevented our efforts from succeeding in getting to the President’s desk and signature into law. I believe we must not give up on our efforts to revitalize this economy and give Americans the opportunity to go back to work.

During these times, some Democratic leaders have called for a tax increase. I am proud that this past week the House spoke loud and clear stating opposition overwhelmingly to a Democratic proposal to repeal the Bush tax cut. No economist says that we should raise taxes in a recession, but that is exactly what the tax increase is precisely what the economy needs to pull us out of the current recession.

Mr. Speaker, I have a letter signed by almost three dozen Members of this House, a letter circulated by myself and the gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. DOOLEY), urging our leadership to include accelerated depreciation in any package that goes to the President, and I include that for the RECORD.

WASHINGTON, DC, February 6, 2002.

HON. J. DENNIS HASTERT, Speaker of the House, The Capitol, Washington DC.

DEAR SPEAKER HASTERT: We are disappointed by the recent breakdown in negotiations in the Senate on a meaningful economic stimulus package. We firmly believe that Congress can help balance the budget and promote economic growth with efforts to help those workers who have lost their jobs due to the recession. If the Senate passes the House a bill extending unemployment benefits by 13 weeks, we would encourage you to add the one major economic growth component that is bipartisan and agreed upon by everyone, the 30% accelerated depreciation bonus for new investments. Not only is this provision bipartisan, but it is widely supported by most businesses and business groups.

The combination of a temporary unemployment compensation and the 30% bonus depreciation proposal would provide an excellent balance between providing a helping hand to workers out of work and stimulating and growing the economy. When businesses make these investments, employees are put back to work engineering, building, installing and operating the new products, thereby stimulating and growing the economy. This type of stimulus is exactly what the economy needs to pull out of the current recession.

We appreciate your consideration and look forward to working with you on this proposal.

Sincerely,

JERRY WELLER, FRED UPTON, CAL DOOLEY.
reemployed. That is an absolute necessity for many of the unemployed because if they cannot continue that plan and they have a preexisting health condition, or their child has a preexisting health condition or spouse does, that individual faces a break in employment. Break in employment means very likely that condition will not be covered when reemployed. That is why the COBRA benefit is so terribly important. Yet for those 2 million people, Congress has done nothing.

The tax credit that the President offers does not solve that problem for hundreds of thousands of families that are in that situation. Or for those people whose spouses may have had a bout with cancer, or whose children who may have a childhood illness, that would not be covered.

Yet Congress insists it is going to take leave of this town, go home for 13 or 14 days, and work something out to address the needs of these families. We must understand that these families are in dire financial straits. In dire financial straits, they are either adding up their debt because they are living off unemployment benefits, or they have other debt that are available to them, they are borrowing from family members, or they are incurring their retirement funds. Why in America should a working family that finds itself unemployed through no fault of their own, because of a terrorist activity or because of a downturn in the economy, they shoved up and went to work every day, why should they lose all of their assets before we help them with health care or extend them some benefits?

Mr. Speaker, we ought to extend the 13 weeks immediately. If there is a break, and a worker has been working in the hospitality industry, even low-pay ing industries, 12 weeks, 14 weeks, 14 weeks without a check is a devastating event. Maybe Members of Congress cannot understand that, but when Members go home for the district work period, Members need to talk to these people. Then Members will begin to understand the desperate straits that millions of Americans find themselves in because of this Congress’s failure to extend the unemployment benefits.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to speak on campaign finance reform, legislation once again before this Chamber. I, like most of my colleagues, support some type of campaign finance reform. I know that reasonable and balanced reforms to our current campaign finance system is necessary. Unfortunately, the Democrat bill, the Shays-Meehan bill, does not strengthen or improve our campaign finance system as well as I think the Ney-Wynn bill does, which is a Republican alternative.

In fact, I think the Democrat bill does more to harm than help both the political process and the Constitution by hurting the ability of political parties to increase citizen involvement and participation, unconstitutionally limiting the ability to campaign, to buy and sell political power. For this reason, I applaud the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. WYNN) in their bipartisan bill for their efforts at sensible reform for our current system.

Proponents of the Shays-Meehan bill, which is support by the minority leader, the gentleman from Missouri (Mr. GEPHARDT), claim their legislation puts an end to soft money. That is false. None of the proposals before this body ban a complete ban of soft money. Even the most cursory of glances indicates there is no soft money ban in the Shays-Meehan campaign finance legislation.

In reality, this bill bans the national parties from raising or spending soft money, but it does nothing to prevent unions, corporations, and other special interests from spending as much soft money as they want on election activity. As a result, corporations or unions are allowed to solicit millions of dollars to each State and local party committee. With over 3,000 counties in the United States, this means corporations and unions will still be permitted to inject millions of dollars of soft money into the political process. As such, the soft money debate amounts to nothing more than a shell game with dollars being shuffled and moved from one part of the table to another, and the American people losing out.

Furthermore, the Democrat plan does not ban soft money advocacy. It only bans it on the eve of an election. Through such rulings as Buckley v. Valeo in 1976 and other cases, the Supreme Court has declared that the government may not regulate political campaign comments “to promote a candidate and his views.” Since the 1976 Buckley v. Valeo decision, strong majorities of Americans support some type of campaign finance reform. As such, I urge all of my colleagues to support the Ney-Wynn bill.

WHY COMMUNITY SERVICE IS IMPORTANT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I wanted to make some comments today on an essay topic that I ask seniors to write to apply for what I have called the LeGrand Smith Scholarship. It is named after my dad. I simply take all of the pay increases that I have had since I first ran in the Michigan Senate back in 1983; I have put these pay increases into an irrevocable trust for scholarships for graduating seniors. It is designed to reward and acknowledge those individuals in high school that are not only academically capable but also are willing to contribute to others that may find themselves in leadership positions in high school. Part of that decision in scoring of the committee that decides who the winners are is
grading an essay on an essay topic. The committee was just trying to decide, and we had it narrowed down to two topics, why patriotism is important in America or why helping others and working in some community service or national service is important. We decided on the latter. Part of it was maybe because the President in his State of the Union address suggested that we have a Freedom Corps where every individual in America during their lifetime contribute 2 years of community or national service.

I would like to suggest, Mr. Speaker, that a lot of individuals could gain significantly by serving in a community and national service program. I would envision the possibility of taking every senior when they graduate from high school and say that here is an opportunity for you to go maybe in 6 weeks of basic training and then serve in community service. In 1990 we passed a bill in Congress signed by the President, the community and national service legislation, that lays out 20 or 30 different types of community and national service. I envision a system where you could expand that to serve in your local communities, in your local schools, certainly there is a tremendous need now for individuals for service at the national level in many aspects. A national service bill for high school students would have maybe the same kind of 6 weeks of basic training that many of us had in earlier years in boot camp.

When I went into the Air Force, into boot camp, I thought I had a lot of discipline, self-discipline. As it turned out, getting up at 5 o'clock in the morning and going out and doing aggressive exercises and then making a very neat bed and keeping your clothes clean and your shoes shined, plus the patriotism that we learned was valuable. The patriotism, the discipline, self-discipline that we learned in association with individuals from all kinds of backgrounds, that the individual that had a different religious faith, that the individual that was yellow, black, tan or a different color ended up being just as qualified in their intelligence, just as qualified in their leadership ability and just as nice of people as anyone else. It gave us a new perspective and also at the same time I think opened new vistas of opportunities and the feeling of responsibility to help others when they need help.

The President suggested a national service program, I wonder how many of us will respond. I think the response should be very aggressive. But I also think it should be a responsibility that every graduating high school senior come into some kind of a program where they would go through 6 weeks of kind of basic training and another four months of serving others. And maybe with what happened September 11, it is especially important. Mr. Speaker, in combination with patriotism, I think community and national service is a responsibility of all Americans. I encourage all to participate.

WHY COMMUNITY SERVICE IS IMPORTANT

The SPEAKER pro tempore, pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I wanted to make some comments today on how everybody in America should consider doing a little more to help others. Helping others in your neighborhood or contributing service, either at the community or national level should be considered an obligation.

I was this past week deciding on the essay topic that I ask seniors to write, as part of their application to apply for what I have called the LeGrand Smith Scholarship. It is named after my dad. I simply take all of the pay increases that I have had since I first ran in the Michigan Senate back in 1983 and put those funds into Lane Scholarships for graduating seniors. It is designed to reward and acknowledge those individuals in high school that are not only academically capable but also are willing to contribute to others in community service or in leadership positions in high school. Part of the scoring of the committee that decides winners, is the grading of an essay. The committee was deciding the essay topic and had it narrowed down to two topics; why patriotism is important in America or why helping others and working in some community service or national service is important. We decided on the latter. The President in his State of the Union address suggested that we have a Freedom Corps where every individual in America during their lifetime contribute 2 years of community or national service.

I would like to suggest, Mr. Speaker, that a lot of individuals could gain significantly by serving in a community and national service program. I would envision the possibility of taking every high school senior when they graduate from high school to go into a community and national service program, this would be an opportunity for young people to go through maybe 6 weeks of basic training and then serve in national or community service. In 1990 we passed a bill in Congress signed by the President, the community and national service legislation that establishes 20 plus different types of community and national service. I envision a system where you could expand that to serve in your local communities, in local hospitals, with senior groups or many other areas of need. Certainly there is a tremendous need not only for individuals to serve at the national level in many aspects. A national service bill for high school students would have maybe the same kind of 6 weeks of basic training that many of us had in earlier years in boot camp where you learn discipline, respect for yourself and others as well as patriotism.

When I went into the Air Force, into boot camp, I thought I had a lot of discipline, self-discipline. As it turned out, getting up at 5 o'clock in the morning and going out and doing aggressive exercises and then making a very neat bed and keeping your clothes pressed and your shoes shined as well as education about defending our country plus the patriotism that we learned was valuable.

But one thing that all of us that served in that basic training also learned in associating with individuals from all kinds of backgrounds, was respect for others. We learned that individuals that had different religious faiths, individuals that were yellow, black, tan, white or whatever ended up being just as qualified in their intelligence, just as qualified in their leadership ability and just as nice of people as anyone else. It gave us a new perspective and also at the same time I think opened new vistas of opportunities and the feeling of responsibility to help others when they need help.

When the President suggested a national service program, I wonder how many of us will respond. I think the response should be very aggressive. But I also think it should be a responsibility that every graduating high school senior come into some kind of a program where they would go through 6 weeks of kind of basic training and another four months of serving others. And maybe with what happened September 11, it is especially important.

Mr. Speaker, in combination with patriotism, I think community and national service is a responsibility of all Americans. I encourage all to participate.
MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

PROPOSED CAMPAIGN FINANCE REFORM IS FLAWED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, later this week the House is going to vote on a bill that claims to reform our campaign finance laws.

Is there too much money in politics? Yes. No one knows that better than the candidates who have to raise it. But the Shays-Meehan bill uses a chain saw where we need a scalpel. This bill goes way beyond regulating the way we contribute to candidates.

The Supreme Court ruled long ago that political donations are constitutionally protected speech. But even if that were not true, surely talking about our elected officials is protected by the first amendment.

But Shays-Meehan supporters are not talking about the provisions in this bill that limit free speech, but those provisions are there. This bill would make it a crime for any citizens group, other than a political action committee, to talk about the President's nominees to FERC and his subsequent chairmanship of the Commission. It is apparent that Pat Wood's ability to fairly and neutrally oversee the country's energy policies has been irrevocably compromised.

These are just some of the facts surrounding Pat Wood's appointment to FERC. One, Ken Lay interviewed all potential nominees to FERC and presented the President's personnel director with a list of top choices; two, on that list were two of the present Commissioners, Pat Wood, III, and Ms. Nora Brownell; three, a "litmus test" was presented to potential Commissioners where during the interviews when in the nominees were made aware that they must either promote Enron's interests or not receive the appointment, and this is outrageous; and, four, Pat Wood, III, was Kenneth Lay's choice to replace Curtis Hebert.

This is just the beginning and one of the reasons why we need campaign finance reform. These are the facts, not fiction.

REFORM CAMPAIGN FINANCE LAWS

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Madam Speaker, 218 signatures. Two hundred eighteen signatures. That is what it took to finally force the Republican leadership to bring campaign finance reform to the floor of this body.

In America we have a substantial number of people who do not vote in elections, who do not participate in elections. Why? Because of the influence of big money.

Should we base it on the richness of message, rather than the richness of someone's pocketbook? In other countries, many countries of the world, they vote more, they participate more. But we have all this soft money, and you cannot track that soft money. That is the difficulty and the problem that so many people are having, because it ends up in all these political campaigns all over the country, but you cannot trace it.

We have an opportunity this week, knowing that we have not even had the opportunity to reform since the 1970s, but we have an opportunity this week to bring about campaign finance reform. They have already passed it in the United States Senate. We can do the same thing in the United States House of Representatives, and we can do it by saying to all concerned that we want to give everyone an opportunity to participate in the electoral process, no matter who you are or where you live.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY AS PART OF COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF HOLOCAUST

Mr. NEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 325) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read as follows:

H. CON. RES. 325

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on April 9, 2002, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise here today for consideration of House Concurrent Resolution 325, which permits the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the Days of Remembrance of the victims of the Holocaust. The United States Memorial Council was charged with providing appropriate ways for the Nation to commemorate the Days of Remembrance as an annual national civic commemoration of the Holocaust. As a result of this legislation, the first ceremony in remembrance was held in the rotunda in 1979, and it has been held every year since that time, except for periods when the rotunda was closed for renovations.
This resolution will provide for this year’s national ceremony to be held April 9, 2002, in the rotunda of the Capitol. The purpose of the Days of Remembrance is to ask citizens to reflect on the Holocaust, to remember the victims and to strengthen our sense of democracy and human rights. Very frankly, it is more appropriate perhaps than most years, post-September 11, to remember the atrocities that have been committed against innocent people for reasons of their nationality, their ideology, their place of birth, their place of residence. It is appropriate, Madam Speaker, that we use the rotunda, which has been the location of so many historic events, to again draw attention to one of the greatest tragedies in human history. It reminds us that such events may happen again. Very frankly, Madam Speaker, it reminds us that, inevitably, perhaps not on the scale, but that they will recur, as they did in New York.

Each year the ceremony has a theme geared to specific events which occurred during the Holocaust. This year’s theme for the observance is Memories of Courage, to honor communities and individuals who resisted Nazis and ethnic religious genocide by they defended Roma, homosexuals, and, yes, others who were perceived to be different than they.

Such resistance was practiced all across Europe. In Poland, Oskar Schindler, memorialized in the great Spielberg movie, Schindler’s List, was the subject of the Oscar-winning movie and related how he used jobs in his company as a way to protect a large number of Jews, one of literally thousands of individuals who displayed courage to save others.

In Warsaw, Jews revolted in April and May of 1943, fighting street to street, hand to hand, building to building, in one the most dramatic examples of unexpected public resistance to terror and genocide. It was not only Jews who resisted, of course. For example, in Denmark, in October of 1943, a German diplomat courageously alerted Danish authorities to the impending deportation order sending the occupied country’s Jewish population into the camps. The Danes did not sit idly by. In fact, local fishermen, local citizens, banded together to make sure that almost every Jew got to a boat and was ferried to Sweden.

In fact, Denmark, with a population of over 5,000 Jews, perhaps as many as 7,000, lost only 50 Jews in the Holocaust. In fact, Denmark is the only nation, and Yad Vashem, that memorial in Israel that has a tree planted, all the other trees are planted for individuals like Oskar Schindler. History, Madam Speaker, is replete with the example of individuals who stood up before the world and said, look, this is evil and we will fight it.

It is appropriate, Madam Speaker, it reminds us that, inevitably, perhaps not on the scale, but that they will recur, as they did in New York.

While the Days of Remembrance commemorates historical events of the days of the 1930s and 1940s in Europe, the issues raised, as I have said, by the Holocaust remain fresh in our memories as we survey the political scene in the world today. The nature of war, the identification of an enemy, what remains is the terror, the cruelty, the madness and, yes, the evil of it. It is especially timely now to encourage public reflections on the fate of Holocaust victims and to remember that the same lesson that as there still is now, evil in the world.

The ceremony we are authorizing today reminds us that individuals as well as nations can be vigilant and can strike a blow to preserve the values on which human civilization rests. I urge passage of this concurrent resolution. I expect it, of course, to pass unanimously. But simply passing it unanimously will not be enough. It will be a time for us to re dedicate ourselves as Oskar Schindler did, as the Danes did, as so many others did, to the defense of liberty, the preservation of freedom, and the protection of each and every individual with whom we live on this globe to the extent of our abilities.

Madam Speaker, I reserve the balance of my time.

Mr.NEY. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR asked and was given permission to revise and extend his remarks.

Mr. CANTOR. Madam Speaker, I rise today to express my support for House Resolution 325, permitting the use of the rotunda of the U.S. Capitol to commemorate the Days of Remembrance of victims of the Holocaust. The use of the rotunda for this occasion is a testament to the lessons taught by the death and suffering of the victims of the Holocaust. I am proud to stand here as a Member of the United States Congress as we recognize these important lessons.

In light of recent events on September 11, now more than ever it is important to remember this dark chapter of human history. It serves to remind us of what can happen when the fundamental tenets of democracy are discarded by dictatorial regimes and individuals are allowed to focus on killing innocent men, women, and children.

While we in the United States, the birthplace of Thomas Jefferson and Martin Luther King, enjoy a great deal of freedom, we must not take these freedoms for granted. We must not forget that genocide and human rights abuses continue to occur around the world. We must not remain silent when such atrocities occur, and we must dedicate ourselves to continue to educate people around the globe about the memories of the Holocaust. We must be forever mindful of the danger of such intolerance and ensure that it never happens again.
of the many brave men and women who risked their lives to rescue and shelter Jewish refugees fleeing the Nazi reign of terror. The inci-
dence is a symbol of the de-
struction and remembrance.

Only when every person understands the magnitude of the death, destro-
yion, and utter horrors of the Holo-
caust can we feel that we have begun to
prevent its recurrence. Therefore, Madam Speaker, as we remember the horrors of this dark chapter in human history and remain dedicated to increasing awareness of the lessons taught by the Holocaust, I am pleased to be here in support of this resolution, permitting the use of the capitol rotunda on this most solemn occasion.

Mr. HOYER. Madam Speaker, I yield myself such time as I may consume.

The reason, of course, it is important to remember is so that we do not re-
peat the mistakes of the past. We human beings are inclined to do that.
Some 60 years have passed since the Holocaust and it perhaps fades in our immediate memory. But cere-
monies like this are critically impor-
tant to remind us that we need to be vigilant.

The gentleman from Virginia cor-
rectly observed that the rotunda is an appropriate place to have this cere-
mony. There probably is no place in the world seen as a symbol of the de-
fense of freedom more than the ro-
tunda. So I am pleased, along with the gentleman from Virginia (Mr. CANTOR) and the gentleman from Ohio (Mr. NEY), the chairman of our committee, whose leadership on these types of issues has been always present and al-
ways effective, I am pleased to join them in support of this resolution.

Mr. GILMAN. Madam Speaker, I rise in sup-
port of H. Con. Res. 325 and commend the gentleman (Mr. NEY) for bringing this important measure to the floor at this time.

When we talk of the Holocaust we speak of something unprecedented in human history; an abominable atrocity, distinct from any other. The mass murder that was inflicted upon the Jews and a variety of ethnic commu-
nities, political groups and unarmed military personnel, must be viewed both as crimes against humanity and acts of genocide and should be treated as such.

Let us also remember the compassion of the many brave men and women who risked their lives to rescue and shelter Jewish refugees fleeing the Nazi reign of terror. The inci-
dents of countless non-Jews who risked their lives to protect people of another faith were a real as the Nazi death camps themselves. Yet, until recently, it was easy in the United States to forget the devastation of the Second World War, as this country was spared from the horrors of both the bombing and its bomb’s “atomic” to the allied Jewish “Jewish Question.” Today we are faced with those who wish to use terror as a “final solution,” and we must remember the steadfastness and compassion of those who vowed not to give in to the terror that the Nazis inflicted on the civilized world.

Accordingly, I am pleased to support H. Con. Res. 325, authorizing the rotunda of the Capitol to be used on April 9, 2002, for a cer-
emony as part of the commemoration of the days of remembrance and the victims of the Holo
caut. I urge my colleagues to wholeheartedly support this resolution, so that we may never forget the innocent victims of the Holocaust.

Mr. HOYER. Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the mo-
tion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 325.

The question was taken; and (two-
-thirds having voted in favor thereof) the rules were suspended and the con-
current resolution was agreed to.

Mr. DAVIS of Illinois. Madam Speak-
er, I reserve myself such time as I may consume.

The SPEAKER pro tempore. Is there objec-
tion to the request of the gentle-
man from Ohio?

There was no objection.

TOM BLILEY POST OFFICE
BUILDING

Mr. PUTNAM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1748) to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Rich-
mond, Virginia, as the “Tom Bliley Post Office Building”.

The Clerk read as follows:

GENERAL Leave of Absence

Mr. PUTNAM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-
marks on H.R. 1748.

The SPEAKER pro tempore. Is there objection to the request of the gentle-
man from Florida?

There was no objection.

Be it enacted by the Senate and House of Repre-
sentatives of the United States of America in Con-
gress assembled,

SECTION 1. TOM BLILEY POST OFFICE
BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, shall be known and designated as the “Tom Bliley Post Office Building”.

(b) APPROPRIATIONS.—There is hereby reference in a law, map, regulation, document, paper, or other record of the United States to the facility re-
ferred to in subsection (a) which shall be deemed to be a reference to the Tom Bliley Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentle-
man from Illinois (Mr. DAVIS) each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Madam Speaker, I ask unanimous consent that all Members
Mr. PUTNAM. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. CANTOR), the sponsor of this bill.

Mr. CANTOR. Madam Speaker, it is an honor to speak today in favor of legislation related to renaming the post office building in Richmond, Virginia, after my predecessor, Representative Tom Bliley. Tom Bliley served in this body for 20 years before he retired at the end of the 106th Congress. He served in the capacity of a valued member of the Republican Conference and as chairman of the prestigious House Committee on Commerce for 6 years.

He was also a man who knew how to keep priorities in life. To those who knew Tom Bliley, they know his faith, family, Georgetown basketball, and tennis are important to him.

After graduating from Georgetown University, he entered the Navy as an officer and joined the family funeral home business after his naval service. Bliley ran for Richmond City Council in 1968 and won. Two years later, in 1970, he won a 2-year term as mayor of Richmond, a 2-year term that lasted for 7 years.

After 1977, he left the mayor's office and commenced private life. In 1980, Tom Bliley was elected to Congress on the same day as Ronald Reagan. He secured his seat on the House Committee on Energy and Commerce, and immediately began working to return power to the consumer, reduction of bureaucratic waste and regulation. His biggest local accomplishment was securing Federal funding of the Richmond floodwall. He worked with Members of both sides of the aisle to achieve this important funding for the City of Richmond. The floodwall helped revitalize the downtown economy and is a lasting legacy to Tom Bliley's ability to work with various Members with different political views to accomplish a goal for the good of the people.

Tom Bliley worked hard to advance many initiatives and was elevated to the chairmanship of the prestigious House Committee on Commerce in 1994. It was during this time he achieved his greatest accomplishments. He was able to find common ground with his colleagues to enact telecommunications reform, safe drinking water and food safety legislation, FDA reform, securities tort reform, and the Gramm-Leach-Bliley Financial Services modernization act.

However, his biggest accomplishment in Congress was the Telecommunications Act of 1996 because it is the Interstate Highway Act of the Digital Age. As the author of the Telecommunications Act of 1996, he spearheaded historic legislation knocking down regulatory barriers to competition in the communications industry—bringing greater choice, lower prices and new innovative technologies to consumers. It will go down in history as one of the most important bills of the 20th century. It is the vehicle that fueled the technology revolution that is changing the way we live and work in the new century. It is not just about copper wires and telephone companies. It is about e-mail, wireless phones, satellite television, and lower local phone bills.

As a result of the Telecommunications Act, consumers now have a choice in their local phone company. Thanks to increased telephone competition, there are new local phone operators in all 50 states. Consumers have access to new, innovative technologies. Consumers can now choose the type of service they would like—voice, video, and high-speed Internet access. Consumers can now purchase a variety of wireless phones at affordable prices.

The Virginia gentlemen served with distinction but I would be remiss not to talk about his wonderful wife, Mary Virginia, his two children, and four grandchildren. He reserved Sunday for family time and always turned down interview requests on Sunday because that is when he
took his wife to Mass. His commitment to setting aside time on the weekends for his family gave him peace and solitude away from the nation’s business in Washington, D.C.

As an adoptive father, Tom co-founded the Congressional Coalition on Adoption and sponsored over a dozen different adoption bills. Most notably, he secured passage into law the Adoption Awareness Act and was the author of the Hope for Children Act to increase the adoption tax credit to $10,000. I am very pleased to say that my friend, Jim DeMint, reintroduced the Hope for Children Act that year and it was signed into law by President Bush. Tom truly stood up for children without voices and his leadership on adoption issues is missed by a grateful nation.

I urge my colleagues to support this legislation.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Madam Speaker, I rise today in honor of our former congressional colleague and former Virginian, Tom Billey, for his many years of public service to Virginia and to the Nation. I am, therefore, joined by my other Virginia colleagues in cosponsoring this bill to name a post office in Richmond, Virginia, in his honor.

Tom Billey dedicated over 32 years of public service, and 20 of those years have been as a Member of Congress representing the Seventh Congressional District of Virginia, serving in the Congress for two decades. Tom and I both represented parts of Richmond, Virginia, for 8 years, and I was fortunate to be able to work with him on many issues important to the capital of the Commonwealth and, indeed, the Nation.

He was instrumental in ensuring the resources of the James River were efficiently utilized for commerce and recreation. The Wolf Willow mention by my colleague from Virginia was part of that effort. He and I worked together to see that the James River and Kanawha Canal riverfront project became a reality. This project restored a portion of the historic canal through the city of Richmond, which is a major hub for revitalization of the historic riverfront. He even sponsored legislation to ensure that the Army Corps of Engineers maintained the James River as a navigable waterway so the commerce and trade of enterprises would not be compromised.

I am particularly grateful for his work on the Richmond National Battlefield Park legislation which included recognition of the Battle of New Market Heights as a premier landmark in African American military history. With his many accomplishments Tom worked across party lines and with his colleagues to build the kind of leadership which raises the voices in interest to the Seventh Congressional District. It is a fitting tribute to his career of public service to honor him with the naming of this post office in Richmond, Virginia.

Madam Speaker, I therefore urge my colleagues to support this legislation.

Mr. PUTNAM. Madam Speaker, I yield 3 minutes to the distinguished and learned gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, I thank the gentleman from Florida (Mr. PUTNAM) for his generous introduction. I appreciate that.

Madam Speaker, we serve here in the people’s House with dozens of people who represent constituents. Some Congressmen stand out as particularly prominent. Tom Billey is one of these. My staff always referred to him as the Virginia gentleman. He is indeed the Virginia gentleman, bow tie and all.

When grading or rating elected officials, Madam Speaker, certain qualifications surface; integrity, accessibleness, willingness to work, among others. Tom Billey passes these tests with flying colors.

I have spent a good amount of time in their Richmond, Virginia, home, and I came to know Mary Virginia, his wife, well. She has offered him continuous and consistent support during his time in public life.

I have observed Tom Billey responding to his constituents, expressing care, concern, sensitivity as he went about helping them resolve their various problems. He served that beautiful historic city on the banks of the James River as its mayor, as has been previously stated, prior to his being elected to serve in the people’s House where he served for two decades.

Madam Speaker, I am pleased, indeed, to heartily endorse the proposal to have the post office which serves the to have the post office which serves the West Hampton area in Richmond as the Tom Billey Post Office, the inimitable Virginia gentleman.

Mr. DAVIS of Illinois. Madam Speaker, I yield 2 minutes to the gentleman from the Commonwealth of Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to pay tribute to my friend and former colleague from Virginia’s Seventh Congressional District, Tom Billey, and also to support H.R. 1748, to designate the U.S. Post Office on Glen Burnie Road in Richmond, Virginia, in the chairman’s honor. This represents an important way of saluting his service to the Commonwealth and to the country.

Mr. Billey served as chairman to the House Committee on Energy and Commerce for three terms ending in 2000. He has also served on more Senior Members, and his agenda during those 6 years was quite simply to promote commerce.

As chairman, Mr. Billey was a pragmatist, willing to broker deals behind doors with ideological friends and foes alike. As a result, the committee became one of the most constructive in Congress, promoting free and fair markets, standing for consumer choice and common-sense safeguards for our health and our environment, and keeping a watchful eye on the Federal bureaucracy.

The pleasant, softspoken mortician, once dubbed in a magazine’s cover story as the most influential funeral director on Earth, started his political career in 1968 when civil leaders sought him to run for the Richmond City Council. He served the city for almost a decade, not only as mayor, but also as vice mayor, and then becoming mayor until 1977 when he retired to devote more time to his funeral home business. However, the chairman was not out of politics for long. He enthusiastically reentered when Democrat David Satterfield announced his retirement from Congress in 1980.

Since his first election to Congress, the chairman was recognized by many organizations for his work. He served in various roles with the NATO Parliamentary Assembly. From November of 1994 to October of 1998, he was chairman of its economic committee, and in November 1998, he became one of four Vice Presidents, and with the resignation of his President in 2000 of May, the chairman became acting President.

His commitment to balancing the Federal budget earned him the National Watchdog of the Treasury’s ”Most Valuable Bulldog” award for the year since 1981. He was named a Guardian of Small Business by the NFIB. He has been called the most influential Virginian since Harry Byrd, and the National Journal cited him as Mr. Smooth.

Madam Speaker, I join with my fellow Virginia colleagues in honoring Tom Billey, thanking the chairman for his service to our Commonwealth and to the Nation. He has been a friend and mentor to me and many others. His presence in this Chamber has been missed, and I urge passage of this bill.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is clear that the gentleman from Mississippi, Mr. Billey, whom we honor today, has earned the respect of his colleagues on both sides of the aisle and is highly deserving of this honor. Therefore, Madam Speaker, I urge adoption of this measure.

Mr. FORBES. Madam Speaker, as an original cosponsor of this legislation, I wanted to...
Offer my strong support for this bill and to express my admiration for Congressman Tom Bliley and his distinguished career.

Even before his election to Congress in 1980, Congressman Bliley had already accomplished what many would consider a lifetime of service to his country. He was born south of the James River in Westover Hills. After graduating from Georgetown University, Tom Bliley joined the Navy as an officer where he rose to the rank of lieutenant. Between 1970 and 1977 Congressman Bliley served as Mayor of Richmond, a position that was his steady hand and wisdom that were credited for guiding the city through some of its most turbulent times.

Many of us here in Congress came to know Congressman Bliley during his twenty years of service in the House of Representatives. Congressman Bliley retired at the end of the 106th Congress as the distinguished Chairman of the House Commerce Committee. While I did not have the honor of serving with Tom Bliley in Congress, I did have the opportunity to work closely with Congressman Bliley on many motions during my time in the 99th General Assembly and have always admired his demeanor and dedication to making Virginia and America a better place.

We often see in politics today elected officials who vote for their constituents and serve themselves rather than their constituents. We often see politicians that cannot resist the temptation to engage in destructive politics. After all, we are all human. However, during his time in Congress Tom Bliley never forgot the people who sent him to Washington and why they sent him in the first place. During every minute of his time in Congress Tom Bliley always had the respect and admiration of his colleagues.

Few can make such a claim.

Madam Speaker, I hope the soon to be Tom Bliley Post Office Building will serve as bold tribute to a distinguished Virginian and a noble statesman.

Mr. SCHROCK. Madam Speaker, it is my pleasure to rise today in support of H.R. 1748, which will honor our good friend, Congressman Tom Bliley. For over thirty years, Tom served the people of Richmond and the people of the Commonwealth of Virginia.

As a Vice Mayor and Mayor of Richmond and a long-time representative of Virginia’s Third and Seventh Districts, Tom worked to bring opposing sides together on issues of contention. As Chairman of the House Committee on Commerce, Chairman Bliley brought together lawmakers with very differing views to find consensus on some of the most important laws regulating telecommunications, capital markets, energy, and healthcare. At the same time, Tom stuck to his guns and remained a staunch conservative.

Tom took the helm of the Commerce Committee when we were beginning to see the first splinters of the Internet grow exponentially and the telecommunications industry made many important developments. Chairman Bliley avoided knee-jerk regulation of these new industries, allowing them to grow and flourish.

In addition to serving as a powerful committee chairman, Tom was an ardent advocate for his constituents, making no apologies for working to gain federal support for important projects in his district. From the floodwall industries along the James River in Richmond to renovation of Main Street Station, Tom looked after his district very closely.

Perhaps Tom’s most valuable achievements in Congress were in the area of adoption advocacy and legislation. The adoption tax credit legislation that he shepherded became known as the Tom Bliley Adoption Tax Credit and I am pleased that Congress was able to include expansion of the tax credit in the tax relief legislation passed last year.

Though he has retired from Congress, Tom has not ended his service to the Commonwealth of Virginia. He now sits on the Board of Visitors of the University of Virginia and affiliated schools, working to improve higher education and expand educational opportunities in Virginia.

I am pleased to be a co-sponsor of H.R. 1748, which will recognize Chairman Bliley for his service to Virginia and his country. His record of distinguished service demonstrates to us all his commitment to the values and principles of freedom and public service. The Tom Bliley Post Office Building will be a testament to his service and dedication, and I urge passage of this legislation.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 1748, a bill to designate the United States Postal Service building located at 805 Glen Burnie Road in Richmond, Virginia, as the “Tom Bliley Post Office Building.” Before his departure from the House of Representatives at the conclusion of the 106th Congress, Tom Bliley and I had served together for two decades on the House Committee on Energy and Commerce. As Chairman of the Committee on Commerce during the 104th, and 106th Congresses, Tom worked to address difficult topics across the vast range of the Committee’s jurisdiction.

Tom reached out in a bipartisan manner to move important legislation through the Committee, including the Telecommunications Act of 1996, the Safe Drinking Water Act Amendments of 1996, the State Children’s Health Insurance Program, the Food and Drug Administration Modernization Act of 1997, and Digital Signatures legislation. I note that this bipartisanship on the Committee came during a time of intense partisanship in the House.

When we were adversaries, Tom remained a gentleman and a friend. I value his friendship and thank him for his commitment to his constituents and to the Committee.

I congratulate Tom on his two decades of worthy service to his constituents, the Committee, and the House of Representatives, and can think of no more fitting way to honor him and his fine public service than by dedicating this U.S. Post Office building in his honor.

Mr. WOLF. Madam Speaker, it is a privilege to rise today and join fellow members of the Virginia delegation and other colleagues in support of H.R. 1748, to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the “Tom Bliley Post Office Building,” and to pay tribute to our Virginia colleague who retired from this House at the end of the 106th Congress.

Tom Bliley is a true Virginia gentleman who epitomizes the highest ideals of public service. He came to Congress with me in 1981. It was an honor to serve side by side with him for 20 years. Tom was a perfect match for Virginia’s 7th District which includes the city of Richmond, as this is a district replete with a tradition of true statesmen.

Tom left the Congress, having served as chairman of the Commerce Committee, a responsibility he took seriously and performed with incredible legislative skill and expertise. He showed an amazing ability to deal with such complex issues as the electric utility grid and Medicaid formulas to home medical services and drug discounts for veterans.

Tom had a diverse political career before even making his way to Capitol Hill. He was first elected to the Richmond Council as a conservative Democrat in 1968, then as mayor of Richmond from 1970–77, and eventually to the House of Representatives—this time as a Republican. His unique background enabled him to work to achieve bipartisan results while never losing sight of the issues which were important to his district and his constituents.

It is a fitting tribute that a postal facility in his hometown of Richmond will bear his name and will honor his years of service to the Commonwealth of Virginia and to the nation.

Mr. MORAN of Virginia. Madam Speaker, I rise in support of this effort to honor my friend Tom Bliley.

Tom Bliley was first elected to this body in 1980, and after a successful career as a businessman and serving on the City Council and later as Mayor of Richmond. Throughout his service in Congress, Tom Bliley was a strong advocate of fiscal responsibility, the free market and consumer choice. As Chairman of the House Commerce Committee for three terms, he steered some of the most significant legislation through Congress in recent years.

Chairman Bliley also served as the dean of the Virginia delegation and, true to this role, he was a leader to all of our Members. We all enjoyed his friendship, and great sense of humor. Tom fought hard to represent the interests of his congressional district, constantly attending to the needs in his local community. Virginia has benefited enormously from Congressman Bliley’s lifetime of public service. A master in the art of bipartisan compromise, Tom Bliley embodied the principles of leadership, and legislative vision.

Tom Bliley is an example to all of us. Honoring his tenure in the House of Representatives by designating the Tom Bliley Post Office Building is a fitting farewell.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and pass the bill, H.R. 1748.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BOB DAVIS POST OFFICE BUILDING

Mr. PUTNAM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2577) to designate the facility of the United States Postal Service located at 310 South State Street in St.
Mr. PUTNAM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to review and consider the remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2577, introduced by our distinguished colleague, the gentleman from Michigan (Mr. STUPAK), designates the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the Bob Davis Post Office Building. Members of the entire House delegation from the State of Michigan are cosponsors of this legislation.

Madam Speaker, Bob Davis served in the House of Representatives for 14 years, from 1979 to 1993. He was a member of the Subcommittees on Armed Services and was also ranking member of the Committee on Merchant Marine and Fisheries.

Among his final acts was sponsorship of the law that created the Calumet Historic Park on Michigan’s Keweenaw Peninsula. Madam Speaker, I urge adoption of H.R. 2577.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleagues in consideration of H.R. 2577, legislation that covered a few other topics. As a former Representative Robert W. Davis of Michigan, H.R. 2577, introduced by the gentleman from Michigan (Mr. STUPAK) on July 19, 2001. This legislation has met the committee requirement and is supported and cosponsored by the entire Michigan delegation.

Former Representative Bob Davis began his political career in local and State politics. He served on the St. Ignace City Council and in the Michigan house and senate. Elected to Congress in 1978, Bob Davis represented the 11th Congressional District and served until the end of the 102nd Congress. A member of House Committee on Armed Services and the Committee on Merchant Marine and Fisheries, former Representative Bob Davis worked hard to promote funding for the Coast Guard and to assist local businesses to secure Federal contracts.

He was an outstanding Representative, always looking after the needs of his constituents.

Madam Speaker, I reserve the balance of my time.

Mr. PUTNAM. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Madam Speaker, I appreciate the gentleman from Florida (Mr. PUTNAM) for yielding me time; and I appreciate the gentleman from Michigan (Mr. STUPAK) for introducing this legislation.

I think the achievements of Bob Davis have been covered and will be covered by the colleagues of mine from the Michigan delegation, but one thing I would like to say is that I was a personal friend of Bob Davis while he was a Member of the House. We participated in sports activities as well as co-sponsored legislation here on the floor of the House. There was no finer Representative from the State of Michigan than Bob Davis.

He was an outstanding Member. He really cared about his constituents, and he worked very, very hard. He continues to work hard here in Washington, D.C., advising Members of Congress about legislation that he has an interest in.

So if Bob Davis is watching, we are glad to do this for you. We are very happy to name this post office after you. I hope all the people of his district appreciate the work you have put forth on their behalf.

Bob Davis was born in Marquette, Michigan. He graduated from high school in St. Ignace, Michigan.

He attended Northern Michigan University and Hillsdale College, and graduated from Wayne State University in 1954 with a degree in Mortuary Science.

After working as a mortician and funeral director in St. Ignace, Bob was elected to the City Council in 1964 and to the Michigan House of Representatives in 1966.

Bob served in the Michigan House of Representatives from 1966 until 1970, when he was elected to the Michigan Senate. He served in the Michigan Senate until 1978. He was Senate Republican Leader from 1974 until 1978.

Bob was first elected to the United States House of Representatives in 1978. He was elected to six more terms before retiring in 1992.

Bob served on the Merchant Marine and Fisheries Committee and the Armed Services Committee. He was a tireless advocate for his district's interests, and a great supporter of the United States Coast Guard.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Madam Speaker, I am pleased to offer H.R. 2577, to designate the facility of the United States Postal Office located at 310 South State Street in St. Ignace, Michigan, as the Bob Davis Post Office.

Nearly 30 years of public service is a record that Bob Davis has compiled to the people of northern Michigan, and I think that years of service deserves recognition. The designation of this post office will be a fitting tribute to a person who worked to improve the quality of life for the people not only of northern Michigan, but all of Michigan.

Mr. Davis started out as a funeral director, much like Mr. Bilby who we just honored a few minutes ago, who was the head of the Davis Funeral Home in St. Ignace. After that, he got involved in local politics and became councilman on the St. Ignace City Council from 1964 to 1966.

Bob Davis was devoted to the St. Ignace community, as we have heard, by serving as president of the St. Ignace Area Chamber of Commerce, president of the St. Ignace Area Industrial Development Corporation. He has been a member of the local Lions Club, the Masonic Lodge, the Royal Arch Masons, Shriner and Eagles Lodge.

It was through this civic involvement that Bob Davis was then elected to State representative in 1966 and elected State senator in 1970, becoming the Senate majority leader of the Michigan Legislature in 1974.

Bob Davis went on and served as a delegate to the Michigan State Republican Convention in 1966 through 1978. Bob Davis continued his public service by being elected to Congress, serving from January 3, 1979, to January 3, 1993.

As has been stated, he was the ranking member on the House Committee on Armed Services and was especially involved in the Subcommittee on Military Research and Development. He was also ranking member on the merchant marine and fisheries committee.

Among one of his final acts, a project we all continue to work on and Mr. Davis was very proud of, was the sponsorship of the law that created the Calumet Historical Park on the beautiful Keweenaw Peninsula.

In his district office, he was the first one to start putting forth district offices, focused on case work and economic development, proving his devotion to constituent service and economic development in a very tough area of northern Michigan.

He returned home to Michigan virtually every other weekend, crisscrossing a district that is one of the...
largest in the United States. Madam Speaker, I know how big this district is. Twice now it has been reapportioned, and twice it has gotten larger each time, and right now it is one of the largest in the United States. So just getting back and forth and using this district in and of itself is a chore that we undertake. As I said, Mr. Davis did it every other weekend.

So I think, Madam Speaker, a fitting tribute to Bob Davis’ service to northern Michigan would be naming the St. Ignace Post Office after him, the Bob Davis Post Office, and I would like to thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON); and the gentleman from California (Mr. WAXMAN), the ranking member; the gentleman from Florida (Mr. PUTNAM); and the gentleman from Illinois (Mr. DAVIS) for their courtesies, and I ask all my colleagues to support this bill.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

We have no further speakers on this side. It is clear that Mr. Davis again enjoys broad support and respect from both sides of the aisle, and we appreciate the gentleman from Michigan (Mr. STUPAK) bringing his accomplishments to the attention of the House. Madam Speaker, I urge adoption of this measure.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, we have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the Concurrent Resolution of the Senate concurring, That Congress commends President Pervez Musharraf of Pakistan for his leadership and friendship and welcomes him to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE). Madam Speaker, I yield myself such time as I may consume.

I am pleased to call up the resolution offered by the gentleman from Pennsylvania (Mr. PITTS), a member of the Committee on International Relations.

Pakistan has been in the forefront of the war on terrorism, and their efforts to assist the United States have been essential to the great successes to date. The importance of the growing relationship between our two countries is the prevention of further terrorist attacks, and hopefully it will contribute to economic development and stability within Pakistan.

President Musharraf has taken many steps toward reform and has been working diligently on the release of kidnapped journalist Daniel Pearl. He has undertaken other efforts to curtail the detrimental activities of extremist Islamic groups and has shown a willingness to try his hand at taking his country in a new direction. Through this resolution we acknowledge President Musharraf’s sincere efforts to improve the security in the region and give hope for a bright future for his country and its deserving people.

I urge the support of my colleagues as we welcome the President of Pakistan to our country.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself as much time as I might consume.

Mr. HYDE. Madam Speaker, 5 months after September 11, we now fully understand the long-term impact of that fateful day. The patterns of international power have been scrambled, and the United States has reexamined its bilateral relationship with almost every nation on this planet.

Today, all the great powers are united against the forces of barbarism. Not since the end of the Second World War have all the nations of the civilized world, including China, Russia, India, Pakistan and the nations of Europe, joined in common cause against a common enemy.

For some nations in this historic alliance, there was never a doubt that they would be with us in this struggle. For other nations, it was not to be an easy decision. The leaders were buffeted by competing pressures, and the course of least resistance would have been to duck and cover.

Madam Speaker, Pakistani President Pervez Musharraf made a strong and courageous decision to stand with the United States in the battle against terrorism. As a result, Pakistan has become an important ally in this epic struggle.

While all the nations in the global alliance have made some contributions to the battle against terrorism, Pakistan, by virtue of geography and history, has had to shoulder a uniquely heavy burden. It is true that Pakistan had a hand in creating the Taliban, and we cannot forget this, but it is also true that Pakistan is playing a critical role in ensuring that Afghanistan and Pakistan are no longer used as a base for international terrorism.

In his historic speech on January 12, President Musharraf made an eloquent and compelling call for an end to the extremism and terrorism that has plagued Pakistan for the past decade. As we laud him for making the right choice, we must acknowledge that it will not be an easy commitment for him to keep.

Indeed, the kidnapping of Daniel Pearl, an American journalist working in Pakistan, is only the latest manifestation of the life-and-death struggle that is being waged for the future of Pakistan. It is a battle against the anarchist forces of Islamic extremism and violence which seek to capitalize on the despair of the poor. It is a battle that Musharraf must win if he is to restore hope to the people of Pakistan and secure a future for the children of Pakistan.

Madam Speaker, it is vital that the United States demonstrate to the people and Government of Pakistan our commitment to help them secure that future as long as Pakistan continues its commitment to eradicate international terrorism from within its borders.

Finally, I want to reiterate to the people of Pakistan our continued support for a return to democracy in Pakistan. President Musharraf has given
his word that he is committed to democracy, and we in the Congress intend to hold him to his word.

I urge my colleagues to support H. Con. Res. 324.

Madam Speaker, I reserve the balance of my time.

**GENERAL LEAVE**

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Madam Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS), who is the author of this excellent resolution.

Mr. PITTS. Madam Speaker, I rise today in support of this resolution welcoming President Musharraf in his visit to the United States this week. He has shown very bold leadership in cooperating with the United States in the war against terrorism. He has made some very difficult decisions, which were politically risky for him to do. Had he chosen the politically easy path, the great successes of the past months would not have been possible.

I think history will describe him as a courageous leader. Despite great risk to himself, to his government, Pakistan has been an important component of the war on terrorism. Moreover, the courage that General Musharraf has shown in taking a stance against Pakistan’s traditional ally, the Taliban, has been especially welcome.

We welcome General Musharraf to Washington and congratulate him on his commitment to participating in our war on terrorism. We must also ask our friends in Pakistan some hard questions. For instance, we must ask Pakistan to show the world that it does not support cross-border terrorism into India. Pakistan must clamp down on the dozens of fighters that cross daily into Jammu and Kashmir from Pakistan Occupied Kashmir (POK). If, as the General claimed last week, the fighting in Jammu and Kashmir is indigenous to India, we will order that his borders are heavily sealed against the radical Islamic militants who are based on Pakistani soil and wage war in India.

The General’s government would gain tremendously in the international community if it also diverts to the world the status of the “Twenty Most Wanted” — the list of international terrorist leaders that are accused of being sheltered in Pakistan. There can be no doubt that terrorism is alive in Pakistan — we have only to look to the case of the journalist, Daniel Pearl, to show us the Pakistan has not been able fact clamped down on terrorism. Without a sincere, public and tangible series of steps on the part of the General and his government, Pakistan’s commitment to fighting terrorism is questionable.

We must also ask the General when he intends to move Pakistan towards democracy. General Musharraf has ignored or had a long history of democratic instability, leading assets and their accounts, clamped down on the leaders of militants who are based on Pakistani soil and are tightly sealed against the radical Islamic leaders and extremists in working with the Al Qaeda network, as they sought to flee Afghanistan, and he has turned those madrasas which were teaching children to hate. He has acted to reform the education those young people receive.

He has put his military into tribal areas along the western border where military forces have never been in their history, as under the British arrangement tribal law supersedes national law. He had to make special negotiations and arrangements to put his military along the western border to interdict the terrorists, the al Qaeda terrorists over to the United States. In my mind these actions are the definition of courage.

It is our secret that Pakistan is an important ally of the United States. It has been for years. Yet Pakistan faces many challenges. President Musharraf has made good-faith efforts to weed out extremism, restore democracy and the rule of law, to ensure stability in a region that is torn by conflict.

In addition, President Musharraf has led historic change in his country by abolishing the separate electorates that disenfranchised minority ethnic and religious groups and boldly mandating a joint electoral system.

The joint electorate will help ensure that elected officials must respond to the needs of all people in Pakistan instead of ignoring the important issues, particularly fundamental human rights issues, facing ethnic and religious minorities.

I applaud President Musharraf for bringing one of the biggest steps forward for human rights in Pakistan, and I encourage President Musharraf to continue in this direction bringing further reform to eliminate discriminatory laws and procedures, such as the blasphemy law, and to protect and uphold the human rights of all people in Pakistan.

I thank the gentlewoman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS) for cosponsoring this resolution, and I urge my colleagues to join me in recognizing the courage, the leadership, the progress of President Musharraf of Pakistan as he visits the United States by voting for this resolution.

Mr. HYDE. Madam Speaker, I am pleased to yield 3 minutes to the learned gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman from Illinois (Mr. HYDE) very much for the time. I want to thank the gentleman who just spoke for introducing this legislation.

I think everything that has been said about Musharraf is accurate and well deserved, but I would like to just digress for a moment and point out that Pakistan has been an ally and friend of the United States as far back as I can remember.

During the Cold War, when other countries in the region were supporting the Soviet Union, at a time when the United States was concerned about its security and an attack from the Soviet Union, Pakistan was always there. When we had the war in Afghanistan, Pakistan was there. They served as a conduit for American supplies going in to stop the Soviet advance.

When we went to Somalia, and there is a movie that is called Black Hawk Down that talks about the travails we experienced in Somalia, Pakistan sent troops, and they were there.

Mr. SMITH of Michigan. Mr. Speaker, I rise to join with my colleagues to welcome General Musharraf to the United States. The friendship exhibited by the General’s government has been an important component of the war on terrorism. Moreover, the courage that General Musharraf has shown in taking a stance against Pakistan’s traditional ally, the Taliban, has been especially welcome.

While we welcome General Musharraf to Washington and congratulate him on his commitment to participating in our war on terrorism, we must also ask our friends in Pakistan some hard questions. For instance, we must ask Pakistan to show the world that it does not support cross-border terrorism into India. Pakistan must clamp down on the dozens of fighters that cross daily into Jammu and Kashmir from Pakistan Occupied Kashmir (POK). If, as the General claimed last week, the fighting in Jammu and Kashmir is indigenous to India, we will order that his borders are highly sealed against the radical Islamic militants who are based on Pakistani soil and wage war in India.

The General’s government would gain tremendously in the international community if it also diverts to the world the status of the “Twenty Most Wanted” — the list of international terrorist leaders that are accused of being sheltered in Pakistan. There can be no doubt that terrorism is alive in Pakistan — we have only to look to the case of the journalist, Daniel Pearl, to show us the Pakistan has not been able fact clamped down on terrorism. Without a sincere, public and tangible series of steps on the part of the General and his government, Pakistan’s commitment to fighting terrorism is questionable.

We must also ask the General when he intends to move Pakistan towards democracy. General Musharraf has ignored or had a long history of democratic instability, leading
and I do not believe that the current global upheaval can justify delay in the return of democracy to Pakistan. We all hold the ideals of democracy and personal freedoms as sacrosanct, and we should not allow our friends in Pakistan to lapse in their progress towards democracy.

I truly extend my gratitude and hand of friendship towards General Musharraf during his visit. But I also must extend my concern that he and those of his ruling strata are not committed to the same goals of peace, stability that we are asking the General to dispel my hesitations and declare loudly that he is truly moving Pakistan towards democracy and that he is staunchly against all international terrorism. Until he stops bizarre diversions like blaming India for the kidnapping of Daniel Pearl, it is going to be hard for us to talk Pakistan and its peace prospects as anything but dubious.

[From the Washington Post, Feb. 12, 2002]

Mr. MUSHARRAF IN WASHINGTON

Gen. Pervez Musharraf of Pakistan arrives in Washington for what likely will be, at least in part, a celebration of his readiness to join the U.S.-led campaign against terrorism. Any political boost he reaps from his scheduled White House meeting with President Bush will be largely justified; Mr. Musharraf’s cooperation has been instrumental to the military campaign in Afghanistan, and his willingness to arrest and reverse the mounting influence of Islamic extremists in Pakistan may prove even more important over time. But the general’s visit needs to be more than a love fest.

For all he has done in the past five months to advance the counterterrorist cause, the Pakistanis still have much more to do. The Bush administration should match the political and economic rewards it offers him with concerted pressure to move ahead.

The problem with Pakistan’s ruler seems all the more urgent because of the worriesome signs he offered in the days before his visit. Mr. Musharraf promised in a landmark speech last month to end Pakistan’s support of terrorists who have been crossing its border to carry out attacks in India, including an assault on the Indian parliament in December. Yet, just two weeks later, the two countries were close to war. But last week he delivered another address that restated Pakistan’s long-standing official position that the fighting in Indian-administered Kashmir is the result of an “indigenous” rebel movement that deserves Pakistan’s support. At face value, that statement might look legitimate; but the problem is that Pakistan governments for years have used that formulation as a cover to foment terrorism, and we should not allow our friends to talk Pakistan and its stability and democracy as sacrosanct, and we should not allow our friends in Pakistan to lapse in their progress towards democracy.

Mr. Musharraf’s forlorn public condemnations of Islamic extremism, which began well before Sept. 11, leave little doubt that he genuinely would like to fashion a more moderate Musharraf representative of Turkey rather than Taliban-ruled Afghanistan. But the general faces strong opposition to his project, some of it within his own military; his own military’s cause of his formulation that the terrorist groups in Pakistan are “peaceful fighters”. This is not acceptable.

Pakistan can no longer say it is simply giving “political” support to Kashmiri groups while blocking infiltration into India. The point of U.S. policy since September 11 has been to oppose all terrorists, not just those who are conveniently or easily opposed. Mr. Musharraf must choose, he is either with the terrorists or he is with us, he cannot have both.

On the subject of democracy, Mr. Musharraf has also said the right things. He has laid out a timetable for Pakistan’s return to democracy and has held village level elections. Provincial and national assembly elections are scheduled, and we must hope that Mr. Musharraf is the reason that Pakistan is again off the democratic path. For him to receive full credit for restoring democracy elections at all levels must be held, including elections for his office. Of all this is admittedly difficult to accomplish given the levels of Islamic extremism, but it is Mr. Musharraf’s own timetable and he should be urged to keep it. Mr. Musharraf is the reason that Pakistan is again off the democratic path. For him to receive full credit for restoring democracy elections at all levels must be held, including elections for his office. Of all this is admittedly difficult to accomplish given the levels of Islamic extremism, but it is Mr. Musharraf’s own timetable and he should be urged to keep it. Mr. Musharraf is the reason that Pakistan is again off the democratic path. For him to receive full credit for restoring democracy elections at all levels must be held, including elections for his office. Of all this is admittedly difficult to accomplish given the levels of Islamic extremism, but it is Mr. Musharraf’s own timetable and he should be urged to keep it.

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Mr. HYDE. Mr. Speaker, I move to suspend the rules and consent to the Senate amendment to the bill (H.R. 2998) to authorize the establishment of Radio Free Afghanistan.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Radio Free Afghanistan Act”.

SEC. 2. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

(a) REQUIREMENT OF A DETAILED PLAN.—Not later than 15 days after the date of enactment of this Act, RFE/RL, Incorporated, shall submit to the Broadcasting Board of Governors a report setting forth a detailed plan for the provision by RFE/RL, Incorporated, of surrogate broadcasting services in the Dari and Pashto languages to Afghanistan. Such broadcasting services shall be known as “Radio Free Afghanistan”.

(b) GRANT AUTHORITY.—(1) IN GENERAL.—Effective 15 days after the date of enactment of this Act, or the date on which the report required by subsection (a) is submitted, whichever is later, the Broadcasting Board of Governors is authorized to make grants to support Radio Free Afghanistan.

(2) SUPERSEDES EXISTING LIMITATION ON TOTAL ANNUAL GRANT AMOUNTS.—Grants made to RFE/RL, Incorporated, during the fiscal year 2002 for support of Radio Free Afghanistan may be made without regard to section 306(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 4406(c)).

(c) AVAILABLE AUTHORITIES.—In addition to the authorities in this Act, the authorities applicable to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Foreign Affairs Reform and Restructuring Act of 1998, and other provisions of law consistent with such purpose may be used to carry out the grant authority of subsection (b).

(d) STANDARDS; OVERSIGHT.—Radio Free Afghanistan shall adhere to the same standards of professionalism and accountability, and shall be subject to the same oversight mechanisms, as other services of RFE/RL, Incorporated.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to such amounts as are otherwise available for such purposes, the following sums authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Foreign Affairs Reform and Restructuring Act of 1998, and other provisions of law consistent with such purpose may be used to carry out the grant authority of subsection (b).

(1) For “International Broadcasting Operations”, $8,000,000 for the fiscal year 2002.

(2) For “Broadcasting Capital Improvements”, $9,000,000 for the fiscal year 2002.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 4. REPEAL OF RAN ON UNITED STATES TRANSMITTER IN KUWAIT.


The Chair recognizes the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

This bill authorizes the establishment of a new radio service for Afghanistan. The new service will be called Radio Free Afghanistan and will broadcast in the Dari and Pashtu languages. The legislation provides the Broadcasting Board of Governors with the authority to make a grant to Radio Free Europe-Radio Liberty to carry out this new broadcast service.

As a result of the hard work of the bill’s original sponsor, the gentleman from California (Mr. ROYCE), the subcommittee chairman, the House passed H.R. 2998 by a vote of 405 to 2 on November 7, 2001. The bill, as amended by the Senate, provides $17 million for fiscal year 2002 for support of Radio Free Afghanistan.

One, the Senate amendment authorizes funds for fiscal 2002. The House bill was a 2-year authorization. Two, the Senate bill authorizes a total of $17 million for Radio Free Afghanistan. The House bill authorized $27.5 million over 2 years. Three, the Senate bill includes an adjustment to the statutory funding cap on Radio Free Europe-Radio Liberty to accommodate the additional funds required for Radio Free Afghanistan.

All of these changes are acceptable to the House and are supported by my colleagues to support this measure. Such broadcasting will support the transition in Afghanistan. Concurring in the Senate amendment to the bill will allow it to be sent to the White House for the President’s signature.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this bill and yield myself such time as I may consume.

Mr. Speaker, we first have to commend our good friends and colleagues on the Committee on International Relations, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BERGAN), for introducing this bill and Chairman Hyde for his leadership in bringing the legislation to the floor of the House.

Mr. Speaker, much has changed in the 5 months since the attacks of September 11. Global alliances have shifted, and the world has united against the forces of barbarism and evil. The United States finds itself leading an international coalition against national terrorism. In short order, we have helped to liberate the people of Afghanistan from the repressive rule of the Taliban regime and their al Qaeda cohorts.

But the fog of war has not yet lifted from Afghanistan, and the war on terrorism is very far from being over. We are fighting a new kind of war which requires new tactics. Our military is adjusting to this asymmetrical warfare with elite forces using the newest U.S. technology and the smartest weapons. But to win this war, we need more than smart bombs, we need smart diplomacy. We must have more agile tools to communicate our message more effectively. The terrorists use fear and intimidation, lies and half truth to manipulate young minds. International broadcasting and public diplomacy are critical to combating these terrorist tactics and broadening international understanding of the United States and the values that form the bedrock of our foreign policy.

We cannot win the information war and, hence, the war against terrorism, if we shortchange our public diplomacy. I was dismayed, Mr. Speaker, to see the cuts in funding for international broadcasting programs included in the Administration’s budget. Not only are there insufficient funds to meet the world-wide programming needs for Radio Free Europe-Radio Liberty, Voice of America, and Radio Free Asia; but the administration’s budget does not request a single penny for Radio Free Afghanistan.

Mr. Speaker, it is in this context that I rise in support of H.R. 2998, the Radio Free Afghanistan Act of 2001. Radio Free Afghanistan could be an important element of our foreign policy arsenal, and passage of this legislation will hopefully encourage the administration to seek funding for this new and worthy initiative.

But the imperative of creating a Radio Free Afghanistan is just one example of the need to bolster funding for all areas of the U.S. diplomatic and public diplomacy arsenal. We must increase, not decrease, funds for the international broadcasting agencies.

We must also support the Agency for International Development, which strives to help the poor, the hungry, the illiterate, and the oppressed in Afghanistan and Albania and all across Africa. And we must support the thousands of men and women who represent the Nation in our embassies and consulates across the globe. These are the individuals and the institutions who are on the front lines of the new war we are fighting.

If we are to win this war, we must equip our diplomats with the best tools and the best training, boost or development assistance, and ensure that our international broadcasters are heard throughout the world. H.R. 2998 is an important step in the right direction, and I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.
Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in strong support of this legislation, which I authored; and I believe that the success of this Radio Free Afghanistan by Radio Free Europe—Radio Liberty is essential for peace and essential for stability in the region. This approach is surrogate broadcasting operating as if Afghanistan had a free press, which, unfortunately, it does not.

Now, I have been calling for Radio Free Afghanistan for several years now. I think it is fair to say that the previous administration had no interest in this type of aggressive broadcasting to Afghanistan. For 5 years, we have tried to introduce this concept. And now, finally, with the passage of this bill, the voices of freedom and democracy will be heard, offering an alternative to the hate radio that has been heard until now, because that hate radio is the methodology of Radio Shariat and other broadcasts; and it has had a very poisonous effect in Afghanistan.

I am convinced that if we had had Radio Free Afghanistan up and running for several years now, the terrorists would not have had the fertile ground they found in Afghanistan. The roots of democracy would have been established. They would not have been ripped out.

The concept behind Radio Free Afghanistan is to do what was done with Radio Free Europe in Poland and in Czechoslovakia and in other states. When we talk today with the leaders of Poland or the Czech Republic, they say that the hearts and minds of those people in those countries were turned by the opportunity to listen to free radio broadcasts from the West on a daily basis, which explained what was actually happening in their society. They were taught the concepts of tolerance, of democracy, and of political pluralism.

And, frankly, information is power. We have the opportunity to teach those same values with these radio broadcasts. We know in Eastern Europe these broadcasts were able to explain and put in context what they were hearing from the Soviet broadcasts, so that people had an alternative, so that people had a frame of reference and could judge the truth of those Soviet broadcasts. Well, that is what people need in Afghanistan today, a chance to judge the truthfulness of the Shariat broadcasts they have been hearing for the last 5 years.

Over time, we know from those leaders that we have talked to, that this was the most effective single thing that changed the attitudes of the average people in Eastern Europe. This legislation that we have today provides 8 hours of broadcasting a day, 4 in Paktia, 4 in Dari, the two major dialects.

I believe that Afghanistan, for us in the United States, is at a critical point in its history. And I say it is at a critical point because what media did exist there has been totally destroyed. The Taliban destroyed the wherewithal for people to communicate. Eighty-five percent of those people own radios, and it is an opportunity for them now to hear this message.

If the various factions in Afghanistan are going to be able to strike a long-lasting governing accord, the free flow of accurate information will be critical. Otherwise, rumor and misinformation will kill that country’s chance to develop stability. As I met with Afghanistan’s interim leader, Chairman Karzai, the other week, he told me how excited he was about the impact these broadcasts are having on the country.

This legislation initially passed the House on November 7, 2001, by a near unanimous vote. It now returns to the House with an amendment from the other body. And although the Senate’s amendment scales back the proposal slightly, I am happy to get this bill to the President’s desk for his signature; and I look forward to working with the gentleman from Illinois (Mr. HYDE), who has done so much for public diplomacy, and with the gentleman from California (Mr. ROYCE), toAuthorize Radio Free Afghanistan for fiscal year 2003 as well. That is something we need to do to build upon these crucial broadcasts.

I urge my colleagues to support this legislation, and I thank the gentleman for yielding me this time.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Illinois (Chairman HYDE), the gentleman from California (Mr. LANTOS), the ranking member of the Committee for offering my appreciation to the author of this legislation, the gentleman from California (Mr. ROYCE), as well as the gentleman from California (Mr. BERMAN).

Before the end of the last session, I held a briefing on the treatment of children in Afghanistan. That issue was the most effective single thing that changed the attitudes of the average people in Eastern Europe. This legislation that we have today provides 8 hours of broadcasting a day, 4 in Paktia, 4 in Dari, the two major dialects.

I believe that Afghanistan, for us in the United States, is at a critical point because what media did exist there has been totally destroyed. The Taliban destroyed the wherewithal for people to communicate. Eighty-five percent of those people own radios, and it is an opportunity for them now to hear this message.

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Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Illinois (Chairman HYDE), the gentleman from California (Mr. LANTOS), the ranking member of the Committee for offering my appreciation to the author of this legislation, the gentleman from California (Mr. ROYCE), as well as the gentleman from California (Mr. BERMAN).

Before the end of the last session, I held a briefing on the treatment of children in Afghanistan. That issue may be different from what we are discussing today, but what I gleaned from that briefing and how children were being treated was also the desire for education, the desire to get an education; the desire to get a better life, the desire to be part of a better nation.

This legislation, Radio Free Afghanistan, now coming back from the Senate, is legislation that answers the question that we will not return to the previous behavior after the involvement with Russia where it was suggested that America did not stay to help build a nation. Now we can build from within by having a democratic tool, by having people listen to how a democratic country functions. The Afghan government has said they want to ensure that they have a land that respects individuals, the rights of women, the rights of children, the rights of families. Radio Free Afghanistan will be that vehicle to help them understand how they can structure their government.

We know now that President Musharraf is here in the United States from Pakistan, and we hope that this visit will also influence what is going on in his country, and the collective region will be in the business of ensuring that we have a nation that will stand up for the principles of a democratic economy and a democratic nation.

Mr. Speaker, I acknowledge the importance of this legislation. I am pursuing my interest in the treatment of Afghan children, but I do know if they have the tools to understand how they can better themselves as they grow and provide a nation based on democratic principles and principles of equality, we will have a friend in that region, along with many other friends.

Mr. Speaker, I thank the gentleman from California (Mr. ROYCE) for his leadership. However we can move this legislation along for the President’s desk, we will be better for it, and certainly the region will be a better place for all who live there.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on HR 2996.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, thank you for your leadership. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2996.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chairman’s prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS REGARDING CRASH OF TRANSPORTE AEREO MILITAR ECUATORIANO (TAME) FLIGHT 120 ON JANUARY 28, 2002

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 313) expressing the sense of Congress regarding the crash of TransporTE Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002.
February 12, 2002

H522

CONGRESSIONAL RECORD—HOUSE

February 12, 2002

The Clerk read as follows:

Mr. SMITH of Michigan. Mr. Speaker, the purpose of this resolution is to express the sense of Congress regarding the tragic crash of TAME flight 120, that happened on January 28. It was en route from Quito, Ecuador, to Cali, Colombia, via Tulcan, Ecuador.

That morning farmers reported hearing a noise through thick cloud cover, and then a huge explosion. TAME flight 120 crashed into the slopes of a glacier-capped volcano in southern Colombia. The plane was destroyed on impact. Ninety-two people perished, including seven children and nine crew members.

Rescue workers walked for 5 hours through rugged terrain to reach the site near the summit of the volcano, and very little was immediately found at the crash site, except for small pieces of the wreckage and, sadly, a passport and ID card belonging to one of the victims, a Colombian nun.

I commend the commission of the resolution, the gentleman from New York (Mr. CROWLEY). I am pleased to be a sponsor and to join a distinguished bipartisan group of cosponsors in bringing this resolution to the floor this afternoon.

The United States maintains close cultural and economic ties with both Colombia and Ecuador. It is, therefore, appropriate that we act to express Congress' condolences to the families of the victims of the crash and commend the professional emergency personnel from Ecuador and Colombia who responded to this tragic accident.

Mr. Speaker, “Muchas gracias al personal de rescate,” which translated is: Thank you all personnel who were involved in the TAME 120 crash.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 313, a resolution to extend and communicate its findings to all the appropriate authorities in an expeditious manner.

The Crowley resolution is to express the sense of Congress regarding the tragic crash of TAME flight 120 on January 28, 2002; and

(2) commends the professional emergency personnel from Ecuador and Colombia who responded to the Governments of Ecuador and Colombia to the President of Ecuador and to the President of Colombia.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from California (Mr. LANTOS) to transmit an enrolled copy of the resolution to the President of Colombia?

Mr. SMITH of Michigan. Mr. Speaker, there was no objection.

Resolution of the Congress to extend appreciation to the people of Ecuador and Colombia and to express the heartfelt condolences of the United States to the families, friends, and loved ones of the victims of the crash of TAME flight 120 on January 28, 2002.

WHEREAS professional Andean Regional Caucus, for his support.

WHEREAS the people of Ecuador and Colombia have lost loved ones on TAME Flight 120.

Tragedies strike individuals and families without regard to nationalities. At these times it is important to stand shoulder to shoulder with those affected. Although nothing we can say or do will relieve the suffering of those who have lost their loved ones, learning about the cause of the accident may help in the healing process and in preventing future accidents.

This in regard I want to commend the United States National Transportation Safety Board for the assistance it is offering to the Governments of Ecuador and Colombia in reviewing the black boxes of the crashed plane. I hope that the NTSB will be able to complete its review and communicate its findings to all the appropriate authorities in an expeditious manner.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. SMITH of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this year has made us especially sensitive to how precious life is—and how tragedy can befal each of us without warning.

I extend my own personal condolences— as well as the House— to those who lost loved ones on TAME Flight 120.

Ecuador and Colombia have been strong allies of the United States. Our peoples share strong and deep ties of family and history—Members of my own district being one of many examples. Their sorrow is our sorrow.

And as we also know well—that which can get us through such tragedies are the support of our family and friends.
So I again express my heartfelt condolences, and encourage all of my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield the balance of my time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 313.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REVISING CERTAIN GRANTS FOR CONTINUUM OF CARE ASSISTANCE FOR HOMELESS INDIVIDUALS AND FAMILIES

Mr. GREEN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3699) to revise certain grants for continuum of care assistance for homeless individuals and families.

The Clerk read as follows:

H.R. 3699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOMELESS ASSISTANCE GRANTS.

Notwithstanding any other provision of law, the Notice of Funding Availability for Continuum of Care Homeless Assistance Programs for fiscal year 2001, or any action taken in furtherance of such Notice, the Secretary of Housing and Urban Development shall apply the grant pursuant to such Notice to Liberty Center for the Homeless Incorporated in excess of $459,600. If an award has been made to such Center in excess of such amount, the Secretary shall modify the Notice to the Secretary at the date of the enactment of this Act, the Secretary shall modify the award and distribute the amounts in excess of $459,600 to other applicants from the Jacksonville, Florida, Continuum of Care in the order listed in the project priority chart contained in their application.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

GENERAL LEAVE

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 3699.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3699 is a simple technical correction to the continuum of care application submitted by the Jacksonville, Florida, local government and nonprofit organizations in response to the annual application process for homeless assistance funding administered by the Department of Housing and Urban Development.

Because of an error in the submitted application, and the interpretation of the HUD Reform Act that would prohibit HUD personnel from amending the award amount for the corrections, statutory language is necessary. This bill will merely change the dollar amount to be distributed to the Liberty Center for the Homeless, Incorporated, to reflect an annual amount as opposed to a 10-year amount inadvertently included in the application.

Enactment of this bill and the technical correction will allow the city of Jacksonville and its nonprofit organizations to receive its entire homeless assistance award under the McKinney-Vento Homeless Assistance Act.

While it appears that this is a very minor technical problem, its impact has brought significant disruptions to the efforts of very worthy nonprofit organizations and the city of Jacksonville to coordinate and provide needed services to homeless individuals and families.

I urge all Members to support H.R. 3699.

Mr. Speaker, I yield myself such time as I may consume. As a member of the Subcommittee on Housing and Community Opportunity, I hope that the chairman will agree that we can take up legislation that would make this sort of bill unnecessary, that is, there needs to be a capacity at HUD to correct errors of this sort. People make errors. I have had a couple of other cases that were brought to me by Members where errors were made. We have one that I hope will be coming down the pike. I know the minority and majority staffs are working with people from Indiana to try and straighten out one from Indianapolis.

I think a little history is helpful. We had terrible scapulads at HUD in the early 80s. When a former member of this body, Jack Kemp, became the Secretary of HUD under the Presidency of George Bush, we worked together, the then Democratic majority in the Congress, Jack Kemp IV and I, to tighten up the rules so that the kind of abuses that had happened in the 80s would not happen again. But we appear to have over tightened. We were worried about the abuse of discretion; and we, as sometimes is the case, went too far in the other direction.

So I look forward to working with Secretary Martinez and with the majority on the Subcommittee on Housing and Community Opportunity so that we can restore some common sense. I think we have done a good deal of trying to get rid of the corruption, and the legislation of this sort would not be necessary.
Mr. Speaker, I am very glad that this legislation is being passed for two reasons: first, because it will give some relief to the people of Jacksonville; and, secondly, because I will not now have three conversations a day with my good friend from Jacksonville, Florida (Ms. Brown), who has been simply indefatigable in working for her constituents on this subject.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. Brown) since it will no longer be mine.

Ms. Brown of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. Frank) so much for his leadership and help in this matter that greatly affects the people of Jacksonville. I also want to thank the gentleman from Florida (Mr. Chenshaw) for his hard work in helping to bring this bill to the floor.

I cannot begin to explain how important this legislation is to the homeless service providers in our hometown of Jacksonville, Florida. Unless this legislation is passed and signed into law, two agencies will stop serving their clients and terminate 16 jobs.

On February 28, the Quest program, which provides psychiatric medication management to over 200 clients, and Goodwill Industries, which last year placed 594 homeless clients in jobs, will end their service. There are also eight other major providers that will be forced to make the same hard decision. This legislation is the only thing that will prevent hundreds of homeless clients from being returned to the streets. Let me repeat this. This is the only thing that will stand in the way of hundreds of homeless clients being returned to the streets. I hope the Senate and the President will quickly get this legislation passed and signed into law.

These folks have a tough job to do, and we need to put them back to work.

Mr. FRANK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GREEN of Wisconsin. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Petri) and the gentlemen from Pennsylvania (Mr. Borsi) will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Petri).

Mr. PETRI. Mr. Speaker, I urge strong support for this timely resolution. This non-controversial resolution praises the National Highway Traffic Safety Administration for its efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week.

On June 27, 2001, nearly 8 months ago, the House passed the extension of the Child Passenger Protection Education Grant program, H.R. 691, offered by the gentleman from Minnesota (Mr. Buescher). While this legislation is not to be considered by any other body, the program was fully funded this budget year. This valuable program actually prevents deaths and injuries to children. It educates parents as to the proper installation of child restraints, and it trains child passenger safety personnel concerning child restraint use. The gentleman from Minnesota has crafted good legislation, and it would be fitting for its consideration and passage by the other body this week during National Child Passenger Safety Week.

As necessary as the resources H.R. 691 will provide to the States, the job of raising public awareness is important. With motor vehicle being the leading cause of death for children between the ages of 4 to 14, more must be done. Private involvement must be an active component in a successful campaign.

With that in mind, I would like to highlight a relatively new program, that by the Chrysler Motor Corporation, called Fit for a Kid. In this program, a parent can bring their car, regardless of its make, to a participating dealer to learn how to properly fit their child seat. Those parents like it, are critical elements aimed to raise awareness and increase child protection knowledge.

Federal funds coupled with awareness campaigns, both complemented by fitting stations, will be vital as we work toward reducing child fatalities. I would like to thank the gentleman from Michigan (Mr. Camp) for his well-timed resolution and ask that my colleagues support the passage of House Concurrent Resolution 326.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the last 25 years, the Nation has made significant gains in child passenger safety. Since then, more than 4,000 children's lives have been saved because of child restraint systems. While the fatality rate for children has decreased steadily, due to population increases and a doubling of highway miles traveled, the number of deaths has not dropped as rapidly. In the year 2000 alone, 2,343 children under the age of 14 were killed and 291,000 were injured in highway crashes. This is a record we can and must improve upon.

Without doubt, the single most effective way to protect our children in the event of a crash is to ensure that all children are buckled up in appropriate restraint systems on every trip. Children aged 2 to 5 who use seat belts rather than child safety seats are 3 1/2 times more likely to receive a significant head injury. That is why it is important to remind parents that all children should be placed in child safety seats, booster seats, or seat belts every time they ride in a car or truck. That is why I strongly support this resolution.

Mr. Speaker, we can do more. Federal grant in aid programs are available to help States reduce the toll of death and injury.
Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I want to congratulate the gentleman from Michigan (Mr. CAMP) for his leadership, and the chairman for his. I appreciate it. Also, thanks to the National Safe Kids Campaign for all they do.

Mr. PETRI. Mr. Speaker, I yield such time as he may have to the chairman of the legislation before us, the gentleman from Michigan (Mr. CAMP), to conclude debate on our side on this measure.

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me time and for his leadership, and the chairman for his. I appreciate it. Also, thanks to the National Safe Kids Campaign for all they do.

Mr. Speaker, this resolution will bring awareness to National Child Passenger Safety Week. A recent survey, as my colleague from Michigan said, found that almost every driver believes that they have installed their child's safety seat correctly. However, almost 80 percent of the seats for children under 8 are improperly installed, and that means most parents do not even realize that they have installed the seats wrong.

From this bill, the benefits from proper restraint are proven when child safety seats reduce fatal injuries by 71 percent for infants and 54 percent for toddlers in passenger cars, and for light trucks it reduces fatal injury by nearly 60 percent.

The consequences of not restraining children are all too clear. More than half of all children under 15 years old killed in car crashes in the year 2000 were completely unrestrained. Small children ages from 2 to 5 who are placed in seat belts rather than child safety seats or booster seats are 3.5 times more likely to be significantly injured in the event of a crash.

Great progress has been made in increasing the use of child safety seats and booster seats, and that progress has decreased the deaths among children and serious injury among children in car and truck crashes. But much more remains to be done.

I urge my colleagues to vote yes on this resolution and remind parents, caregivers and baby-sitters alike that we know how best to protect children when they travel.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion made by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 326.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BORSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 326.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

2002 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

The SPEAKER pro tempore laid before the House the following message from President George W. Bush. The Committees on Budget, on Education and the Workforce, on Energy and Commerce, on Government Reform, on Government Reform, on Transportation and Infrastructure, on International Relations, on Armed Services, the
Committee on Resources, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Veterans’ Affairs and the Permanent Select Committee on Intelligence:

To the Congress of the United States:


Illegal drug use threatens everything that is good about our country. It can break the bonds between parents and children. It can turn productive citizens into addicts, and it can transform schools into places of violence and chaos. Internationally, it finances the work of terrorists who use drug profits to fund their murderous work. Our fight against illegal drug use is a fight for our children’s future, for struggling democracies, and against terrorism.

We have made progress in the past. From 1985 to 1992, drug use among high school seniors dropped each year. Progress has slowed and, over time, dramatic. However, in recent years we have lost ground. This Strategy represents the first step in the return of our children’s future, for struggling democracies, and against terrorism.

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Providing for Consideration of H.R. 2356, Bipartisan Campaign Reform Act of 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 344
Resolved, That on the next legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 6 of rule XXI, the House shall resolve into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee of the Whole. After general debate the bill shall be considered for amendment under the five-minute rule of order specified in subsection (b) of this section. No amendment to the bill, or to the bill as perfected by an amendment in the nature of a substitute finally adopted, shall be in order except an amendment specified as follows:

(a) (1) By the Majority Leader.
(2) By Representative Ney of Ohio.
(3) By Representative Shays of Connecticut.

(b) The amendments in the nature of a substitute referred to in subsection (a) are as follows:

(1) By the Majority Leader.
(2) By Representative Ney of Ohio.
(3) By Representative Shays of Connecticut.

The Speaker pro tempore, the gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the custos temporis, the chairman of the Committee on House Administration.

The house was called to order by the Speaker pro tempore (Mr. SIMPSON) at 5 o’clock and 35 minutes p.m.
I would like to stress that this rule before us was not written by nor is a product of the Committee on Rules. The rule reflects the terms for consideration set forth in the motion to discharge, with the exception of allowing immediate debate this week, versus a later date, as determined by the House rules. The petition calls for amendments to be introduced and printed in the CONGRESSIONAL RECORD by the close of business today.

Equally important, I would like to stress that, essentially, we do not know what amendments we are about to make in order, because the Shays-Meehan, Ney-Wynn and Armey substitutes will not be filed until after this rule is debated and approved.

Unfortunately, it is a shame to see this issue come to the floor in such a convoluted manner. The signers of the discharge petition have set in motion a clumsy and awkward debate that could hardly be called a fair and open process. There were no hearings on the language we will see on the floor tomorrow.

All this comes as a result of the discharge petition. But since circumstances have afforded us this opportunity for debate, let us look at the issue before us and what it means to America.

The recent events have forged a true sense of patriotism among all Americans. But we must ask ourselves if we are willing to trample on this newfound nationalism by jeopardizing the most basic of American rights and freedoms. There are no free speech, because in his fourth version of Shays-Meehan, we have gagged Americans, whether in the middle, the right or the left, and will allow only special interests to have access to soft money.

It is reasonable to debate strengthening our campaign finance laws, but taking away first amendment rights and limiting free speech is not the way to do it. Real reform means recognizing that curbing the expense of campaigns should not be the expense of political liberties. Limiting issue advocacy and curtailing who can say what in some way has been averted had tougher campaign finance laws been on the books. Is there anyone who truly believes this to be the case? Is there anyone who can look those pension holders in the eye and honestly say that campaign finance reform would have prevented Enron’s downfall? They will demagogue and demagogue again that the corporate downfall of Enron could have in some way been averted had tougher campaign finance laws been on the books. Is there anyone who truly believes this to be the case? Is there anyone who can look those pension holders in the eye and honestly say that campaign finance reform would have prevented Enron’s collapse? The only connection between Enron’s downfall and campaign finance reform is political convenience.

On a side note, I would like to extend my respect to the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration. As a member of his committee, I have come to respect his realistic and pragmatic approach to real campaign finance reform.

Mr. Speaker, I want to make sure that my colleagues know that today this House will deal once and for all with a major decision on campaign finance reform. It is very important that all Members look very closely and honestly say what it is that we may be passing.

The Committee on Rules reported out this rule without recommendation, and, in doing so, I hesitate to ask my colleagues to support the rule. However, by signing the discharge petition, a majority of this House has signaled their desire to have this debate. And

Mr. Speaker, in mirroring the conciliatory actions of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, I ask my colleagues to vote ‘aye’ on the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the rule for considering campaign finance reform is a fair rule, and I intend to support it. This rule was spelled out in the discharge petition that the majority of House Members, including myself, signed. The rule gives both sides a chance to offer substitutes and amendments to the legislation, while also bringing debate on this highly charged issue to a timely conclusion.

The rule designates H.R. 2356, the reported version of the Shays-Meehan campaign finance reform bill, as the base bill. Beginning tomorrow morning, we will have 1 hour of general debate on the bill, equally divided between the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). Following the general debate, the bill will be considered for amendment.

Members should be aware that the rule requires that all amendments be brought into the CONGRESSIONAL RECORD by the conclusion of the legislative day. It is anticipated that there will be an announcement at some point later this evening by both the majority leader and the Democratic leader about the specific amendments to be considered.

Before consideration of any other amendment, the rule provides that three amendments in the nature of a substitute will be considered. Each substitute will be debated for 45 minutes, equally divided between proponents and opponents. The gentleman from Texas (Mr. ARMEY), the gentleman from Ohio (Mr. NEY), and the gentleman from Connecticut (Mr. SHAYS) are allowed to each offer one substitute. Under the Queen of the Hill procedure, the substitute with the most votes will then be considered the base text.

Following consideration and voting on the substitutes, it will then be in order to consider enacting amendments. These individual amendments are debateable for 20 minutes, equally divided between proponents and opponents. The amendments are allocated as follows: 10 from the gentleman from Texas (Mr. ARMEY), five from the gentleman from Missouri (Mr. GEPHARDT) if he chooses to use them, and five from either the gentleman from Connecticut (Mr. SHAYS) or the gentleman from Massachusetts (Mr. MEEHAN).

Finally, at the conclusion of the amendment process, the rule provides for a motion to recommit with or without instructions.

Mr. Speaker, the bill is new. In fact, the Shays-Meehan bill was in existence even before I came to Congress. But today, Shays-Meehan is in its fourth draft; I repeat, its fourth draft, and is vastly different than what was first proposed.

This new bill creates even bigger loopholes than before, creating $30 million per year soft-money loophole, restricting broadcast ads for only 60 days prior to an election that even some of the sponsors admit could be unconstitutional, rather than year-round, and loosening even further the loopholes that allow party committees to shift current soft money over to non-profit organizations. In short, the Shays-Meehan establishes a pathway down the Shays-Meehan supporters. In short, Shays-Meehan establishes a pathway to new and more underground money.

Creating loopholes and granting special exemptions hardly seems like reform.

Even more preposterous is the fact that some sponsors of the Shays-Meehan bill do curtail soft money right away. That is right. Those supporters say, let us wait until after Election Day, the next cycle, before any of this takes effect rather than the current legislation of 30 days. Why? The simple reason: the rhetoric fails to match up to the reality. The bill’s sponsors are now in the newspapers and on the talk shows saying how critical this reform package is. But now they say it can wait.

Mr. Speaker, I suspect at some point during this debate my colleagues will attempt to make a correlation between current campaign finance reform and the recent Enron scandal. They will demagogue and demagogue again that the corporate downfall of Enron could have in some way been averted had tougher campaign finance laws been on the books. Is there anyone who truly believes this to be the case? Is there anyone who can look those pension holders in the eye and honestly say that campaign finance reform would have prevented Enron’s collapse? The only connection between Enron’s downfall and campaign finance reform is political convenience.

...
Mr. Speaker, the various provisions of the bills before us are technical and somewhat confusing, but there is one thing that is abundantly clear: campaign reform legislation will require both parties to look for alternative means to turn out their base supporters. Many Members of the House, like Members of the Senate, have already invested a significant amount of time and energy in getting their party’s majority. Some of the funds traditionally used to mobilize base voters could be replaced by the limited soft-money contributions that are allowed under the bill. The bill’s total ban on soft money to national parties, accompanied by a major curtailment of soft money to State parties, will have a significant effect in campaigns for the U.S. House of Representatives. This is particularly true if the ban on soft-money expenditures by independent groups is held in place, as it would under the dis- counted soft-money contributions. In recent years, both parties have benefited from soft-money issue ads directed at campaigns for the U.S. House. In 1996, interest groups aligned with the Democratic Party spent millions of dollars on soft-money issue ads directed largely at Republican candidates who supported the Gingrich revolution, which was one of the factors in Democrats picking up nine seats that year. In 2002, organizations connected with the pharmaceutical industry spent millions of dollars in soft money supporting Republicans and opposing Democrats, thus helping Republicans hold their narrow majority in the House. In both 1996 and 2000, Democratic Party committees and Republican Party committees spent millions of dollars in soft money on issue ads. On balance, Republican Party committees and independent organizations spent more money on Federal candidates that year than did organizations aligned with the Democratic Party. It hardly seems appropriate to deny political parties a role in campaigns while allowing corporate conglomerates to influence the political debate. In fact, by eliminating Federal money from political parties, we would have to agree to the major tenets of the rule proposed by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEE- HAN). Mr. Speaker, what does this mean? Well, the answer depends on the type of political race involved.

Traditionally, the national Demo- cratic Party has relied on soft money to motivate minority supporters through grass-roots efforts such as phone banks and door-to-door can- vassing. The party has funded state- wide-coordinated campaigns designed to turn out minority voters for Presidential voters in key swing States such as Michigan, Pennsylvania, and Illi- nois, and for its nominees for U.S. Sen- ates and Governor in a number of States.

Republicans have also used soft money to fund coordinated campaigns designed to mobilize their base voters for Presidential and statewide can- didates. On balance, however, the mobi- lization efforts directed at turning out minority voters statewide are more important to Democratic candidates than mobilization efforts funded by the Republican Party. Some of the funds traditionally used to mobilize base voters could be re- placed by the limited soft-money con- tributions that are allowed under the dis- counted soft-money contributions. The bill’s total ban on soft money to national parties, accompanied by a major curtailment of soft money to State parties, will have a significant effect in campaigns for the U.S. House of Representatives. This is particularly true if the ban on soft-money expenditures by independent groups is held in place, as it would under the dis- counted soft-money contributions.

In summary, restrictions on soft money hurt both parties, but in some- what different ways. Accordingly, Members of the House will have to weigh a variety of factors in deciding how to vote on the various proposals presented under this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I believe we have just heard a defense of soft money, if it is used for purposes that the Democrats agree with: do not use it for issue ads, but use it for turning out minority voters, I think I heard him say.

As a member of the Committee on Rules, I must admit that it is not traditionally propos- ed or used by the Republican Party. This is the case because the Republican Party has relied on soft money to fund State parties and independent organizations aligned with the Republican Party out- side of the 1996 election cycle, which was one of the factors in Republicans picking up nine seats that year.

In 2002, organizations connected with the pharmaceutical industry spent millions of dollars in soft money supporting Republicans and opposing Democrats, thus making it all the more important to Republicans to qualify for soft money. The bill’s total ban on soft money means that Republicans will have to rely heavily on soft money to fund State parties and independent organizations aligned with the Republican Party. It hardly seems appropriate to deny political parties a role in campaigns while allowing corporate conglomerates to influence the political debate. In fact, by eliminating Federal money from political parties, we would have to agree to the major tenets of the rule proposed by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEE- HAN). Mr. Speaker, what does this mean? Well, the answer depends on the type of political race involved.

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They will continue to do so. This Shays-Meehan does not ban soft money, nor will it stop other people from engaging in it. This is only logical. This is not reform. This does not even begin to address the concept of reform. Shays-Meehan is merely diverting and channeling soft money into an ever-growing number of parties, while allowing corporations and unions to spend unlimited and unregulated dollars on electioneering. This does not and will not change the amount or type of money in the system, and it certainly does not alter the ability of outside groups to influence elections.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), who is the principal author of the discharge petition that brought this matter to the House.

Mr. TURNER. Mr. Speaker, we are at a historic moment in the House of Representatives. We have been very proud to internally encourage the development of political parties here in Washington, D.C. And with the encouragement of National Electoral support from around the world for a degree of political pluralism in Mexico, we saw a political party, when it came to getting support from all over, in a position where they were able to win the election.

Well, we also encouraged it in eastern and central Europe: in Nicaragua we encouraged it. What is it we brought about? We brought about a degree of fairness. Well, that is the great contrast. And that is what exists here in the United States today, an interesting clash between the two political parties and then we allow the American people to make a decision. Well, the measure we are going to be considering, the Shays-Meehan bill, basically undermines the two-party system. If you look at countries where the party systems are really in a state of disarray, they have had real difficulty. I do not want the parties of America to follow that route. I want both the Democratic Party and the Republican Party to remain strong. And I do not like the idea of us empowering the media when it comes to determining who is going to win these elections. I think that is wrong. I think the parties should be able to stand strongly for the ideals on which they were founded.

So I believe that we have a package of reforms that are the right things to do. I think that we should say that union members should with their dues be able to decide which candidates they support without having a few people here in Washington, D.C. decide how those dollars are expended.

I think we should do everything we can to let the American people know that we want them to make choices and we do not want to jeopardize the great system that we have.

We live with reforms today. They were put into place following Water-gate, 1974. I was privileged, I wrote my
senior thesis at Claremont-McKenna College on the campaign finance reform of 1974. We live with it today. And while some people talk about the fact that we have some horribly corrupt system here in our Nation’s capital, well, I argue that we have a great deal worse, there is no correlation even more. And, again, as my friend, the gentleman from New York (Mr. REYNOLDS), said, those who will try to draw this allusion between the bankruptcy of Enron and the political process, clearly, there is no correlation.

We need to encourage people to get involved in the political process, rather than making it unattractive to be involved in the political process. And you make it unattractive when you impose an unseemly level of burdens on the American people; and that is exactly what this legislation will do.

I believe also, if we look at this question of a conference, and, again, I am getting back to inside baseball here, if we all want openness, we want to follow the legislative process. Those who argue by going to a joint House-Senate conference, we are killing the prospect for any kind of reform, I do not believe that for one second. Sure, if given the choice of imposing onerous regulations on the American people undermining their first amendment rights or seeing nothing done, I choose to have nothing done. But I believe the thoughtful reformers that we have in the Nye-Wynn proposal, that disclosure issue that I mentioned that other kinds of proposals, those can be addressed in a joint House-Senate conference, and we can come back with improved legislation.

So those who say they do not want us to go to conference are in fact saying, let us not follow the constitutional guidelines, the process which was put into place by our framers for making legislation. Let us support the rule but oppose or amend this underlying legislation to discharge each of our oaths of office. That should be our number one priority.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), who has worked tirelessly on this project for a very long time.

Mr. MEEHAN. Mr. Speaker, I rise in support of the rule and thank the ranking member for yielding me time.

Thanks in large part to the efforts of the Blue Dogs, we will consider meaningful campaign finance reform legislation under a fair process. I want to thank every Member who signed that discharge petition, particularly the minority leader, the gentleman from Missouri (Mr. GEPHARDT), who worked tirelessly to get us back to the floor under a fair process.

Mr. Speaker, with the Enron scandal casting a cloud over the White House and the capital, this House has a historic opportunity to reform our campaign finance laws by ending the soft-money system. Twice this House has passed bipartisan campaign finance reform with over 250 votes, but never with such a strong chance that the bill would become law. Tomorrow will be the third chance for reform. The role will be called and the votes will be counted. And over the course of this debate opponents of reform will attempt to perpetuate several myths about our bill in an attempt to stop us.

But I do believe that the disclosure issue that I mentioned that other kinds of proposals, those can be addressed in a joint House-Senate conference, and we can come back with improved legislation.

So those who say they do not want us to go to conference are in fact saying, let us not follow the constitutional guidelines, the process which was put into place by our framers for making legislation. Let us support the rule but oppose or amend this underlying legislation to discharge each of our oaths of office. That should be our number one priority.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. WYNN), who is one of the principal authors of one of the alternative proposals that we will consider.

Mr. WYNN. Mr. Speaker, I thank the gentleman from Texas (Mr. Frost) for yielding me the time and also for his hard work in the course of developing this issue.

By barring any groups of Americans other than political action committees from criticizing Members of Congress by name in the 2 months before an election, the House of Representatives passed a bill which is designed to make it unconstitutional to call for an oath of office where we promised to uphold and defend the Constitution of the United States. My promise to uphold the Constitution and those blood-bought freedoms constrains me from supporting this legislation.

One of the great ironies of the debate this week is that many of the supporters of the Shays-Meehan legislation are using the very issue ads that they would ban, financed by the very type of groups that they would ban, to sell this legislation to the American people.

Mr. Speaker, Members of Congress and I had the privilege a little over a year ago to take an oath of office, where we promised to uphold and defend the Constitution of the United States. My promise to uphold the Constitution and those blood-bought freedoms constrains me from supporting this legislation.

Let us support the rule but oppose or amend this underlying legislation to discharge each of our oaths of office.
Third World despots that are corrupt, but I stand here today for the proposition that the Congress of the United States of America is not corrupt. There have been no indictments, no convictions to justify the essentially self-serving accusations made by some Members of this body who support campaign finance reform. We differ on issues, we have different constituencies, we have different approaches to economic prosperity. That is all fair game for debate, but I believe to call this legislation corrupt is totally unjustified. It paints with a very broad and a very misguided brush.

There are ways our system can be improved, but I do not hear the broadcast media or the print media calling for free air time or free ad space. The role of money in politics is not for personal gain, as would be the case if this were a corrupt government. Rather, money in American politics is a function of free speech, the ability to communicate through the mass media. Thus the drive for campaign funds is not motivated by corruption, but rather by the necessity to pay for air time and print space.

There is certainly room for reform to reduce the role of money in politics and to reduce broadcast attack ads by national parties. That is what many of us want to accomplish with the Ney-Wynn bill. I did an analysis under Ney-Wynn. The top 10 contributors of soft money contributed $21 million less than is currently allowable, but excessive bans on so-called soft money only weaken the political parties and strengthens the influence of wealthy individuals and candidates while reducing the role of our national parties.

Next, consider the right of free speech by issue advocates, whether liberal or conservative or even moderate. This is unconstitutionally restricted under the Shays-Meehan bill. Members debate the most critical time just before the election, 60 days before the election. This is not only unconstitutional, I submit that it defies common sense and our supposed goal of promoting an informed electorate.

National political parties have an important core function in terms of getting out the vote, voter education and voter registration. These functions are critical to both party building and to ensure greater participation in our political process. This is particularly important for minority groups, African Americans, Hispanics, and others, and these functions should not be relegated to so-called other groups whose agenda we are not aware of, but who may, in fact, represent special interests. These are functions the parties should perform.

Moreover, the Shays-Meehan bill restricts State political parties. I submit the States can regulate political activity within their borders. We should not be federalizing elections.

Finally, let me conclude by saying that self-appointed reformers suggest that Shays-Meehan would solve the Enron problem. That is patently absurd. Campaign finance reform would not have enabled Enron to avoid bankruptcy. Campaign finance reform would not have saved those employees and investors from losing their money. It is totally misleading to suggest that Shays-Meehan would have or could prospectively solve the Enron problem.

What we do know is Enron, Arthur Andersen and the accounting industry have political parties and House Members lots of hard money. Shays-Meehan does not get rid of hard money; therefore, these direct contributions would continue. But we also know that our system works because disclosure exists. Disclosure allowed us to know who got what, who got how much, and ultimately it allows the voters to make the decisions, not the reformers. That is the way our system should work.

I urge adoption of the rule, rejection of Shays-Meehan. Adoption of a compromise approach that would protect national parties, restrict soft money and not interfere with the States. That is the Ney-Wynn substitute.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Maryland (Mr. WYNN) is correct, that is exactly why I am a cosponsor of his legislation, because his bill does a better job. It talks about meaningful reform and instantaneous reporting, and it takes a special kind of guy to look in front of a camera and make a statement that the Shays-Meehan bill ends all soft money. It just is not true.

The Shays-Meehan bill empowers special interests to use independent expenditures, underground expenditures to influence campaigns while silencing average Americans.

Most everyone wants to reform our campaign finance laws, but taking away first amendment rights and eliminating free speech is not the way to do it. I believe we should do it the Shays-Meehan bill does not ban soft money. Instead, it creates a new road for cash to travel to political parties, allowing up to $60 million in soft money per donor nationwide via the States.

Funneled is not reforming, and if the supporters of Shays-Meehan were serious about campaign finance reform, the bill would completely ban soft money and take effect immediately. It does nothing raising questions about its intentions.

Matter of fact, the first Shays-Meehan bill in 1999 banned all soft money, did not allow State and local political parties to get at soft money. It banned labor and corporations, and it banned the wealthy from being able to put money in. So we talk about a change of what a bill had to do to get 218 motion-to-discharge signers, take a look at the different bills in the fourth draft we are now having before us in Shays-Meehan.

If the Shays-Meehan does not raise hard-money limits for House candidates and combine with other restrictions on finances, it will make the House of Representatives a millionaires' club. Take a look at some of the candidates we have had to recruit through our political parties that had wealth in order to run for public office. We have no available solution to get our message out.

The Shays-Meehan campaign finance legislation is no reform at all, rather some mechanism to limit free speech while turning over power and decisions to parts of the media and the wealthy. Limiting issue advocacy and curtailing who could say what and what can be said is definitely unconstitutional, and I have sat in the Committee on Rules where some of the sponsors have admitted it is unconstitutional.

The time has come. We have used a motion to discharge to get this bill on the floor. By gosh, we are going to have the debate tomorrow, maybe into the next day, but there is no longer anything to hide but the Senate will take care of it or the White House will take care of it. It is going to be settled right here in the House of Representatives.

Mr. Speaker, I reserve the balance of my time.

Ms. PROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DeLAURO), the assistant to the minority leader.

Ms. DeLAURO. Mr. Speaker, tomorrow we will consider one of the most important pieces of legislation before the Nation today, the urgent need to overhaul our failed campaign finance system. Last summer we attempted to close many of the loopholes that allowed unlimited and unregulated soft money to poison our system. I refer to a system that allowed the wealthiest individuals and the biggest corporations to seek unchecked influence.

We proposed ending the phony negative advertising that masqueraded as voter education, but are actually campaign commercials in all but name. We were ready to take these substantial steps toward cleaning up the system.

I wish the Republican leadership had come out to become the champions of reform and change. They have thrown up every procedural roadblock. They cannot imagine a world without such special interest money. They were successful in this intransigence before Enron. Now the winds of change blow strongly, and now a majority of this body say, no more.

That is why a bipartisan coalition of Members has forced this bill to the floor with a discharge petition over the objections of the Republican leadership. That we were forced to resort to such a rare parliamentary maneuver speaks volumes about the new urgency in the country.
Make no mistake, those wedded to this corrupt funding system will do all in their power to defeat, alter or corrupt this bill. They have called consideration of this bill Armageddon. They will attempt to add poison pill amendments to support and strengthen the bill, but, in fact, are only designed to destroy the delicate bipartisan compromise that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MURPHY) labored to put together. The American people are demanding that we clean up this system. The time for reform is now, and in light of recent events, the need has never been greater.

We have in this Chamber tonight a strong and courageous woman, Granny Dee. We see her here and thank her for the long road she has traveled for campaign finance reform. She inspires all of us. I thank her for her hard work.

Tomato juice of reform.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Some say that what killed campaign finance in July was not the Republican leadership, it was the Presidential ambition of some of the leadership in the minority.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I would inquire as to the time remaining on each side.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from California (Mr. DAVIS) has 7½ minutes remaining. The gentleman from Texas (Mr. FROST) has 11 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. DAVIS). Ms. DAVIS of California, Mr. Speaker, I rise today in support of this rule and the Shays-Meehan campaign finance reform bill.

Unlimited contributions are polluting our democratic process. By passing the Shays-Meehan bill, we will even the playing field. We will ensure that people of limited means can come together and send powerful policy messages to their elected officials. The Shays-Meehan will also make our campaign system more transparent.

In my last election a group called Citizens for Better Medicare ran hundreds of TV ads on prescription drug coverage. The problem was that no one knew that these Citizens for Better Medicare were actually pharmaceutical companies. Once Shays-Meehan is signed into law, corporations and large donors will not be able to hide behind these misleading shell groups.

I urge all of my colleagues in this House to vote for real campaign finance reform and pass Shays-Meehan into law.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of this rule and in strong support of the Shays-Meehan bill.

I represent a district north of the Golden Gate bridge right across from San Francisco with an 85 percent voter turnout. My constituents, the people I serve, are at the center of campaign process where their involvement counts. They want to ensure that the men and the women who are elected to head our government are truly accountable to their constituents, not special interests. They support the Shays-Meehan bill because they want big money influence out of the election process.

My constituents want to give our children a democratic election system that they will believe they can part of, and without real reform, Mr. Speaker, we are telling our kids and young voters that only wealthy contributors have a voice in the political process.

Mr. Speaker, I urge my colleagues to vote for the rule and for Shays-Meehan.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise in opposition to the rule. In case you wonder why the big media outlets, NBC, CBS, ABC and others, are such big supporters of the Shays-Meehan bill, it is not very tough to figure out they will be the only ones left standing, the only ones left able to survive within the 60 days before the election.

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And if my colleagues think for a minute these media corporations or these corporations that own media outlets are not biased or that they do not have an axe to grind here in Washington, consider for a minute: MicroSoft Corporation, which owns MSNBC, $2,311,926 in soft money last year, or in the last cycle, $820,000 in hard money from their PAC. They spent nearly $5 million lobbying the Congress in 1999. Go down the list: Walt Disney, which owns ABC, over $1 million in soft money, $283,000 in hard money, and spent nearly $3.5 million lobbying the Congress in 1999.

Now, these corporations will be able to speak 60 days before the election. Unlike interest groups or unlike individuals or others, they are allowed to speak. They are allowed to say whatever they want, as they should be. But if we are going to curtail the speech of others, then why not at least require disclosure on the part of the large corporate media players?

Should Shays-Meehan be the base bill, I have an amendment that I will offer which would require such disclosure. We cannot stand and say that we want campaign finance reform that is so unbalanced. And I say those who want campaign finance reform should want to apply it equally across the board.

Of course, that is not what this is really about. This is about showing our constituents that we really care about campaign finance reform. I think it is a sham, and I would urge rejection of the rule and rejection of the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

The opponents of campaign finance reform are spreading erroneous information about Shays-Meehan. The opponents say Shays-Meehan violates the first amendment because it prohibits free speech. In order to reach this conclusion, one must assume money equals speech. Therefore, the rich man’s wallet overwhelms the poor man’s soap box. Not so in America.

Shays-Meehan simply says that special interest television commercials must play by the same rules as Federal candidates. Corporate union dues, and unlimited dollars from wealthy individuals are prohibited, but groups are allowed to purchase and run television so long as they disclose the hard-dollar contributions.

I urge my colleagues to support Shays-Meehan. It protects our first amendment rights. It protects our democracy.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. The basic issue before us is not free speech, but the cost to democracy of opening the floodgates to big money. Soft money, unregulated, undisclosed, was originally intended to help parties register and get out the vote. Soft money is political parties into exchangers of money for so-called issue ads. It is swamping the voice of the citizen. It is corroding the legislative process. It has been said that money is the mother’s milk of politics. Instead, big money is becoming its poison.

Look, Shays-Meehan prohibits soft money except in a circumscribed instance. Only in this case, when it relates to registering and getting out the vote. Only in those cases, returning soft money to its original purpose.

I say vote for Shays-Meehan. It is originally what was intended by soft money. It is real reform of the political process.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the rule. Opponents of the rule oppose which is very innovative, and she is here tonight in this Chamber. She walked across America for 14 months in support of her dream,
campaign finance reform. Tomorrow, we will have an opportunity to give her and other Americans her dream, by passing meaningful reform. The President says he will sign it. The Senate has passed it. All we need to do is keep the poison pill amendments off of it.

Now, Enron was known as a very innovative company. That was their claim to fame before we found out they were really a house of cards. Well, the Enron end game has got to be passing campaign finance reform. It is time for Congress to do something very innovative: to restore public faith in the political system by banning soft money and creating more competitive elections.

This is our Enron end game. Let us pass campaign finance reform and send it to the President for his signature.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time and belatedly apologize for the fact that I think this was a debate he introduced a week ago, and we literally debating it, I think under a very fair rule. It gives both sides the opportunity to present their case.

When Abraham Lincoln addressed this Chamber during the Civil War, when we were losing 10,000 Americans a month, he looked at Congress and said, “The dogmas of the quiet past are inadequate to the stormy present. The occasion is pained with difficulty, and we must rise with the occasion. As our case is new, we must think anew and act anew, and then we will save our country.”

I happen to believe what we are going to do tomorrow is about saving our country and our democracy. It is about enforcing the ban on union dues money that took place in 1907; it is about enforcing the ban on union dues money that was passed in 1947; and about making sure that rich individuals cannot buy elections with the law that was passed in 1974.

Tomorrow, we can show them that we are voting for campaign finance reform and not delaying one more moment. This is a complex rule, but it is designed and I listened and I believe it gives us an opportunity to debate many issues. I know my local broadcast stations are concerned about one particular issue, impacting on the first amendment. We will be able to debate that. But what we must do is where we must not fail is fail the American people and this democratic process.

We have a lot to export to the world, that is, democracy in its purest sense. The only way we can do so is to support the Shays-Meehan bill tomorrow, have a vigorous debate, and be optimistic about what we need to do to show the American people we do believe their voices can be heard. I ask my colleagues to support Shays-Meehan as well as the rule.

Mr. FORD. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee.

Mr. FORD. I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I listened with great delight to my friend from New York and others who have expressed their opposition to this bill. It is almost as if my friend from New York would have us do more than what we are doing. I will be interested in hearing some of the debate tomorrow.

Let me be clear. I support campaign finance reform, because I think when we have liberal Democrats and some conservative Republicans saying something, I know it is a good thing. And we will hear a lot of that tomorrow, not just here in this Chamber but even outside this Chamber.

I urge my colleagues to pay attention to this debate, to vote their conscience, and we will all live with the consequences.
which I introduced to correct a simple clerical error and will not cost any additional funding. Without the fix my legislation provides, numerous homeless outreach providers in Northeast Florida will be subjected to profound and unintended consequences.

In May 2001, The Emergency Services and Homeless Outreach Program at Jacksonville submitted a consolidated Continuum of Care Application to the Department of Housing and Urban Development (HUD) requesting a maximum grant of $3.5 million. The intent of this application, consistent with HUD’s responsibilities under the Superfund, is to promote the competitive and optimal funding for the new projects. The Liberty Center would keep $459,600 of the grant and the remaining funds of just over $3 million would be dispersed to the other 10 projects in the priority order they were listed on the grant application.

This legislation will not cost the taxpayers any additional funds, and it will not change the original grant award amount of $3,484,778.

Mr. Speaker, I would like to thank my colleagues, Ms. Brown for joining me as an original cosponsor of this legislation and urge all my colleagues to support passage of H.R. 3699.

Mr. HORN. Mr. Speaker, today the House will begin the debate and vote on proposals to reform the way we finance federal election campaigns in this country. Some believe this issue rates very low in public concern, but I believe it is the real debate we are facing today. The proposals we debate today go to the very heart of our democracy. This is a debate about the way we will run our elections, which are the foundation and a major safeguard of our republic. It is a debate and a decision about whether every voter will have an equal voice in deciding our nation’s future or whether some interests will always have special status because their voices are backed by large financial contributions.

Mr. Speaker, there is nothing wrong with a person providing a contribution to a political candidate or committee. It is proper that candidates are supported at the grassroots level through the involvement of friends and neighbors. Each of us is here in large measure because we enjoy and appreciate such support from a wide range of Americans who care about our government and are personally committed to supporting us.

But, there is something wrong with this system when the link between candidates and the grassroots voter—our friends and neighbors—has been broken beyond recognition by an avalanche of big money that comes directly from corporations, labor unions and from a very few, very wealthy individuals. That is the problem we face today.

Direct political contributions from corporations to individual candidates were outlawed in 1907, but today corporations give hundreds of millions of dollars to both parties in the form of “soft money” because current federal law has a loophole allowing such contributions for so-called “party-building activities.” This loophole now allows enormous contributions—some of $1 million checks—that go directly to the political parties rather than individual candidates. Although giving to political parties may lessen the appearance of corruption, the average American understands that Enron, big tobacco companies and other corporations do not give millions of dollars to a political party just to assure good government.

Mr. Speaker, the choices before the House are clear cut. We can again pass a bill that provides genuine, effective reform of the current system—the bill offered by Mr. SHAYS and Mr. MEANY. The alternative before us is simply a single check—that goes directly to the political parties rather than individual candidates. Although giving to the political parties may lessen the appearance of corruption, the average American understands that after the tobacco companies and other corporations do not give millions of dollars to a political party just to assure good government.

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Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The Speaker pro tempore. The question is on the resolution. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. REYNOLDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules and on House Resolution 344, on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Concur in the Senate amendment to H.R. 2998, by the yeas and nays;
H.R. 3699, by the yeas and nays;
House Resolution 344, de novo;
And House Concurrent Resolution 326 de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RADIO FREE AFGHANISTAN ACT

The Speaker pro tempore. The Speaker pro tempore (Mr. THORNBERY). The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2998.

The Clerk read the title of the bill.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2998, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 12, as follows:

[Roll No. 15]

YEAS—421

Abercrombie
Baker
Allen
Andrews
Ackerman
Aderholt
Akin
Akin
Akerson
Mr. THOMPSON of Mississippi changed his vote from "nay" to "yea." So two-thirds having voted in favor thereof the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Sweeney). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on any additional motion to suspend the rules on which the Chair has postponed further proceedings.

REVISIGN CERTAIN GRANTS FOR CONTINUANCE OF CARE ASSISTANCE FOR HOMELESS INDIVIDUALS AND FAMILIES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3699.
The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 326. The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. Perrin) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 326. The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to. A motion to reconsider was laid on the table.

MODIFYING SPECIAL ORDER FOR COMMITTEE OF WHOLE CONSIDERATION OF H. R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, it is my understanding that the minority leader does not intend to offer amendments.

Pursuant to that, I ask unanimous consent that, one, during consideration of H.R. 2356 in the Committee of the Whole pursuant to H. Res. 344, the Chair shall alternate recognition to offer the amendments specified in section 3 between the majority leader or a designee of the majority leader and the gentleman from Connecticut (Mr. SHAYS) or the gentleman from Massachusetts (Mr. MEEHAN) or a designee of either Member only as follows:

(1) 1916
(2) 1930

The Majority Leader for one amendment;
Representative SHAYS or Representative MEEHAN for one amendment;
The Majority Leader for two amendments in sequence;
Representative SHAYS or Representative MEEHAN for one amendment;
The Majority Leader for two amendments in sequence;
Representative SHAYS or Representative MEEHAN for one amendment;
The Majority Leader for two amendments in sequence;
Representative SHAYS or Representative MEEHAN for one amendment; and
The Majority Leader for one amendment.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

CONGRATULATIONS AND THANKS TO LUCY ESPINEL AND REGINE FERNANDEZ-CACILO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise to congratulate two constituents of my congressional district, Lucy Espinel and Regine Fernandez-Cacilo, for their selfless work on behalf of the neediest folks in south Florida.

Lucy and Regine oversee, without compensation, the “Wish Book” of the Miami Herald charities, featuring those who are not receiving desperately needed assistance.

What is wonderful about the work of these two remarkable women is that they get personally involved with all to understand their unique individual needs. With respect and compassion, Lucy and Regine try to fulfill every wish, whether it be for food, toys for children, medical equipment, medication or furniture.

Lucy and Regine take time out of their work and personal lives; and during these difficult times, when we have been affected in so many ways by tragedies, it is encouraging to know that there are kind individuals like Lucy and Regine to make someone more comfortable.

Mr. Speaker, I wish to extend our congratulations to them; and I thank another constituent of my district, Angel Pardo, for informing me of their work. Please join me in celebrating the contributions of these two humanitarians to our south Florida community, and indeed, to our great Nation.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TOOMEY) is recognized for 5 minutes.
MUSHARRAF'S VISIT TO THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to discuss my concerns with H. Con. Res. 322, a resolution introduced by the gentleman from Pennsylvania (Mr. PITTS) this afternoon that commends General Musharraf of Pakistan for his leadership and friendship and welcomes him to the United States.

Mr. Speaker, I agree that General Musharraf was faced with a difficult decision when he was asked, and he cooperated, with the United States in the fight against terrorism. There is much civil unrest throughout Pakistan, and I do believe that there was a risk involved when Mr. Musharraf decided to side with the United States.

However, there have been some major shortcomings in Musharraf’s promises to root out the Taliban, al Qaeda and certain terrorist groups in Kashmir that were linked to al Qaeda. I sent a letter to President Bush today outlining these shortcomings, and I will include that in the RECORD at this point.

CONGRESS OF THE UNITED STATES,
House of Representatives,

Hon. GEORGE W. BUSH,
President of the United States, Washington, DC.

Mr. President: I understand that you, along with other officials in your administration, will be meeting with General Pervez Musharraf on Wednesday during his visit to the United States. I am writing to explain why I continue to oppose lifting the ban on military assistance to Pakistan and the proposal in your budget to provide $50 million in military assistance.

Since September 11 and Musharraf’s supposed willingness to fight against terrorism, Pakistani-based militant groups have been carrying out violent cross-border terrorist attacks on innocent civilians throughout Kashmir on a daily basis. In addition, the largest symbol of democracy, the Indian Parliament, was attacked on December 13, 2001 by the same terrorist groups operating out of Pakistan near the Kashmir border.

Musharraf has claimed to crack down on terrorism in Pakistan since the attack on the Parliament, however it remains my concern that this is not the case. Although he has arrested nearly 1600 individuals, there is no assurance that these individuals are criminals and there is no notice of whether these individuals are terrorist fighters. In addition, there has been no progress on Pakistan’s part to quell the violence taking place in Kashmir. In fact, the Kashmir Solidarity Day last week, Musharraf delivered a speech, which I found to be among these terrorist groups that he refers to as “freedom fighters”. Pakistan has openly acknowledged that it provides logistical and moral support to these groups, in the support of those beyond that to arms and weapons transfers.

It is clear that Musharraf is in fact supporting terrorist activities under the guise of calling these groups “freedom fighters”. When you asked Congress last fall to lift the ban on military assistance to Pakistan, there were no steps to provide any such assistance to General Musharraf. State Department representatives appeared before the House International Relations Committee at the time, and stated that no military aid to Pakistan was anticipated.

In your FY 2003 budget proposal you have requested $50 million in military assistance to Pakistan. Frankly, I don’t see that the situation has changed in Pakistan to justify providing such a serious commitment that you are proposing military assistance to a country that verbally condemns terrorism on a global level, but that actively supports terrorist activities in its own backyard.

I agree that Pakistan needs extensive aid to rebuild its economy, education system and social structure. However, I cannot support any assistance to Pakistan given its current leadership under a dictator and its continued backing of militant groups. Historically, U.S. military assistance to Pakistan has been used to arm cross-border terrorists in their attacks on Indian civilians in Kashmir and throughout the nation. There is continued evidence that terrorist groups operating in Pakistan are linked to Al-Qaeda and that their attacks on India are experiments for future attacks on the United States. I do not believe it is in our best interest to provide military assistance to Pakistan, despite their agreement to help in our war on terrorism. South Asia is a very volatile, unstable region and given the current military standoff between Pakistan and India, $50 million worth of U.S. weapons will only aid future conflict in that region.

Thank you for your consideration.

Sincerely,

FRANK PALLONE, JR.

However, tonight, Mr. Speaker, I would like to focus on democracy, or the lack of democracy, in Pakistan. In the Pitts resolution, there is mention of President Musharraf’s pursuit of a return to democracy and civil society, in addition to his adherence to the timetable for restoring democratic institutions in Pakistan. I do not support this resolution because the opposite is true. Mr. Speaker, Musharraf has made no concrete attempt to restore democracy in Pakistan, and I urge the Congress and the administration to be very wary of any guarantees of a return to civilian rule in Pakistan.

In 1999, General Pervez Musharraf overthrew the civilian-elected government of Pakistan in a military coup and since then has governed Pakistan under military rule. General Musharraf has shown no steps toward returning Pakistan to democratic rule and, in fact, has moved in the opposite direction.

On June 20 of last year, Musharraf declared himself President of Pakistan, which is a clear indication of his desire to maintain a dictatorial stronghold. Musharraf’s past actions include dissolving Pakistan’s National Assembly, or parliament, and four provincial assemblies. He has claimed that he will serve out his term, which ended in October of 2002. However, there are no indications that this is likely to occur. October is only 9 months away. As a self-proclaimed president, Musharraf may be seen with more credibility in the eyes of the international community at large, but the fact remains that the people of his nation have never elected him.

Mr. Speaker, on October 16 of last year, the House debated lifting section 508 that would allow military assistance to Pakistan. The United States prohibited the export of U.S. weapons and military assistance under section 508 to countries whose duly elected head of government is deposed.

Today the House debated the Pitts resolution which praises Musharraf for his steps toward returning Pakistan to democracy. If and when Pakistan exemplifies steps towards establishing a democracy with a civilian-elected government, perhaps then section 508 discussion would have been relevant and perhaps the Pitts resolution would be relevant. But until then, Mr. Speaker, it is crucial for Congress to indicate its support for a restoration to democracy and civilian rule in Pakistan.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to pay tribute to one of America’s most respected war heroes. In my congressional district, the citizens of Moberly, Missouri, have a lot to be proud of today as they gather to honor the memory of one of its favorite sons, Five Star General Omar Nelson Bradley.

Mr. Speaker, today, fitting the end of one of the most defining eras of our country's history, we take time out to remember the virtues that he exemplified: honor, dignity, patience, humility, and love of country.

The son of a Randolph County school teacher, Bradley was born on this date, February 12, in 1893 in a log cabin near Moberly, Missouri. After the death of his father when he was 14, Bradley and his mother moved to Moberly where his formative years were spent, and it was during his days at Moberly High School that Bradley began to develop the leadership skills that would later serve him as a leader of the Allied Forces in World War II.
After he graduated from high school in the spring of 1911, Bradley worked on the Wabash Railroad to earn money to attend the University of Missouri. He was determined to put himself through school until his Sunday school superintendent encouraged him that he might have a chance at receiving a nomination to attend the U.S. Military Academy. So he used what little money he had to catch a train to St. Louis where he took the competitive exams that the cadet who from his district would attend West Point. He finished first and was sworn in as a cadet in August of 1911.

During his time at West Point, General Bradley was an above-average student. He graduated 44th out of 164 men in 1915, a class that many have called “the class stars fell on.” Nearly 20 of the 1915 graduates achieved the rank of general or higher during World War II. The Howitzers, as the 1915 graduates were pointed to be chairman of the Joint Chiefs, Bradley became the last American to receive a fifth general’s star.

General Omar Bradley applied the determination, fairness, and care for his fellow man that he learned from his Missouri upbringing. In the process, he became one of our Nation’s greatest leaders and friends to those who served under him. The following statement from the general himself may shed the light on the character of this man and the inspiration he was to the so many, quote: ‘This is as true in everyday life as it is in battle. We are given one life and the decision is ours to make up our mind on whether to act and, in acting, to live.’

It is clear that the leadership qualities General Omar Nelson Bradley won the admiration of the legions as his initiative to combat this growing national problem. The Howitzers of 1915 graduated during his West Point days came from fellow classmate and future President, Dwight David Eisenhower, who wrote in Bradley’s yearbook the following words: ‘True merit is like a river; the deeper it is, the less noise it makes.”

Perhaps the most brilliant characteristic is ‘getting there,’” proclaimed the yearbook, and “if he keeps up the clip he’s started, some day, someday, he’ll be bragging to our grandchildren that ‘sure, General Bradley was a classmate of mine.’

General Bradley was determined to out-think and out-prepare his adversaries. He challenged his troops to ‘set our own standard in being the best troops in the world, and the lights of every passing ship.” This brand of resolve, coupled with a Missouri down-to-earth concern and affection for his troops, made General Bradley extremely popular with all of those he commanded, whether he was fighting World War II, or aside from the general’s stars on his helmet, Bradley was often indistinguishable from many who served alongside him on the front lines. Because of his style of command, the famous war correspondent Ernie Pyle dubbed him “the soldier’s general.”

General Bradley would demonstrate his tactical and what today we call “people skills” with those he commanded. In January of 1944, he was given command of the 12th Army Group. With a force of over 1.3 million men, Brad, as he was called, established what would become the western front of the war of Europe, following D-Day, which famous battles as the Battle of the Bulge, General Bradley won the admiration of the legendary General George Patton and his West Point classmate General Eisenhower. Eisenhower called Bradley “the master tactician of our forces” and “America’s foremost battle leader.”

In 1948, Bradley succeeded Eisenhower as Army Chief of Staff and soon became the first chairman of the Joint Chiefs of Staff, and in that capacity, he served both during the beginning of the Korean and Cold Wars. Once he was appointed to be chairman of the Joint Chiefs, Bradley became the last American to receive a fifth general’s star.

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Bradley over a half century ago allows us to live as we do today. And on this day, we are honored to show a small portion of our thanks and appreciation to this great citizen, soldier, Missouri, and American.

RECOGNIZING BLACK HISTORY MONTH AND PREVENTING AND DECREASING OBESITY: A GROWING EPIDEMIC IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise today to recognize the kickoff of Black History Month and all the great accomplishments that African Americans as a whole have contributed to this great Nation.

As we begin this month in honoring these great people, I would like to single out African American physicians and health care providers. These physicians and health care providers were not only the principal guardians of the health of our blacks, but they were servants of humanity as a whole.

This is why I must stand and strongly urge my fellow Members to support the Surgeon General’s call to action to prevent and to decrease obesity, a growing epidemic in the United States. I applaud the United States Surgeon General, David Satcher, and Secretary of Health and Human Services, Tommy Thompson’s, initiative; and let me add one ingredient to Brooklyn’s name to that distinguished list, Mr. Marty Markowitz, to ensure that all Americans understand what they can do to combat this serious disease.

This initiative consists of communication, education, and related health issues, actions to assist Americans in balancing eating right and exercise, research and evaluation to invest in causes, prevention and treatment of overweight and obesity. This is what the Surgeon General calls CARE. Our support is needed now, not later.

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My support begins in my own borough of Brooklyn. On March 20, I will be joining forces with Brooklyn’s borough president, Marty Markowitz, to kick off a 3-month-long health community campaign promoting diet, exercise, and the Surgeon General’s CARE initiative for Americans. As Members of Congress, we need to fully support this Surgeon General’s support and findings as his initiative to combat this growing national problem.

The Surgeon General’s Call for Action report states that “obesity has become a national health crisis.”

In addition, the instance of overweight and obesity has almost doubled among America’s children and adolescents since 1980. It is estimated that one out of every five American children is now obese.

The National Center for Health Statistics reports that 61 percent of Americans over 20 years of age are overweight or clinically obese. The National Center of Health Statistics conducted research from 1991 to 2000 which supports the finding that this epidemic has significantly affected approximately 300,000 weight-related deaths yearly. In addition, it also shows great disparities in overweight and obesity prevalence based on race, gender and socioeconomic status. Overall, Hispanic Americans have the highest risk of being overweight and obese, followed by African Americans. And women in both ethnic groups are at the highest risk. Further, women of lower socioeconomic status have a 50 percent higher chance to be obese than women in higher socioeconomic strata.

As this epidemic continues to grow, other health consequences need to be considered such as heart disease type 2 diabetes, with a high prevalence in school-age children, cancer, asthma, high blood pressure, arthritis, childbearing complications, and stroke. As this is the third leading cause of death among African Americans.

For the past decade the health community has made great strides in these areas, but specifically with heart disease and cancer research, treatment and prevention. However, if the current overweight and obesity epidemic is not managed, all accomplishments made thus far will be for naught. Our Nation’s health would be taking gigantic steps backwards.

Last year, I introduced H.R. 1641 that would amend Title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity. At a time of national urgency, this amendment to the Social Security Act is crucial.

As I close, I would like to share with my colleagues that the economic cost of this growing epidemic in our Nation was approximately $117 billion, that is B as in boy, in 2000. We need to support this initiative to be proactive against obesity in order to ensure America’s health in the present and in the future.
I would like to thank my staff, Michelle Scott and others who put together this report.

TRIBUTE TO OLYMPIAN DEREK PARRA

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I rise today to pay tribute to one of the America’s new Olympic heroes. Like all Americans, I have been watching all of our athletes competing in the 2002 Games with great pride. We love the Olympics. We love international spirit and the thrill of competition, the joy of victory and the stories of struggle. The athletes capture our imagination and our hearts.

I have been watching one athlete with particular pride, speed skater Derek Parra, winner of the silver medal in the 5,000-meter event. You see, Derek Parra is from my district. He went to school with my son, Joe Baca, Jr., in Rialto, and I attend church with Derek’s father, Gilbert Parra, at St. Catherine’s in Rialto, California.

Derek’s family and friends gathered on Saturday at Graziano’s Pizza Restaurant in Colton to watch the San Bernardino native break the world record in the 5,000-meter speed skating race on February 19.

Mr. Speaker, we are at an important point in our history in terms of where direction this country will take. And those questions will be answered by our debate around the administration’s budget and around our own budgetary initiatives that will be put forward on this floor. And I just want to take a moment to just do a gut check on where we are in this country’s history.

We are without question the wealthiest generation of any that ever has walked this Earth. We have acquired in this generation, my generation, greater wealth and done it faster than any other generations on this planet. We have seen in the past 20 years the average income of the top 1 percent of earners in this country increase by a staggering $414,000 per year. We have seen the number of millionaires in our society increase by 400 percent over the past 10 years. The rate of inflation for the working family since 1980 has not, never been higher in this country.

We are faced now with several challenges, knowing that we are the wealthiest generation, knowing what the blessings that have gone before us. We have a couple of challenges, and I think the way we face these challenges is instructive as to the type of people and the type of country that we become.

I also say the way we are facing our tax cuts. That is what we are saying as a generation. We want our tax cuts. Even though we are the wealthiest generations of America, we do not phase out our tax cuts. Do not delay them. Give us our tax cuts. And instead, we are saying let us build a deficit, and let us just hand the bill, hand the debt owed for this war to our children and to their children.

And that, Mr. Speaker, I see as just disingenuous and to a certain degree cowardly. We have a responsibility to the next generations. We have a responsibility, especially given the blessings that we have in this country, to face up to our responsibilities to provide a secure and decent retirement, to provide a secure and decent medical care for American families to provide a secure and decent education for American children.

We have seen the number of millionaires increase by 400 percent over the past 10 years, and we have a couple of challenges. Our children and our grandchildren are going to inherit a debt that is so large that our grandchildren are going to have a very difficult time paying it back, and I think that what we hear on the floor in our debate is that we should somehow privatize Social Security, we should somehow suggest curtailing benefits to those who are our most vulnerable and most in need. And, Mr. Speaker, I think we have missed, if that is the direction we have taken, we have missed our mission. We have missed our opportunity...
to strike, I think, a true course consistent with the great traditions in this country of meeting the challenges of each generation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN SUPPORT OF THE SHAYS-MEEHAN BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Kentucky (Mr. LUCAS) is recognized for 60 minutes as the designee of the minority leader.

Mr. LUCAS of Kentucky. Mr. Speaker, this evening the Blue Dog Coalition is pleased to take this opportunity on the eve of debate regarding the Shays-Meehan campaign finance reform legislation to stand in strong support of this important reform.

Mr. Speaker, I rise tonight as chairman of the Blue Dog Caucus on Campaign Finance Reform to voice my support for the Shays-Meehan bill. This bill represents real reform, and I strongly encourage my colleagues to support it.

The Shays-Meehan bill is the only campaign finance reform bill that effectively deals with soft money and the sham issue ads.

In 1996, $262 million of unregulated soft money was spent on campaigns. Estimates of the 2000 election place the amount of money, soft money, at about one-half billion dollars. That is billion with a B.

This money from unrevealed sources has the effect of drowning out the voice of the average citizen, and it is often used to support so-called issue ads funded by the wealthy interest groups which oftentimes flood a candidate's district just days before an election. These ads are put together by unknown, unaccountable sources and are often misleading or sometimes simply untrue. Of course, no one knows where the ad came from, so no one is called to task for these misleading, sham issue ads.

As the recent Enron debacle shows, Congress must avoid even the appearance of a cozy relationship. I cannot say whether or not the executives at Enron broke the law or received special interest as a result of the $1,671,000 of soft money they gave in the 2000 election cycle campaign. They do, after all, deserve a fair hearing, and we are about that process now, but I know that the mere suspicion by the public that Enron did receive special treatment erodes public confidence in our government.

There is no question that the campaign finance system is not working well for the American people. An individual or corporation can literally pour thousands of dollars into the systems without identifying themselves or what they represent. I believe we can reform the system to shift the balance back to the people and emphasize the voices of average citizens, not special interest groups, reforming a system that will enable us to focus more attention on the needs of all of our citizens, educating our children, passing a real Patients' Bill of Rights and protecting Social Security and Medicare.

Campaign finance reform is the right thing to do, the right time to do it, the right way to do it, and the right end-all in government reform, it is a major step in the right direction. The confidence of the American people is at stake. We must return our government to the people.

Mr. Speaker, tonight I have several fellow members of my Blue Dog coalition who are here to speak. The first speaker we have in the coalition to join us this evening, the gentleman from Florida (Mr. BOYD), a strong supporter of the campaign finance reform bill that fixes our broken campaign finance system. They do, after all, deal with the end-all of campaign finance reform to stand in strong support of this important reform.

Mr. Speaker, I rise tonight as chairman of the Blue Dog Caucus on Campaign Finance Reform to voice my support for the Shays-Meehan bill. This bill represents real reform, and I strongly encourage my colleagues to support it.

Mr. BOYD. Mr. Speaker, I want to thank my friend, the gentleman from Kentucky (Mr. LUCAS), who has been a strong advocate and leader for campaign finance reform since his election to this Congress, to this U.S. House, in 1996. I also want to recognize the efforts of the gentleman from Texas (Mr. TURNER), who came into this body in the 1996 election, as did I, for his strong leadership, and of course we all, Mr. Speaker, recognize the leaders in this body, the bipartisan leadership that is provided by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), who have been strong and long and tireless advocates for campaign finance reform.

Mr. Speaker, I came to this body after the 1996 election, and our freshman class spent some time together developing what we thought was the most important issues that we could work on together. This freshman class was made up of both parties, members of both parties, that came in that 1996 election, which chose together in a bipartisan way the issue of campaign finance reform to work on, and so we have been working, trying to get the campaign finance system of this Nation reformed since that 1996 election.

Mr. Speaker, my colleagues know that our democratic system of government works best when the ordinary constituents participate in the largest numbers. We have had diminishing participation in our government election systems over the last 20 or 30 years, and I think that diminished participation is due in large part to cynicism. The public has become very cynical about our campaign system. They are not confident and who controls them and so on.

I think they are cynical because the public believes that the current system is skewed to give the wealthiest people in this country and special interest groups a greater say in shaping our public policy.

The largest culprit in that cynicism, that causes that cynicism, I believe, is a soft money loophole. Closing this soft money loophole will restore public confidence into our campaign financing system in our elections. Grassroots and personal participation, which we all know, the more personal individual participation we have in the electoral process, the better our system works. If we can improve personal participation and grassroots efforts, then we will go a long way toward improving our system and the participation in that system, and our democracy will work much better.

The political parties will once again, Mr. Speaker, become a resource for manpower and strategy rather than a conduit for unregulated money, which they, over the last 30 years since our parties have been in power, have failed to take up and pass campaign finance reform to work on together. This freshman class spent some time together developing what we thought was the only campaign finance reform bill that represented real reform, and I strongly encourage my colleagues to support it.

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Mr. Speaker, I want to thank the gentleman from Florida (Mr. BOYD) for his remarks.
Mr. Speaker, the newest member of the Blue Dog coalition and a valuable advocate of campaign finance reform, the gentleman from New York (Mr. ISRAEL), I am pleased to yield him time.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman from Kentucky (Mr. LUCAS) for yielding, and I want to thank him also for his leadership of the Blue Dog and his leadership on behalf of campaign finance reform.

Mr. Speaker, the gentleman just alluded to, I am proud new member of the Blue Dog. I am the only Blue Dog with this New York accent, but certainly no less committed to the vital principles that the Blue Dogs have been fighting for in this House, and that is fiscal responsibility and a strong defense and campaign finance reform.

Mr. Speaker, last summer I stood on the steps of the New York City birthplace of one of the greatest Presidents that our country ever had, Theodore Roosevelt, and his greatest distinction was being a crusader for our environment and a crusader for reform.

I stand today, Mr. Speaker, with my colleagues from the other body, Senator MCCAIN and Senator FEINGOLD, and with the sponsors of campaign reform in this House, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), and we chose the birthplace of Theodore Roosevelt because he understood the corrupting influence of special interests on our system of government.

Even in the dawn of the 20th century before Enron, before the S&L scandal, before Watergate, Theodore Roosevelt was somebody who understood the corrosive influence of groups who can spend any amount of money they want, however they want, wherever they want in these unregulated soft money ads.

Theodore Roosevelt said one of the fundamental necessities in a representative government such as ours is to make certain that the man to whom the people delegate their power shall serve the people by whom they are elected and not the special interests. We stood on the steps of his birthplace in defense of that principle, and the best way to deliver on that principle is to pass Shays-Meehan in this House this week.

I cosponsored Shays-Meehan. I signed the discharge petition that is compelling a vote on Shays-Meehan, and we are at a crossroads, and, Mr. Speaker, if anyone needs any evidence of the need for campaign finance reform, let me share with them a conversation I had yesterday in my district in Deer Park with some of the senior citizens I represent.

We are talking about the critical need for a prescription drug benefit for America’s seniors, for Long Island seniors. One hundred thousand Long Island seniors have been kicked out of their Medicare HMOs. A million American seniors have lost their prescription drug benefit. And we were talking about that problem, and I was hearing stories from senior citizens who said, I either cut my food bill in half, or I cut the half of my prescription drug bill in half because I cannot afford both, and one of the points I made is I have introduced with my colleagues on a bipartisan basis several different resolutions that would provide for Medicare HMO stability, that would provide for our senior citizens. Some of the people said, well, why cannot we get these things passed; we appreciate your work, but why is not the House of Representatives passing these bills? One woman said to me, her name is Shirley Beja, lives in West Islip, she said, you know, why do we not have campaign finance reform; when we pass campaign finance reform, those other things will become possible.

Where are the special interests, when people have as much of a voice in this House as the special interests do by flooding our airwaves with unregulated soft money, negative attack ads, that is when people will be put first. When people, regular people, working people have as much influence in this House as the special interests who flood campaign treasuries with unregulated soft money special interests contributions, that is when we will put people first. Maybe you can get Shays-Meehan, or when we will get a prescription drug benefit.

Mr. Speaker, I want to close by observing some of the debate that I have heard on both sides of the aisle about who Shays-Meehan really helps and who it really hurts. There are some Democrats who believe that Shays-Meehan will help the Republicans, and there are some Republicans who argue adamantly that Shays-Meehan will help the Democrats. Well, Mr. Speaker, how about helping the American people; how about helping America’s senior citizens? How about leveling the playing field here on Capitol Hill?

I thank the gentleman from Kentucky (Mr. LUCAS) again for his leadership.

Mr. LUCAS of Kentucky. Mr. Speaker, I thank the gentleman from New York (Mr. ISRAEL) for his comments. It is my pleasure to recognize my colleagues from the other body, Senator McCaskill and Senator Feingold, and with the sponsors of campaign reform in this House, the gentleman from Connecticut (Mr. Shays), and the gentleman from Massachusetts (Mr. Meehan), and we chose the birthplace of Theodore Roosevelt because he understood the corrupting influence of special interests on our system of government.

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I thank the gentleman from Kentucky (Mr. LUCAS) again for his leadership.

Mr. LUCAS of Kentucky. Mr. Speaker, I thank the gentleman from New York (Mr. ISRAEL) for his comments. It is my pleasure to recognize my colleague and a fellow Member from the 100th Congress freshman class, the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. I want to thank Mr. Speaker, my good friend and colleague the gentleman from Kentucky (Mr. LUCAS) and the gentleman from Texas (Mr. TURNER) and Shays-Meehan and for all those who have done so much work in regards to getting this issue this far where it should be out in the light of day. We thank them for their work in regards to getting this issue for all those who have done so much work, but why is not the House of Representatives passing these bills? One woman said to me, her name is Shirley Beja, lives in West Islip, she said, you know, why do we not have campaign finance reform; when we pass campaign finance reform, those other things will become possible.

Where are the special interests, when people have as much of a voice in this House as the special interests do by flooding our airwaves with unregulated soft money, negative attack ads, that is when people will be put first. When people, regular people, working people have as much influence in this House as the special interests who flood campaign treasuries with unregulated soft money special interests contributions, that is when we will put people first. Maybe you can get Shays-Meehan, or when we will get a prescription drug benefit.

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Mr. LUCAS of Kentucky. Mr. Speaker, I thank the gentleman from New York (Mr. ISRAEL) for his comments. It is my pleasure to recognize my colleague and a fellow Member from the 100th Congress freshman class, the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. I want to thank Mr. Speaker, my good friend and colleague the gentleman from Kentucky (Mr. LUCAS) and the gentleman from Texas (Mr. TURNER) and Shays-Meehan and for all those who have done so much work in regards to getting this issue this far where it should be out in the light of day. We thank them for their leadership.

I join my fellow Blue Dogs in supporting sensible campaign finance reform. I have supported campaign finance reform throughout my entire political career, 14 years in the Illinois State Legislature and now a second term in Congress, and I will continue to do so until laws regarding this issue finally are enacted.

I would like to start off by commending all my colleagues for working hard to bring this issue back to the House floor in such a timely manner, especially, as we mentioned, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), as well as everyone who signed the discharge petition.

Remember, the discharge petition is going to extreme efforts to force the leadership to just allow this body, the greatest deliberative body in the world, to do what we are sent here to do: to be able to put these issues out for everyone to understand them, to educate the public of what is going on here, as they compensate our activity. To have to go to the extreme of having the discharge petition in motion reflects that there is a hard, heavy hand on the process that is trying to control true debate, which is really at the base of this issue anyway. So I am glad we are at this particular point.

This is an issue that is important to many of my constituents, so I am pleased that the opportunity has come once again to pass meaningful campaign finance reform legislation. I firmly believe we must reduce the overwhelming influence of money in our political campaigns and return to a system based on healthy debate over candidates’ positions on issues.

This means abolishing soft-money contributions to national parties, which includes unregulated, undisclosed contributions by corporations, foreign nationals, labor unions, and wealthy citizens, and restricting soft-money expenditures by State parties in Federal elections. This also means putting a cap on money contributions to national parties by allowing individuals to contribute no more than $57,500 per cycle.

I strongly oppose increasing individual contribution limits, due to the fact that these limits enhance the influence of wealthy individuals at the expense of ordinary citizens. As someone who represents a district in rural southern Illinois, where the per capita income is a little over $11,000 per individual and $22,000 per family, it is extremely important to me that my constituents’ concerns are not overshadowed by the large wallets of big business. It is crucial for these people to have a voice in American politics, something I am fighting every day as we face reapportionment, just to have an area down State Illinois, to have a voice in Congress, to speak out on their behalf, even if the majority of them cannot provide a monetary voice, which so often happens with working people.

I have received numerous letters and calls from constituents thanking me for signing the discharge petition and
making an effort to get meaningful campaign finance reform legislation back to this House floor. With the 2000 elections using over $450 million in unregulated soft-money contributions, there is no question that the campaign finance system has gotten way out of hand. We need to pass this much-needed campaign finance reform legislation before these record amounts have a chance to once again be broken, if you can imagine that.

Back home in southern Illinois, people just want the issues to be genuinely, fairly debated; and they want to hear from the candidates, where they stand on issues and policies that affect them. They do not like disguised, sneaky methods of advertising, ways that promote negative, name-calling, character destruction and remarks that are hidden behind some technicality or strategy to smear some candidate without even knowing who is paying for the ad, or who is responsible for them.

It is time we passed this legislation, and I urge Congress to join me and my Blue Dog colleagues as we make this effort.

Mr. LUCAS of Kentucky. I thank the gentleman from Illinois for those comments.

Now it is my pleasure to introduce a committed promoter of campaign finance reform, the only Member of the House from the State of Kansas to sign the discharge petition, a friend of mine, the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I want to thank the gentleman from Kentucky for his leadership, and I want to thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their leadership in the fight against the practice which was never intended by the drafters of soft money to the political process, a practice which was never intended by the drafters of soft money to the political process, a practice which was never intended by the drafters of soft money to the political process. This belief discourages the contribution of large sums of money in Federal campaigns and elections more open and, hopefully, will counter a growing cynicism in our country towards politics and political candidates. I also hope, Mr. Speaker, that full disclosure and laws against issue ads will increase participation in the political process. At a time when nearly half of all eligible voters do not vote, we need desperately to find new ways to encourage citizen participation. I believe passage of Shays-Meehan will do just that.

There are people, Mr. Speaker, in our country’s history who fought and died for the opportunity to vote for the people we negative impact of those in their government. There are people, Mr. Speaker, around the world who would give anything they could and would fight and die for the opportunity to be able to elect their leaders, to be able to participate in a democracy. What have we done in this opportunity in this country; and yet only about half of the people vote because of the cynicism, because they are so discouraged about our political process, because of all the unregulated soft money in our process.

During the 106th Congress, Mr. Speaker, I sponsored legislation to require the so-called section 527, political organizations, to disclose the names of contributors and expenditures at full disclosure should be the rule. Passage of Shays-Meehan will continue the important process of implementing disclosure requirements that will expose political donations to the light of day. That is inconsistent with representative democracy. That is inconsistent with representative democracy. That is inconsistent with representative democracy. That is inconsistent with representative democracy. That is inconsistent with representative democracy. That is inconsistent with representative democracy.

On July 30, the Blue Dog coalition, of which I am a member, initiated a discharge petition to force a vote on the bipartisan Shays-Meehan campaign finance reform bill. I wish the House leadership would have provided Members a fair opportunity to vote on Shays-Meehan without that discharge petition last July. But we finally got 218 signatures, the magic number, that requires the leadership to bring this to a vote on the House floor. Now we will have our chance for that vote. Now we will have our chance for campaign finance reform.

Mr. Speaker, there is in this country a national crisis of confidence in our election system as a result of the huge sums of money in Federal campaigns. This Shays-Meehan campaign finance bill is nothing more than a reasonable attempt to clean up our campaign system.

There is in this country a widely held belief that special interests and the very wealthiest campaign contributors have way too much influence in our political system. This belief discourages citizen participation in our democracy. A ban on soft money and limitations on issue ads, together with new disclosure requirements, will make campaigns and elections more open and, hopefully, will counter a growing cynicism in our country towards politics and political candidates. I also hope, Mr. Speaker, that full disclosure and laws against issue ads will increase participation in the political process. At a time when nearly half of all eligible voters do not vote, we need desperately to find new ways to encourage citizen participation. I believe passage of Shays-Meehan will do just that.

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The amount of money spent on issue ads, which can be paid for with unlimited amounts of money not subject to disclosure amounts, increased by nearly 500 percent between the 1995–1996 and 1999-2000 election cycles. More than 130 groups ran issue ads at a cost of more than $500 million. What are they getting for that money? Did Enron get more influence than they were entitled to in our political system because of all their contributions? Hearings will answer that question, hopefully.

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In fact, these and other groups are funded by special interest money, and viewers at home often have no way of telling who paid for these issue ads. The American people have a right to make an informed decision; and the only way that can happen, Mr. Speaker, is by full disclosure, and special interests should not be afraid to disclose their funding of issue ad groups.

The House has passed the bipartisan Shays-Meehan bill twice before, I urge my colleagues on both sides of the aisle to pass this bipartisan legislation tomorrow for the third and final time. I hope and believe that if this goes to the President’s desk, the President will sign this into law. If that happens, the Democrats do not win, the Republicans do not win. The true winners in our system, Mr. Speaker, will be the American people.

As Senator JOHN MCCAIN has said on many occasions, it will either be the American interests or the President’s interests that will be represented in Congress. We need to come down hard on the side of the American people.

Mr. LUCAS of Kentucky. I thank the gentleman for his statement.

Mr. TURNER. I thank the gentleman from Kentucky.

We are at a historic moment in the House of Representatives because we have the opportunity once and for all to end the contributions of large sums of soft money to the political process, a practice which was never intended by the drafters of campaign finance reform in the early 1970s. But smart lawyers figured out how to get around those reforms; and we are left today awash in soft money pouring in, $25,000, $50,000, and $100,000 at a time, millions of dollars.

The connection between those who give hundreds of thousands of dollars to the political process and the shaping of public policy should be apparent to every American. Those of us who have fought for campaign finance reform do so because we believe that the current system is destroying the public’s faith and confidence in the legislative process and because we believe that it is time that the thousands of dollar contributions that are polluting this political process.

Enron, we know, contributed over $1.6 million in the last election cycle. We do not know for sure what all they give; but we certainly know from our own experience of common sense that they expected something if they were contributing money in the sums of $1.6 million. The American people understand that those with the big bucks speak louder in these halls than the ordinary citizen. That is inconsistent with representative democracy. That is inconsistent
with building the kind of government that every American can be proud of and have confidence that when we meet in these halls we work for the public interest rather than the special interest.

Yesterday, I had the opportunity to be a part of a press event hosted by a group called Committee for Economic Development, CED for short.

Mr. Speaker, this is a group who came to Washington to fight for campaign finance reform. No, it was not a group of reformers, those who are on the outside looking in wanting the system to change. These were people who had been on the inside, who had seen the system work. They were a group representing over 300 business leaders who have advocated forcefully for the abolishment of soft money and for the passage of sound campaign finance reform legislation.

The business leaders that came yesterday included a wide range of very well-respected leaders from across our country. We had people like Ed Kangas, the former CEO of Deloitte Touche Tohmas, a respected firm, a man who stated very forcefully that he has seen the system work. He stated, “When government is too intertwined with money, Americans will view it as suspect, and at worst corrupt. Business should not have to pay a toll to have their case heard in Washington. There are many times when CEOs feel like the pressure to contribute soft money is nothing less than a shake-down.”

That is from a former CEO of a major accounting firm who has made the contributions in soft money, and he is ready to see the system changed.

Other business leaders who gathered here in the Capitol yesterday to speak out in favor of campaign finance reform, including people like Frank Doyle, CED chairman; and Warren Buffett, the chairman of the board of Berkshire Hathaway, Incorporated. We had George Rupp, President of Columbia University and cochair of the CED subcommittee that wrote their report on campaign finance reform. We had Harry Freeman, the former executive vice president of American Express, and dozens of other business leaders speaking out in favor of campaign finance reform.

On the list of supporters of campaign finance reform as published by the Committee for Economic Development, we had a former Vice President; former Republican Secretaries of Defense, Treasury and Labor; a former United States Senator and Republican National Committee chairman; and a former Securities and Exchange Commission Chairman. These men and women understand the way that this system has come to work, and they believe it is corrupt and that it is time for a change.

Charles Cobb, the president of the Committee for Economic Development, had this to say: “The old canard that the business community supports the status quo and fears reform has been demolished. Business leaders know that the current broken system is not good for them or for our democracy. It gives politicians and corporate America a back door into the decision-making process. More importantly, it damages our democratic system, and that is not good for our economy, American business or our Nation’s future.”

That is what America’s business leaders had to say about the current system. It is broken. It must change, and tomorrow on the floor of this House we have an historic opportunity to bring about that change.

The bill to be introduced, the Shays-Meehan legislation, has already passed the United States Senate in the form of legislation sponsored by Senator John McCain and Senator Russ Feingold. Senator McCain was present at the event and in conjunction with these business leaders for passage of the Shays-Meehan, McCain-Feingold legislation.

All of us who have been involved in the political process understand that the difficulty there is in raising money for political campaigns, but we have a set of rules that were adopted in the early 1970s that will work quite well. They specify that there are limits, caps, on the amount that individuals can give to political campaigns. We have in the law caps that special interest groups can give to political campaigns. This legislation is designed to make those limits real again by taking away the loopholes that have been created over time by smart lawyers who have told their clients and politicians that you can get around the rules simply by being sure that you are not contributing in a way that could be perceived as coordinating that with a political candidate.

As a consequence, the American people watch during each election cycle a slew of political ads on television paid for by the political parties and special interest groups that are paid for not with regulated contributions, the source of which can be clearly ascertained by anyone who wants to examine the report of a political candidate, but which are hidden from public view by a system that has evolved over time, allowing contributions of soft money in unlimited amounts.

This is a system that we want to change tomorrow on the floor of this House. Let there be no mistake about it, one of the alternatives being offered, the so-called Ney-Wynn substitute, does not seek to clean up this current system. It does not ban soft money from the political process. In fact, Enron could have given 80 percent of the money they gave if the Ney-Wynn substitute becomes law tomorrow.

The true reform bill on this floor tomorrow is the Shays-Meehan bill. This is the right bill for America. It is the right bill for this Congress, and it will return political power to the people of this country, to the average citizen who does not have the thousands of dollars to pour in in campaign contributions and special interest money to this process.

When those who are leaned on to give this money in the business community are willing to stand up and tell this Congress they are ready for the system to change, and when many of us who joined together signing the discharge petition which allows us to have this debate when the leadership of this House refused to bring to this floor, when the politicians and the business leaders are joining together and saying the system ought to be changed, it seems to me that the system certainly deserves to be changed.

Those who take the money and those who give the money are saying the system is wrong, corrupt, and it is destroying the public’s confidence in the political process. We hope every Member of this House will join us tomorrow.

There are many reasons for Members of this House to have questions about the change in campaign finance reform, because many on both sides of the aisle have become addicted to this soft money. They raise it, and by raising it, they secure their positions of power and influence. They know that those who give the money have the access to the front door of this Congress. We believe that is wrong. We believe the American people believe it is wrong. We believe it is time to change the system. We look forward tomorrow to having a victory for the American people on the floor of this House.

Mr. Lucas of Kentucky. Mr. Speaker, in closing this body will have a unique opportunity to restore a voice to our constituents tomorrow when it takes up this campaign finance reform bill. The American system of government is too precious to allow soft money to limit the power of ideas.

In the 2000 election cycle, 980 companies and individuals gave over $100,000 of soft money into that process. The type of reform that we are talking about will protect the ability of individuals and grassroots organizations to build on the power of their ideas and not be overwhelmed by this big money. I believe that is the way our forefathers intended our system to work.

As one of our friends in the other body often says, because of the lack of reform, the big money sits in the front row, and the average citizen sits in the back. We need campaign finance reform, and we need it now.

Mr. Speaker, I know my colleagues here in this House will do the right thing, stand up for their constituents and pass the Shays-Meehan campaign finance bill.
The Speaker pro tempore (Mr. Brown of South Carolina). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. Tancredo) is recognized for 60 minutes as the designee of the majority leader.

Mr. Tancredo. Mr. Speaker, I rise tonight to talk on a subject that often brings me to the floor of the House, and that is immigration and immigration reform.

Before I do that, I have had the opportunity to sit here and listen to my colleagues on the other side of the aisle discuss the upcoming legislation referred to as campaign finance reform or the Shays-Meehan bill which we will be discussing tomorrow.

It strikes me that some other viewpoints may need to be made this evening. First of all, it is intriguing in the way that we can actually identify a piece of legislation to fit our personal desires, as the Members that have introduced it have done. Certainly I have done it. I introduced the Sudan Peace Act. I hope if it passes, eventually we will have peace; but I have no hope that it will happen immediately, or the day after.

Nonetheless, it is interesting how we characterize pieces of legislation here with terms and titles and phrases that we want to put it in a certain light, and without the thing that we are discussing to borrow campaign finance reform.

But, Mr. Speaker, it is anything but that, as many of us know. I have often had the opportunity to discuss this issue and to refer to a game that I am aware of. When I was much younger, I used to work at an amusement park in Denver, Colorado, called Elitch Gardens. I started there as a sweeper when I was 16 years old, and stayed every summer. I was the rides manager of the park and then the summer manager of the park. It put me through college. It was a great place to work.

One of the things that we had in that amusement park was a game, and it was called Whack a Mole. It is a game which at that time the player put in a quarter and took a little hammer out, and the game started. Little mole heads would start popping up. The player would hit the mole here, and it went down, and then the player would hit it over here. And then it started moving faster and faster and faster, and the player tried to keep up with it. And pretty soon the player realized they probably were not going to win. The player probably could not win because it would keep popping up faster. You never could actually beat it.

Mr. Speaker, every time I hear a debate on campaign finance reform, I think of that game because really is what we are talking about here. We are talking about trying to stop the flow of money into the process of politics. Living in a free society, living in a society governed by the rule of law and the Constitution, in this case the Constitution of the United States which equates and has said over and over again, in politics money is speech, and, therefore, we have a right to free speech, we will never, ever, ever, stop the flow of money into politics.

Now, let us recognize that at the beginning of this discussion. It is never going to happen. If there is anyone out there who thinks it is, and anyone who thinks that it happens anywhere else in the world, let me disabuse that Member of that idea. Money does flow into politics. It is all because there are people who want to work their way with the Congress of the United States? Undoubtedly some people contribute for that purpose, but the fact is for this country's history, far more, millions more people contribute to the political process with their money not because they want to get something special, not because they want $5,000 from that individual, but they are giving the money to, but because they are supporting people who feel as they feel about issues. It is as simple as that.

Mr. Speaker, in my last campaign I was trying to recollect what raising, and it was $2 million dollars, I know that. I cannot remember the exact amount right now. But I also know when we averaged out the contributions to the campaign, it came to something like $35 per person.

I assure you that the literally thousands of people that contributed to my campaign in amounts of $1, $2, $3, $5, $10, $25, I do not think any of them really believed they were buying my vote on any particular thing. As a matter of fact, I do not believe that most of the people who gave me $1,000 believed they were buying my vote and that I will do anything for that money. But I also believe that it is the maximum, that somehow I would change who I am, what I believe and what I think and vote for them, for their way, for their attitude and idea.

Mr. Speaker, what really and truly I have to say to the people in this body, to the people listening this evening: if there is a single Member of this body who in their whole career on this floor or in this House has ever cast a vote against their conscience and because a large donor wanted that vote, then they should vote for Shays-Meehan. Because, Mr. Speaker, they need that kind of rationalization, they need to salve their conscience maybe. They need to somehow get out from this feeling that they are being bought. I have heard colleagues stand up here, and in the other body, and say, "The system is corrupt, we're all bought, we're all paid for," and that sort of thing. Maybe they are. Maybe they are. But I must tell you, Mr. Speaker, they do not speak for me.

There are issues on which I feel very strongly. I express them here on the floor. I express them in my vote. In the conference I try to convince my colleagues to see things as I see them, to vote my way. Yes, I came here because I believe in issues. I love the debate. But I should tell you, Mr. Speaker, that people support me, I think, not because they are hoping to change my opinion but because they like my opinion. They want that opinion expressed. As an example, I am known in, certainly Colorado, for being a very strong critic of the public school system, especially the monopoly system that runs the public schools, not for the teachers themselves, not for the people who work so hard trying to accomplish a task, but the teachers union. I attack it all the time because I think they are an obstacle to education reform. The teachers union, the NEA, the National Education Association, has never given me a dime, not a penny. Nor should they. And I am positive that this thought has never crossed their mind, that maybe if we give Tom Tancredo $600 they should start voting on our side on this issue. They know that is not true. They do not give me money. No matter how much money they gave me, I would not vote on that side of the issue. And they know that. That is the way, I am sure, that most of my colleagues are.

We came here with a set of principles, a set of ideas that we want to advance and we tell our constituents what we are and what we are doing. And the elect us or they do not. And if they elect us, then they expect us to come here and be as forceful as we can, to advocate those positions. And because some people give me money for my campaign who happen to also believe what I believe, would I not be doing them a disservice if I did not try my best to advance those issues?

But I again say, if you are afraid of this, if somehow or other you feel you have been bought and that you cannot withstand the pressure of a large donor that is maybe wanting you to vote for something you do not believe in your conscience, vote for Shays-Meehan. Maybe somehow that will get you off the hook. But I assure you, Mr. Speaker, it will not really change the process. We will once again hit the mole on the head, and it will go down; but it will pop up here and there and everywhere. As you know, Mr. Speaker, the teachers union, the NEA, the National Education Association, has never given me money for that purpose. But I am positive that this is the way, I am sure, that most of my colleagues are.

The reality is, of course, even in this bill that is being brought forward, and it will be brought forward tomorrow afternoon, we do not stop soft money. We do not stop even really the contribution of hard money. We will still have millions of dollars flowing into the system. They will find other ways
to come up. The mole’s head will come up in a variety of other holes, and it will come into the system.

I say, look, who cares? Eliminate this charade that we are playing here. Forget about it. I really wish we would remove the money from this thing and just report every dime. Mr. Speaker, on my campaigns, I report every single penny that comes in, as long as we can identify it. If somebody sends $50 without a name, I guess we cannot. But if someone sends $2,000 or $5,000 and just contribute to my campaigns, we post it, even though we are not required by law to do that; I think it is anything less than $200. But I post it all, every single penny. Then people can make their own decisions. They can look and say, gee whiz, look, he got all this money from Enron, which I did not get any money from Enron; but from any of these organizations or people, let them make their own conclusions as to whether or not that influenced my vote.

Mr. Speaker, then pretend that we are doing that supposed to be the heart of hearts that really things are translated later on and say, they can claim some sort of rationalization and that is not going to change that much except it very well may do exactly what the proponents suggest is the problem today, it may exacerbate that and make people even more cynical about this process.

But I will tell you, Mr. Speaker, that I will be at the next vote on that bill, as it was the last time around. Maybe I should not be, as an incumbent, maybe we should support this kind of legislation, because it does put more of a burden on somebody else to raise money. After all, I have got the advantage of the leadership, I have got the advantage of the name recognition and all the things that come with it; and so maybe I should just vote for this bill because it puts us in a better situation, vis-a-vis some opponent who comes and you are not quite as wealthy as I, you do not have the advantage of personal money. Because if you are not personally wealthy, it may be harder for you to get your name out, to get known, to get people to understand your position on issues under this kind of legislation. That is true.

If you are wealthy enough, of course, you cannot be stopped. There is a provision in this that says something like if you put more than a certain amount of your own money in, the other limits are raised. I do not know what the reality is, Mr. Speaker, that the Supreme Court has ruled over and over again, you cannot limit someone’s ability to put their own money into their own campaign. It is impossible.

There are Senator who, of course, as we know put 30 million or more dollars in; but there are other people who put in millions of dollars and lost. I am not personally a wealthy person. I could never fund my own campaigns out of my husband’s pocket. No way. Impossible. I can-not do it. So I have to rely on contributions from other people. Every time I have run, I have run against someone far more wealthy than I, and God bless them for it. That is not a crime. I wish I were in that situation. But I am not. And so I have to rely on the contributions of others to help me level that playing field. That is never going to change. If you want to turn this place into a body of the wealthiest of us, who have the ability to fund their own campaigns, we are not going to have the slightest bit concerned about corporate or political or any other kind of PAC, then fine, Shays-Meehan helps you accomplish that goal. But it does not improve this process, and it does not improve the body as a whole. I worry, because I do think people become cynical. Undeniably, they become cynical.

As I mentioned, Mr. Speaker, that was not the original purpose of requesting this hour. It is often happens while I sit here and wait for my turn at the plate, I do have the desire to respond to some of the things that I have heard. I am sure there will be others tomorrow who will be more articulate in their observations, in expressing their observations about this bill; but this is the opportunity I have selected for tonight.

Let me get on for a few more minutes and discuss another topic. Here we are 5 months and 1 day in which an enormous amount of activity has occurred. The Nation has gone through a gut-wrenching experience. We have responded in ways and as a result of the bill, that we have accomplished what we have accomplished, we have stopped and defeated a terrorist regime in Afghanistan, we have probably identified terrorists and stopped actions that would have been taken up to this point in time.

We are on the way to the next series of steps in that particular war, although I hesitate to call it war. We have not actually declared war. I wish we had done that. But the fact is that we have done an enormous number of things and to our credit, to the credit of this Nation, to the people of this Nation, to the President of the United States, to the men and women in our Armed Forces, God bless them all. I am proud of them. I am sure, as almost every American is in their heart of hearts. They are proud of what we have been able to accomplish in a relatively short period of time, with some sacrifices, especially on our part, on the part of American servicemen and women, but even, quite frankly, on the part of the aggressors in Afghanistan. The reality is that far fewer of them were injured or killed than would have been the case in almost any other conflict of this nature, because our technology and our will is such that we are able to confine the damage to a relatively small area and identify our targets carefully and that sort of thing.

Also again, I am proud. I am happy that we have accomplished what we have accomplished. But, Mr. Speaker, we could in fact bomb Afghanistan into dust, into rubble. We could do the same thing in a variety of other countries. We could use our military might and that of our allies to help stop aggression, to help stop terrorism in other countries around the world, and I expect that we may be doing that.

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It is covertly now, overtly in some time to come, and I am completely
supportive of those efforts. But one thing we have failed to do, one horrible, terrible failure, is that we have failed as of this point in time, 5 months and 1 day, we have failed to secure our own borders.

Mr. Speaker, as I have said on this floor so many times, the defense of this Nation begins at the defense of our borders. We can do everything we are doing all around the world to try and protect American citizens from the threats overseas, but in reality, we must deal with the issue of the defense of our borders, securing our borders, because everything we do externally, everything we do around the world, will never actually work to stop that one ultimate threat, and that is of somebody coming across our borders for the purpose of doing us harm; coming across our borders without us knowing it, without us knowing exactly who they are, what they are intent on doing here, how long they are going to be here, what they are doing while they are here. We have done nothing really to change that. It is amazing.

We have, even in this House, attempted to pass one piece of legislation to address this issue specifically, and that is a bill called the Feinstein-Kyl bill, a Senate bill we passed on the House side, which has been bottled up in the Senate by one Member from West Virginia, one Member of the Senate over there.

They have these strange rules in the other body, as you know, Mr. Speaker, that allows this person to work his or her will over that of the majority, and because this one Member of the Senate has chosen to put a hold on that bill, we have not even been able to pass a piece of legislation that deals with the issue of student visas and tightening up the regulations and requirements on student visas. For heaven’s sake, that one person has been able to stop the process.

Needless to say, we have not been able to do an even more important thing. We have not been able to reform the Immigration and Naturalization Service, referred to as the INS. This is the body in which we entrust the responsibility of protecting our borders and determining who is, in fact, here illegally and removing them from this Nation. We have not done that.

We have entrusted that body, but, unfortunately, that organization, the INS, is absolutely incompetent, incapable of doing what we ask of them in the area of enforcement of immigration law. They are both incapable and unwilling, and that is a problem that is very difficult to deal with, because if they had the heart for it, then we could address the issue with resources. If they wanted to do it, then it would be up to us to say, let us see what can we do in this body to make sure you can get to the job done. How many dollars will it take? How many field agents will you need? How many people will you need? Tell us, and we will try to address the issue.

But, unfortunately, that is not the real problem. Money is not the problem. In fact, Mr. Speaker, the INS budget from 1993 to the year 2002 went from $1.5 billion to $5.6 billion. It almost quadrupled. The President’s budget for 2003 has another $1.2 billion increase, to $6.8 billion.

In all that time and with all that amount of resources available to it, the INS has been incapable and unwilling to defend our borders and to secure inshore of our borders, and the outshore of our system and our people against the activities of people who come here, terrorists who come here illegally, and also they have not been able to do even the minimum, and that is to actually stop the flow of illegal immigrants across the borders, both north and south, and that is a shame. That is not just a shame, it is a travesty, because, of course, we gave them the money. They chose to use it someplace else.

Now, there are two sides to INS. It is divided between them. One is what I call the immigration social worker side, and this is the side that is supposed to help people get their green cards; help people come here and immigrate into the country legally and make sure that they are provided with benefits and that sort of thing and show them how the system works and help them get through it. They do not do that very well either. That is where their heart is and where almost all of their resources go.

The other thing they are supposed to be involved with is enforcement, the actual enforcement of immigration law. But, of course, we know that they turn a blind eye to people coming across this border illegally, so much so that to this point in time we now believe there are at least 11 million, I think it is even higher than that, but at least 11 million people here in this country illegally. They did not come here legally, they do not have green cards, they are not legal immigrants, which I believe firmly we do not know what they are doing here, and we certainly do not know if they ever go back to wherever they came from. We do not know anything about it.

In fact, when we ask the INS, that is the answer we get for almost every single question: when we pose a question to them, they say, “I am not sure.”

I have suggested on more than one occasion a new logo for the INS, on their Web site, printed on all their stations, a new logo, just a person going into the country illegally. They did not come across this border illegally, so much so that they are doing here, and we certainly do not know what they are doing here, and we certainly do not know if they ever go back to wherever they came from. We do not know anything about it.

We have even gotten to the point, Mr. Speaker, if you can believe this, but we just appointed a new Director, a new Director of the INS. This agency, of course, oversees a budget of $6.8 billion. Thousands of people work for it. It has the responsibility of one of the most serious activities of the Federal Government, one of the few responsibilities that is uniquely Federal Government. We debate education issues

We think so little of this agency, and it really and truly has been sort of one of those stepchildren that you just go, you know, let us not really pay a lot of attention to it, to the point where we have actually appointed someone as the new Director.

This is a time when, as I say, we are facing an enormous, enormous challenge, not just from the possibility of terrorists coming across the border that we do not know about and we do not know where they are, or what they are doing, or are coming here illegally, but we are, of course, in the middle of a flood of illegal immigrants, and that has incredible implications for our society. Infrastructure costs, political, economic, you name it, there are going to be massive implications as a result of the huge numbers of people coming into the United States, both legally and illegally. Yet the INS we know to be incapable of dealing with it, and we have known for some time.

In many ways the INS is a monster. There are many people in this body who really and truly do not care. They want to kind of cast a blind eye to it, to say, “Oh, well, that is true. Millions are coming across. We need the help, we need the labor, we need them to work in certain areas.” Plus, of course, there are political issues on the Democratic side of the aisle. They recognize that massive immigration eventually translates into votes for them. On our side of the aisle, we believe that mass numbers of low-wage earners and low-skill workers will, of course, keep wages down, supply employers with a large pool of potential workers.

So everybody wants to turn a blind eye, and everybody wants the vote. They want the vote of these people coming in. And so we are afraid. We are very, very uptight about this. It makes us very skittish to talk about immigration reform, about reducing the number of illegal immigrants, and about trying to do something about illegal immigration makes people skittish, let alone reduce the number of legal immigrants, which I believe firmly we should do.

But, nonetheless, we have chosen to ignore it, to pretend it does not exist, to look the other way for political reasons, and so, therefore, we have not paid much attention to the INS, and we really do not care that they are as incompetent as they are. We let them do their job, and we keep giving them money, and they keep, of course, misusing it or transferring it to activities that have nothing to do with enforcement.

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here and welfare issues here, none of which is truly a Federal responsibility, but this area of immigration, that is uniquely Federal.

We take an organization like that, an organization to which we give $6.8 billion, or $5 billion, they could not do the work. Believe me, if we gave them $570 million, or $5 billion, they could not do the work. Believe me. If the producers of Saturday Night Live were writing the script, this would be a joke. It would be another one of those little vignettes so far, and, believe me, they keep coming in every single day, things just as bizarre as that.

Come to think of it, and I am sure it is necessary. But get this: as a result of a member of the other body, a gentleman from Massachusetts who has been around a long time, and he happens to be also the chairman of the immigration committee in the Senate today, he added a provision in 1990 to this that said, by the way, if you check “yes” up here to that question, do not worry, because there is not a reason to keep you out of the United States.

So, as I say, they are confronted with a lot of very, very difficult, the INS, even the people who are trying to do their job, are confronted with a variety of mixed messages. Strange, but true, as I say. Incredible, but true. Please believe me, there are so many stories like that, I do not even know where to begin. They are all metaphors, in a way. I use them as a metaphor for the whole problem, the whole situation we face. That one form, that front page of that temporary visitor visa; and here is another one, Mr. Speaker. We were down on the border in El Paso about a month and a half ago, I guess, and we were watching people coming through, and we have now set up, and we have paid a lot of money to have a card given to all of the people coming through, especially for just day trips or something like that, and we paid a lot of money for these machines, so that the border agent can swipe the card through the machine, and on the screen it will come up and say who this person is, whether or not we know something about them that we do not like. It gives some information and background. Logical. Good idea.

Well, of course, there are so many people coming across, the line goes up over the bridge and into Mexico, and there are literally thousands. I cannot even imagine how many thousands of people were waiting to come across. There are like four or five stations with a Border Patrol agent there. But the crush of humanity is so great that they simply do not swipe the card. The person coming in holds the card up next to their face and walks by, and the agent is like this saying, I am sure that face goes with that card, oh, yes, absolutely. Of course, it is a joke. It is ridiculous. But again, that is a metaphor for the whole system. I am not even saying that this is a bad idea; I am just saying it is another one of those kind of amazing but true things.

But they showed us a door frame. Now, that is all it was, Mr. Speaker, a door frame on wheels. And periodically they would wheel this thing out, and on it in Spanish it is written “drug-sniffing door frame.” And they wheel this thing out, and they wait to see if anybody sort of balks at going through it. Excuse me, but the picture always makes me laugh; it is sort of humorous. In a way, listen, they are trying anything. If it works, it works, okay. But it is a metaphor for this almost to me that we treat it with such, I do not know, disdain is not the word, I treat it with disdain because it deserves it, but we treat it in a way that it does not reflect its importance to the Nation.

It should be completely reformed. When I say reformed, Mr. Speaker, I do not mean just some cosmetic attempt to pretend like we have actually separated the two sides out, and now we will have one guy that is just the head of enforcement and one guy the head of the social services.

Fred Alexander, Deputy Director for the Immigration and Naturalization Service, publicly told the Speaker, believe it or not, this is on the record, that there are people listening tonight, Mr. Speaker, that have friends, relatives, people who are agents and have been agents for 30 years, some of them want to speak without going on the record, some of them are willing to become whistle-blowers; but almost to a person, they talk about their frustration in trying to do a job that they are incapable of doing as a result of incompetent administration, as a result of a whole bunch of stupid rules that this Congress has passed.

Come to think of it, and I am sure it is on here in our list of “Amazing But True,” and it goes to show you it is not all entirely the INS that is goofball in this area, as I have described, but other groups play a role. On the INS Web site, one can go to it today, tonight, and one can pull up a temporary visa application form. About the third or fourth line of the form, if one is trying to come into the country is one that says, and I am paraphrasing because I do not have it in front of me, it says, are you a terrorist? Have you ever belonged to an organization that has expressed a desire to commit acts of terror in the United States? Are you a member of the Nazi Party? Did you ever do anything in the concentration camps? Answer yes or no. There is this little box that one checks. And one thinks to themselves, that sounds, maybe we are using that if somebody checked no, but then comes in and does something wrong, we can say, we caught you because you lied on your form. We can make the case that is necessary.

No, we need something far more than that. Right now, Mr. Speaker, we have to actually reform the INS in a way that means abolishing that part of the INS that does any work in immigration enforcement. We have to take its responsibility away from INS; we have to take the responsibility away from the Coast Guard, from Agriculture, from DEA, from all of the other agencies that presently have some role to play.

By the way, I have been on the border, and I have witnessed firsthand the work that our border folks do, that the Border Patrol do. We have to give them all the credit in the world. They work as hard as they can. It is not their fault. Please do not get me wrong in that there are people listening tonight, Mr. Speaker, that have friends, relatives, people who are agents and have been agents for 30 years, some of them want to speak without going on the record, some of them are willing to become whistle-blowers; but almost to a person, they talk about their frustration in trying to do a job that they are incapable of doing as a result of incompetent administration, as a result of a whole bunch of stupid rules that this Congress has passed.

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But they showed us a door frame. Now, that is all it was, Mr. Speaker, a door frame on wheels. And periodically they would wheel this thing out, and on it in Spanish it is written “drug-sniffing door frame.” And they wheel this thing out, and they wait to see if anybody sort of balks at going through it. Excuse me, but the picture always makes me laugh; it is sort of humorous. In a way, listen, they are trying anything. If it works, it works, okay. But it is a metaphor for this
whole system. It is completely and totally shot. This thing does not work. Mr. Speaker. It does not work. The best thing we got going for us is a door frame that says “automatic drug-sniffing door frame.” Oh, my goodness.

But try. They are overwhelmed. They are overwhelmed. One of the things they told us while we were down there, the people were really working as hard as they could. They knew that the task ahead of them was incredible. They said, you know, the only thing we ask is do not do something up there that is going to make this job even more difficult. I said, well, like what? And they said, well, for instance, every time you guys start talking about amnesty for all of the people who are here illegally, they said. Do you know what that does here? I mean, the numbers swell. We are trying to hold back a flood; and if you give amnesty again like we did in 1986, telling everybody who came here illegally, oh, that is all right, all is forgiven, of course the flood turns into a tidal wave. Why would we think anything else? Why would we imagine that that would not be the case? That is exactly what would happen. Yet, we still talk about amnesty.

The night before we adjourned in the last session, we almost passed an amendment to that visa bill I mentioned earlier, the Feinstein-Kyle bill, that would have been an extension of 245(i) for another 2 years. We almost did it. Thanks to an outcry by literally thousands of people across this country who e-mailed their Congressmen or Congresswoman and told them that they really and truly were down there, the people were really overwhelmed. The flood turns into a tidal wave. Why would we think anything else? Why would we imagine that that would not be the case? That is exactly what would happen. Yet, we still talk about amnesty.

But, Mr. Speaker, I will tell my colleagues what that is. It is another game. This is not migration. Migration is when many we let in, and what they are coming here for. Like every other country on the planet who understands that it is their sovereign right to actually determine who comes into the country and when, how many, and what for. We have abandoned that for a variety of reasons, some political, some idealistic in terms of what people think the world should look like, a place without borders.

But I can assure my colleagues that the consequences of that kind of events we experienced on September 11. But that is, nonetheless, the elimination of the borders, that is exactly where many people want to go; people here in this body, some people in the administration, certainly people in the administrations of other countries for their own reasons and for their own purposes.

Mr. Speaker, there are many, there are legitimate reasons, there are legitimate debates that can be held about whether or not borders should be eliminated; and i have many times suggested that that be the basis of any debate on the issue of immigration; that everyone, everyone should ask themselves, everyone here, everyone in the United States should ask themselves this question, and try to answer it as honestly as they possibly can: Do you believe that borders are necessary in the way we have them for it? Now, some may say, oh, well, that is silly, of course. No, no, listen. Believe me, there are people who would suggest that borders are not necessary, that they are anachronisms, that they pro-habit the free flow of trade, of money, and of people, and therefore should simply be eliminated, as is happening. Frankly, the European Union is based on this model that will essentially eliminate borders and all the things that separate countries, establish a common currency, a new governmental common currency, a new governmental system, a European Parliament, and who knows how far that will go; but that is the new world order. And again, it is a legitimate debate topic, but I just want to have the debate.

I want us in this body to actually enter into a debate on that one very basic idea: Do we need borders or not? If Members come down on the side of wanting borders, needing borders, believing that we need them, of course, of course, we must decide what that means. If we have a border between a country, what do we do about that? Do we actually defend it? Do we actually try to stop people from coming across without permission? Do we have the resources to make sure that the border is meaningful or not? Because if we do not, of course we should simply side with the group that says eliminate them. After all, we are spending $6.8 billion in just the INS, let alone all the other agencies that have some responsibility for border enforcement. Let us stop this wasteful expenditure. Let us go ahead and say we do not need borders, we do not want them, we just let the people come and go as they please and not spend the money on borders.

Now, I happen to be totally opposed to that concept, but there are people in this body who believe in it. The people at the Cato Institute, a very influential think tank here in this town, who believe in it.

There are, as I said before, there are members of the administration, there are people we have spoken in other countries, specifically Mexico, who absolutely believe in the belief of the Mexican Government, a gentleman by the name of Juan Hernandez, he is appointed to the newest agency, just been created, and it is a cabinet level agency in Mexico, and his title translates into something like Minister in Charge of Mexicans Living Outside of Mexico.

Interesting job. Interesting job title. Mr. Hernandez happens to be, by the way, an American citizen and also a Mexican citizen. He lives part of the time in Texas and part of the time in Mexico City. He was a teacher at a college in Mexico and a very, very interesting gentleman. Very pleasant individual to speak to, very intelligent. He has a great command of the language. He is a good representative of his particular point of view.

In our discussions when we were in Mexico, several Members and I were meeting with him, and he kept using the word “migration” to describe this process of people coming across the border. By the way, that is typical. Many, many people have chosen to use the word “migration” to explain the phenomena of people coming across the border into the United States at their will. And so I always stop people when they are doing that, and I stopped this gentleman at the time and I said, you know, you use the word “migration” to talk about this, but you are really incorrectly using the word “migration.” It is not migration. Migration is when
people move through a country, but when they reach the border of that country and cross it, it is called immigration, and when they do so without the permission of the host country to which they are coming, it is called illegal immigration.

Mr. Hernandez turned to me and the other two Members that were with me and said, Congressman, we are really not talking about two countries here. It is just a region. It is just a region. That is why I find the statement, and a very candid one on his part. And that is what I appreciate about Mr. Hernandez. He was up front with us the whole time. He essentially agreed with the proposition that the United States public policy is. He understands it is made as a result of voting blocs. He wants public policy in the United States to change vis-a-vis Mexico. How do you do that?

We have millions of people here in the United States who have cultural and linguistic ties to Mexico and who will vote for a policy shift in the United States. I mean, he was absolutely clear about it. This is not just some faux pas on his part I do not know. Hypothetical that he was talking about. It is not a conspiracy with deep, dark secrets. He was explaining exactly. It is a very logical political strategy if you think about it.

There was a time especially in Mexico that people leaving Mexico were thought of in derogatory and spoken of derogatorily as people who were abandoning their homes, but that has changed. But now they are encouraged, in fact, some may be running, somehow linguistically, politically to Mexico.

These are interesting facets of the problem we face, and they are part of what should be the debate that goes on in this body and throughout the country about whether or not we should maintain borders, or at least the facade of a border, then it behooves us, I think, Mr. Speaker, to try and do everything we can to provide integrity to the process.

The first thing we need to do is abolish the INS or that portion of it that deals with enforcement. The first thing we need to do is create a brand new, a brand new agency. We can call it a lot of things. I would suggest that it would be something that would be attached to Governor Ridge’s Office of Homeland Security. But whatever we do, we need a brand new structure, one that has a clear line of authority, that has a singleness of purpose, that is given the resources necessary.

We should take away the responsibilities and from the Agricultural Department and all the other agencies that now get in each other’s way essentially at the border trying to do their job which sometimes conflicts with the other agencies’ jobs and makes it easier for people to come across the border here.

Here is another one of those amazing but true things I was telling you about earlier, Mr. Speaker, another interesting point. Because we have so many different agencies handling our border security, they are assigned each one of those stations that people are coming through in their cars. One may be run by Customs, another by Agriculture. One may be run by INS, but each of them have different responsibilities, and different ways of dealing with the issue, and different questions they ask and different things they are looking for.

So people actually will sit on the hills observing this situation down on the border, people coming through; and they will watch through binoculars to see which line is being managed by which agencies. And if you are smuggling people in, you will want to come in through this line. And if you are smuggling drugs through, you will want to come through that line because they have different sort of emphases. Amazing, but true.

We have to stop that. We have to combine the agencies, take the responsibilities away and create a brand new one. That is the way. As you know, Mr. Speaker, this body and the government is not set up to allow tough issues to advance very far. Everybody gets very jealous, very, very guarded about their little kingdom, their little piece of the action here. So when recently Governor Ridge and his staff developed a white paper on border security, and it said that we needed to do exactly what I have just described, it said we must take all of these responsibilities away from the other agencies, we must create one new agency with a singleness of purpose, a clear line of authority and all the rest of it, it set off a firestorm of protest. I think that is the way the article characterized it. It did not exist exists. So you might as well say, Mr. Speaker, we are really reading, we have a white paper that talks about how we should take all of these responsibilities away from the agencies, take the responsibilities away from the other agencies, we must create one new agency with a singleness of purpose, a clear line of authority and all the rest of it, it set off a firestorm of protest. I think that is the way the article characterized it.

The job of this body is not to protect the United States of America. And it is impossible to do in this way on the particular system we have created and it is being maintained.

So now we are seeing one or two bills that will come to the floor, and we will try to tinker with it and pretend the rest of it is not a problem. And if we separate the agency into the two parts, enforcement and social services, everything will be okay. But it will not, Mr. Speaker. It will not be okay at all. The problems will remain, and what we will have done here so many times is create an illusion, created an illusion. We have fixed the problem with INS, we will say. It will not be fixed. People will still stream across the border illegally. Thousands upon thousands of people will be here. Right now there are at least 300,000 people who are here in this country who have ordered deported. They have actually somehow gotten arrested.

Now, be sure and understand, Mr. Speaker, we are not talking about people who overstayed their visa and we somehow found out about it. I mean, the INS was out there doing their job and said, you know what? I think so-and-so may have overstayed their visa. Let us go find them. No. No. That is not what happened, of course.

What happened was so-and-so violated a law, broke a law, broke some other law. They violated one law because they overstayed their visa, but then many times they also robbed somebody, they raped somebody, they murdered somebody, whatever, but they have been found. They have been brought to trial.

Mr. Speaker, I ask my colleagues to once again consider the importance of this issue of immigration reform and treat it with the respect that it deserves and do not just create another illusion.

RECESS

The SPEAKER pro tempore (Mr. CANTOR). Pursuant to clause 12 of rule 1, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o’clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CANTOR) at 10 o’clock and 7 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER AMENDMENTS TO H.R. 2556, CAMPAIGN REFORM ACT OF 2001

Mr. SHAYS. Mr. Speaker, pursuant to House Resolution 344, I hereby announce my intention that the following amendments be offered by the following designees: Amendment No. 10 to
be offered by the gentlewoman from West Virginia (Mrs. CAPITTO); Amendment No. 11 to be offered by the gentleman from Texas (Mr. GREEN); and Amendment No. 12 to be offered by the gentleman from Tennessee (Mr. WAMP).

In addition, we have provided an amendment in the nature of a substitute to H.R. 2356 as reported, offered by myself and the gentleman from Massachusetts (Mr. MEEHAN).

ANNOUNCEMENT OF INTENTION TO OFFER AMENDMENTS TO H.R. 2356, CAMPAIGN REFORM ACT OF 2001

Mr. SESSIONS. Mr. Speaker, pursuant to the House Resolution 344 and the latter order of the House today, I rise as the designee of the majority leader to announce the following amendments:

If H.R. 2356 is the original bill, for the purpose of further amendments I hereby announce amendment 15 through amendment 24.

If the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) becomes the original bill, for the purpose of further amendment I hereby announce amendment 25 through amendment 34.

If the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. NEY) becomes the original bill, for the purpose of further amendment I hereby announce amendment 45 through 54.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CANTOR) at 12 o’clock and 34 minutes a.m.
Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

December 23, 2001:

H.R. 546. An act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management of the Central Intelligence Agency Retirement and Disability System, and for other purposes.


December 27, 2001:


H.R. 1291. An Act to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensations, pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 2559. An Act to amend chapter 90 of title 38, United States Code, to modify and improve authorities relating to education benefits, compensations, pension benefits, housing benefits, burial benefits, vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.

December 21, 2001:

H.R. 15. An Act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

H.R. 3323. An Act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

H.R. 2061. An Act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

H.R. 1761. An Act to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the “Stan Parris Post Office Building”.

H.R. 2261. An Act to designate the facility of the United States Postal Service located at 2503 Candler Road in Decatur, Georgia, as the “Earl T. Shinhoster Post Office”.

H.R. 2299. An Act making appropriations for the Department of Transportation and related agencies for fiscal year ending September 30, 2002, and for other purposes.

H.R. 2454. An Act to redesignate the facility of the United States Postal Service located at 5472 Crewhaw Boulevard in Los Angeles, California, as the “Congressman Julian C. Dixon Post Office”.

December 13, 2001:

H.R. Res. 78. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

December 14, 2001:

H.R. 2291. An Act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalitio

Institute, and for other purposes.

December 7, 2001:

H.R. Res. 7. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

November 25, 2001:

H.R. 1042. An Act to prevent the elimination of certain reports.

H.R. 1552. An Act to extend the moratorium on the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2290. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2506. An Act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2924. An Act to provide authority to the Federal Power Marketing Administration to reduce or prevent destruction of property, and for other purposes.

November 26, 2001:

H.R. 3268. An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and authorities, for the fiscal year ending September 30, 2002, and for other purposes.

November 30, 2001:

H.R. 788. An Act to amend the Improving America’s Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

November 17, 2001:

H.R. Res. 74. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

SENATE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution (of the Senate) of the following titles:

December 1, 2001:


S. 1714. An Act to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building.

S. 1741. An Act to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional Medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 1793. An Act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

January 4, 2002:


December 28, 2001:

S. 1488. An Act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of the Army, to be appropriated for personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

January 21, 2002:

S. 494. An Act to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

S. 1196. An Act to amend the Small Business Investment Act of 1958, and for other purposes.

S.J. Res. 26. Joint Resolution providing for the appointment of Patricia Q. Stoneseifer as citizen regent of the Board of Regents of the Smithsonian Institution.

December 12, 2001:

S. 1459. An Act to designate the Federal building and United States courthouse located at 550 West Front Street in Boise, Idaho, as the “James A. McClure Federal Building and United States Courthouse”.

S. 1573. An Act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

November 19, 2001:

S. 1447. An Act to improve aviation security, and for other purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Jefferson (at the request of Mr. Gephardt) for today on account of airplane equipment problems.

By unanimous consent, permission to revise and extend their remarks and include extraneous material was granted to:

Mr. Davis of Illinois, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mr. McKinney, for 5 minutes, today.

Mr. Towns, for 5 minutes, today.

Mr. Baca, for 5 minutes, today.

Mr. Lynch, for 5 minutes, today.

Mr. Baca, for 5 minutes, today.

By unanimous consent, leave of absence was granted to:

Mr. Jefferson, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mr. McKinney, for 5 minutes, today.

Mr. Towns, for 5 minutes, today.

Mr. Baca, for 5 minutes, today.

Mr. Lynch, for 5 minutes, today.

Mr. Baca, for 5 minutes, today.
ENROLLED BILL SIGNED
Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:
H.J. Res. 82. Joint resolution recognizing the 91st birthday of Ronald Reagan.

SENATE ENROLLED BILL SIGNED
‘‘The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:
S. 737. An act to designate the facility of the United States Postal Service located at 511 South Main Street in Yerington, Nevada, as the ‘‘Horatio King Post Office Building.’’
S. 970. An act to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the ‘‘Horatio King Post Office Building.’’

ADJOURNMENT
Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o’clock and 36 minutes a.m.), the House adjourned until today, Wednesday, February 13, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:
5457. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—1,2-Ethanediamine, Polymer with Methyl) Oxirane and Oxirane; Tolerance Exemption (OPP–301214; FRL–8821–9) (RIN: 2070–AB89) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
5458. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Tetraethoxysilane Polymer with Hexamethyldisiloxane; Tolerance Exemption (OPP–301214; FRL–8821–9) (RIN: 2070–AB87) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
5460. A letter from the Secretary, Division of Markets, Energy, and Exchange Commission, transmitting the Commission’s final rule—Exemption of Transactions in Certain Options and Futures on Certain Over-the-Counter Drug Products; Correction—received February 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5462. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—Integrated Safety Management System Guide—received February 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5463. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Proposed Regulation of Air Quality Implementation Plans; West Virginia; Revisions to the Ozone Maintenance Plan for the Huntington–Ashland area of West Virginia; received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5465. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promulgation of Implementation Plans; State of Kansas (KS 0147–1147; FRL–7141–7) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5466. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promulgation of Implementation Plans; State of Missouri (MO 0184–1184; FRL–7141–6) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5467. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Approval and Promulgation of Implementation Plans; State of New Jersey (NJ 0184–1184; FRL–7141–5) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5469. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen- cy’s final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 071–0 309; FRL–7134–2] received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5471. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Huntsville, La Porte, Nacogdoches, and Willis, Texas, and Lake Charles, Louisiana) [MM Docket No. 01–31, RM–10035] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5472. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Grants, Milan, and Shiprock, New Mexico) [MM Docket No. 01–118, RM–10130] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
5473. A letter from the Deputy Chief Financial Officer, National Aeronautics and Space Administration, transmitting the Administration’s report on mixed waste, pursuant to 42 U.S.C. 6966; to the Committee on Energy and Commerce.
5474. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy’s proposed Letter(s) of Offer and Acceptance (LOA) to Republic of Korea for defense articles and services (Transmittal No. 02–99), pursuant to 22 U.S.C. 2778(b); to the Committee on International Relations.
5475. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army’s proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 01–121), pursuant to 22 U.S.C. 2778(b); to the Committee on International Relations.
5477. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury’s Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Re- form.
5478. A letter from the Assistant General Counsel for Revenue to the Committee on Energy, transmitting the Department’s final rule—Privacy Act; Implementation (RIN: 1518–AA69) received February 1, 2002; to the Committee on Energy and Commerce.
5479. A letter from the Principal Deputy Associate Administrator, Environmental
H. R. 3726. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Mr. NEY, Ms. DeGETTE, Mrs. MORELLA, Mr. CROWLEY, Ms. WATERS, Mr. MCINTYRE, Mr. BLAGOJEVIC, Mr. TOWNS, Mr. WYNN, Mr. WAXMAN, Mr. SCHIFF, Mr. PASCH, Mr. GREEN of Texas, Mr. STUPAK, Mr. FROST, Ms. ESSOED, Mr. BUSH, Mr. EVANS, Mr. DOOLEY of California, Mr. CONYERS, Mr. OWENS, Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. LAFAULCE, and Mr. BRADY):

H. R. 3729. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the Medicaid and State children’s health insurance program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H. R. 3730. A bill to expand educational opportunities for recipients of assistance under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FITTS (for himself, Mr. HYDE, and Mr. LANTOS):

H. Con. Res. 324. Concurrent resolution condemning President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States; to the Committee on International Relations, considered and agreed to.

By Mr. NEY (for himself, Mr. HOYER, Mr. LATOURERETTE, Mr. FOSTER, Mr. GILMAN, Mr. FATTAH, Mr. CANNON, Mr. DAVIS of Florida, Mr. LANTOS, and Mr. CANTOR):

H. Con. Res. 325. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the date of the Korematsu v. United States case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Mr. GREEN of Wisconsin, Mr. POMEROY, and Mr. BERRY):

H. Con. Res. 326. Concurrent resolution commending the National Highway Traffic Safety Administration for their efforts to require child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week; to the Committee on Transportation and Infrastructure, considered and agreed to.

By Mr. CROWE, Mr. HORN, Mr. POMEROY, and Mr. BERRY:

H. Con. Res. 327. Concurrent resolution commending the Republican Party of Texas and the State of Israel for the continued strengthening of their political, economic, cultural, and strategic partnership and for their actions in support of the war on terrorism; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. R. 128: Mr. SABO and Ms. MCCOLLUM.
H. R. 182: Mr. HAWLEY.
H. R. 183: Mrs. CAPPs.
H. R. 232: Mr. BOSWELL.

H. R. 536: Mr. MARKEY.
H. R. 600: Mr. CALVETZ, Mr. THOMPSON of California, Ms. LOFREEN, and Mr. KOLBE.
H. R. 633: Ms. MCCOLLUM.
H. R. 639: Mr. KERNs.
H. R. 826: Mr. HALL of Texas.
H. R. 832: Mr. VITTER and Mr. FORBES.
H. R. 876: Mr. COYNE and Mr. HINSON.
H. R. 902: Mr. HOLT and Mr. LEWIS of Kentucky.
H. R. 912: Mrs. JOHNSON of Connecticut.
H. R. 914: Mr. COX.
H. R. 952: Mr. STETTLO.
H. R. 997: Mr. KILDEE.
H. R. 1097: Mr. PANTO.
H. R. 1109: Mr. DONN.BEY, Mr. COLE, Mr. CANNON, and Mr. BOOZ.
H. R. 1110: Mr. PLATTS.
H. R. 1118: Mr. FALOONE and Mr. FRELINGHUIS.
H. R. 1155: Ms. MCCOLLUM.
H. R. 1214: Ms. PAY of Ohio.
H. R. 1282: Mr. EVANS.
H. R. 1285: Mr. DeFAZIO.
H. R. 1394: Mr. SOUDER.
H. R. 1394: Mr. BURNT of Indiana.
H. R. 1396: Mr. DELLABUR and Mr. GRUCC.
H. R. 1433: Mrs. MINK of Hawaii.
H. R. 1434: Mr. DELAHUNT.
H. R. 1436: Mr. CLARKE.
H. R. 1460: Mr. Young of Alaska.
H. R. 1474: Mr. CALVET.
H. R. 1475: Mr. HOLDEN, Mr. ENORL, Mr. NEAL of Maryland, Mr. HINSON.
H. R. 1539: Ms. MCCOLLUM, Ms. WELLAZ.
H. R. 1539: Ms. WELLAZ, Mr. STAPP, Mr. DALL of New Mexico, Mr. KENNEDY of Rhode Island, Mr. LEACH of California, Ms. LOFREEN, and Ms. MCCA.

H. R. 1522: Mrs. Jones of Ohio.
H. R. 1528: Mr. Peterson of Minnesota.
H. R. 1536: Mr. Towns.
H. R. 1609: Mr. CAMP and Mr. HALL of Ohio.
H. R. 1615: Mr. PASCH.
H. R. 1701: Mr. LINDER.
H. R. 1711: Mr. SIMPSON.
H. R. 1759: Mr. PENCE, Mr. EHLERS, Mr. WYN.
H. R. 1798: Mr. MOROY, Mr. GORDON, and Mr. Peterson of Pennsylvania.
H. R. 1796: Mr. TAPF and Mr. JEFFER.

H. R. 1904: Mr. Gonzalez, Mr. McDermott, and Mr. WAXMAN.
H. R. 1938: Mr. PALLONE, Mr. MERHAN, Mr. KERNs, Mr. TURNER, Mr. PAYNE, Mr. KILDIE, Mr. CAPUANO, Mr. HORN, Mr. POMEROY, and Mr. BERRY.

H. R. 1949: Ms. ROS-LEHTIN.
H. R. 1951: Mr. DOYLE.
H. R. 1936: Mr. STUMP, Mr. BUMA, and Mr. FORBES.
H. R. 1978: Mr. PAUL.
H. R. 1978: Mr. THOMPSON of South Carolina.
H. R. 2108: Mr. ANDREWS.
H. R. 2125: Mr. SAWYER, Mr. Wilson of South Carolina, Ms. LOPFREN, Mr. MARCA, Ms. LOPFREN, Mr. AKIN, and Mr. LEWIS of Kentucky.
H. R. 2148: Mr. BRADY of Pennsylvania.

H. R. 2219: Mrs. MORELLA and Ms. ROS-LEHTIN.
H. R. 2254: Mr. WYN of Rhode Island.
H. R. 2258: Mr. KENNEDY of Rhode Island.
H. R. 2269: Mr. CRAWFORD.
H. R. 2357: Mr. PENCH.
H. R. 2380: Mr. FRANK, Mr. KILDIE, and Mr. DINGELL.
H. R. 2521: Mr. WYN, Mr. CUNNINGHAM, Mr. KILDIE, Mr. THOMA, and Mr. KOL.
H. R. 2570: Ms. MORELLA, Ms. ROYAL-AL.
H. R. 2592: Mr. FAIR of California.
H. R. 2611: Mr. BROWN of Ohio.
H. R. 2613: Mr. KENNEDY of Rhode Island.
H. R. 2627: Mr. WATSON.
H. R. 2692: Mr. DINGELL, Mr. Bishop, and Mr. LYNCH.
(A) The identification of the network or station.

(B) The name of the candidate featured or depicted in the communication.

(C) The date on which the communication aired and the duration of the appearance of the candidate in the communication, including any promotional communications aired by the network or station with respect to the candidate.

(D) The value of the exempt in-kind media expenditure (as calculated in accordance with paragraph (5)) derived from the airing of the communication, itemized separately in the case of each network.

(E) All other costs and expenses paid by the network or station which are associated with the appearance of the candidate in the communication, including (but not limited to) transportation of the Federal candidate, makeup, extraordinary production or transmission costs, promotions, and website broadcasts, itemized separately by each such category.

(5) Determining value of exempt in-kind media expenditures.—

(A) In general.—The value of the exempt in-kind media expenditure derived from the airing of a media expenditure communication described in paragraph (2) by a broadcasting network or station shall be equal to the product of the per unit cost of the advertising sold by the network or station for the time during which the communication is aired and the duration of the appearance of the candidate involved in the communication.

(B) Special rule for national broadcasts.—In the case of a communication which is aired on a nationwide broadcast,

(i) the value derived from the airing of the communication by the network shall be included by the network in its cost calculations, and

(ii) the value derived from the airing of the communication by the network shall be included in the calculation of the value of the in-kind media expenditures by subparagraph (A).

(6) Corporate media outlet defined.—In this subsection, the term ‘‘corporate media outlet’’ means a corporation

(A) which owns, operated, or controlled by any other corporation, entity, or holding company;

(B) which derives income from any service, product, enterprise, or source other than advertising which appears within the media broadcast outlet involved;

(C) which receives funds directly or indirectly from any level of government.

(D) which retains, employs, or otherwise engages the services (directly or indirectly) of any lobbyist who represents the corporation as a registered lobbyist at any level of government.

(2) Loss of exemption from treatment as expenditure for communications aired by broadcasters failing to file reports.—Section 304(a)(2)(C) of title 2 U.S.C. 431(9)(B)(i) is amended by striking the semicolon at the end and inserting the following:

(A) which is aired by the network or station which is a corporate media outlet (as defined in section 304(a)(1)) fails to meet the requirements of section 304(a)(1) with respect to the in-kind media expenditure communication described in section 304(a)(2), this clause shall not apply with respect to
the communication, and the airing of the communication shall be treated as an
in-kind contribution by the corporate media
outlet to the candidate featured or depicted
in the communication, and the airing of the
communication shall be treated as an in-
formation upon the request of the respond-
ent.
(b) DISCLOSURES TO COMMISSION.—Any
person who conducts a Federal election
poll—
(1) shall report to the Commission the
number of households contacted and include
with such report a copy of the poll questions;
and
(2) in the case of a poll for which the re-
sults are not to be made public, shall report to
the Commission the total cost of the poll
and all sources of funds for the poll.
(c) DEFINITION.—In this section, the term
‘Federal election poll’ means a survey con-
ducted by telephone or electronic means—
(1) in which the respondents are inter-
viewed on opinions relating to an election
for Federal office;; and
(2) in which not fewer than 1,200 respond-
ents are surveyed.”.
(b) EFFECTIVE DATE.—The amendment
made by subsection (a) shall apply with re-
spect to elections occurring after the date of
the enactment of this Act.
H.R. 2356
OFFERED BY: Mr. GOODLATTE
[Amyrey Substitute]
Amendment No. 7: Add at the end the fol-
lowing:
TITILE
—DISCLOSURE OF INFORMA-
TION BY PERSONS CONDUCTING POLLS
SEC. 324. DISCLOSURE OF INFORMATION BY
PERSONS CONDUCTING POLLS DURING
FEDERAL ELECTION CAMPAIGNS.
(a) IN GENERAL.—Title III of the Federal
Election Campaign Act of 1971 (2 U.S.C. 431
et seq.), as amended by section 101, is further
amended by adding at the end the following
new section:
“DISCLOSURE OF INFORMATION BY PERSONS
CONDUCTING POLLS BY TELEPHONE
“Sec. 324. (a) DISCLOSURES TO RESPOND-
ENTS.—Any person who conducts a Federal
election poll shall disclose to each respond-
ent the identity of the person sponsoring the
poll or paying the expenses associated with
the poll, except that if the poll is conducted
more than 30 days before the date of the elec-
tion, the person shall only disclose such in-
formation upon the request of the respond-
ent.
(2) EFFECTIVE DATE.—The amendment
made by subsection (a) shall apply with re-
spect to elections occurring after the date of
the enactment of this Act.
H.R. 2356
OFFERED BY: Mr. GOODLATTE
[Armey Substitute]
Amendment No. 6: Add at the end of title III
the following:
SEC. 323. DISCLOSURE OF INFORMATION BY
PERSONS CONDUCTING POLLS DURING
FEDERAL ELECTION CAMPAIGNS.
(a) IN GENERAL.—Title III of the Federal
Election Campaign Act of 1971 (2 U.S.C. 431
et seq.), as amended by sections 101, 319, and
322, is further amended by adding at the end
the following new section:
“DISCLOSURE OF INFORMATION BY PERSONS
CONDUCTING POLLS BY TELEPHONE
“Sec. 323. (a) DISCLOSURES TO RESPOND-
ENTS.—Any person who conducts a Federal
election poll shall disclose to each respond-
ent the identity of the person sponsoring the
poll or paying the expenses associated with
the poll, except that if the poll is conducted
more than 30 days before the date of the elec-
tion, the person shall only disclose such in-
formation upon the request of the respond-
ent.
(b) DISCLOSURES TO COMMISSION.—Any
person who conducts a Federal election
poll—
(1) shall report to the Commission the
number of households contacted and include
with such report a copy of the poll questions;
and
(2) in the case of a poll for which the re-
sults are not to be made public, shall report to
the Commission the total cost of the poll
and all sources of funds for the poll.
(c) DEFINITION.—In this section, the term
‘Federal election poll’ means a survey con-
ducted by telephone or electronic means—
(1) in which the respondents are inter-
viewed on opinions relating to an election
for Federal office;; and
(2) in which not fewer than 1,200 respond-
ents are surveyed.”.
(b) EFFECTIVE DATE.—The amendment
made by subsection (a) shall apply with re-
spect to elections occurring after the date of
the enactment of this Act.
H.R. 2356
OFFERED BY: Mr. GOODLATTE
[Armey Substitute]
Amendment No. 5: Insert after title III the fol-
lowing:
TITILE
—DISCLOSURE OF INFORMATION
BY PERSONS CONDUCTING POLLS
SEC. 320. DISCLOSURE OF INFORMATION BY
PERSONS CONDUCTING POLLS DURING
FEDERAL ELECTION CAMPAIGNS.
(a) IN GENERAL.—Title III of the Federal
Election Campaign Act of 1971 (2 U.S.C. 431
et seq.) is amended by adding at the end the
following new section:
“DISCLOSURE OF INFORMATION BY PERSONS
CONDUCTING POLLS BY TELEPHONE
“Sec. 320. (a) DISCLOSURES TO RESPOND-
ENTS.—Any person who conducts a Federal
election poll shall disclose to each respond-
ent the identity of the person sponsoring the
poll or paying the expenses associated with
the poll, except that if the poll is conducted
more than 30 days before the date of the elec-
tion, the person shall only disclose such in-
formation upon the request of the respond-
ent.
(b) DISCLOSURES TO COMMISSION.—Any
person who conducts a Federal election
poll—
(1) shall report to the Commission the
number of households contacted and include
with such report a copy of the poll questions;
and
(2) in the case of a poll for which the re-
sults are not to be made public, shall report to
the Commission the total cost of the poll
and all sources of funds for the poll.
(c) DEFINITION.—In this section, the term
‘Federal election poll’ means a survey con-
ducted by telephone or electronic means—
(1) in which the respondents are inter-
viewed on opinions relating to an election
for Federal office;; and
(2) in which not fewer than 1,200 respond-
ents are surveyed.”.
(b) EFFECTIVE DATE.—The amendment
made by subsection (a) shall apply with re-
spect to elections occurring after the date of
the enactment of this Act.
H.R. 2356
OFFERED BY: Mr. SHAYS
[Shays Substitute]
Amendment No. 9: Strike all after the en-
acting clause and insert the following:
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as
the ‘Bipartisan Campaign Reform Act of 2002’.
(b) TABLE OF CONTENTS.—The table of con-
tents of this Act is as follows:
Sec. 1. Short title; table of contents.
TITILE I—REDUCTION OF SPECIAL INTEREST INFLUENCE
Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limit for State committees of political
parties.
Sec. 103. Reporting requirements.
TITILE II—NONCANDIDATE CAMPAIGN EXPENDITURES
Subtitle A—Electioneering Communications
Sec. 201. Disclosure of electioneering communications.
Sec. 202. Coordinated communications as contributions.
Sec. 203. Prohibition of corporate and labor disbursements for electioneering communications.
Sec. 204. Rules relating to certain targeted electioneering communications.
Subtitle B—Independent and Coordinated Expenditures
Sec. 211. Definition of independent expendi-
ture.
Sec. 212. Reporting requirements for certain independent expenditures.
Sec. 213. Independent versus coordinated expendi-
tures by party.
Sec. 214. Coordination with candidates or candidates’ committees.
TITILE III—MISCELLANEOUS
Sec. 301. Use of contributed amounts for cer-
tain purposes.
Sec. 302. Prohibition of fundraising on Fed-
eral property.
Sec. 303. Strengthening foreign money ban.
Sec. 304. Modification of individual contribution limits in response to expenditures from personal funds.
Sec. 305. Television media rates.
Sec. 306. Limitation on eligibility of low-
est unit charge for Federal can-
didates attacking opposition.
Sec. 202. Maintenance of website of election
or local office, shall be made from funds sub-
stitution or similar group of candidates for State
and an officer or agent acting on behalf of
such person) may donate more than
a clearly identified candidate for State or
office.
(iii) the amounts expended or disbursed
which are described in subparagraph (A)(i)(II)
are paid from amounts which are donated
in accordance with State law and which meet
the requirements of subparagraph (C), except
that no person (including any person estab-
lished, financed, maintained, or controlled
by such person) may donate more than
$10,000 from such sources to a local com-
mittee of a political party in a calendar year
for such expenditures or disbursements; and
(iv) the amounts expended or disbursed
are solely from funds raised by the
State, local, or district committee which
makes such expenditure or disbursement,
and do not include any funds provided to
such committee.
(1) any other State, local, or district
committees of any political party.
(II) the national committee of a political
campaign committee of a political party.
(III) any officer or agent acting on behalf
of any committee described in subclauses (I)
or (II), or
(iv) any entity directly or indirectly es-
established, financed, maintained, or con-
trolled by any committee described in
subclauses (I) or (II).
(C) PROHIBITING INVOLVEMENT OF NATIONAL
PARTIES, FEDERAL CANDIDATES AND OFFICE-
holders, AND STATE PARTIES ACTING JOINT-
ly.—Notwithstanding section 301(20)(A) where
such solicitation is made by an individual who is also a
candidate for State or local office solely in connection
with such election for State or local office if
such solicitation is made by an individual who is
permitted under State law and refers only to
such State or local candidate, or to any other candidate for the State or local office
so solicited by such candidate.
(3) FUNDRAISING EVENTS.—Notwith-
standing paragraph (1) or subsection (2)(C), a candidate or an individual hold-
ing Federal office may attend, speak, or be a
featured guest at a fundraising event for a
State, district, or local committee of a politi-
cal party.
(D) PERMITTING CERTAIN SOLICITATIONS.—
(A) GENERAL SOLICITATIONS.—Notwith-
standing any other provision of this sub-
section, an individual described in paragraph
(1) may make a general solicitation of funds on behalf of any organization that is
described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section
501(a) of such Code (or has submitted an application for determination of tax exempt status under such section) and that makes expenditures or disbursements in connection
with an election for Federal office (including expenditures or disbursements for Federal
election activity); or
(b) an organization described in section 527 of such Code (other than a political com-
mittee, a State, district, or local committee of a political party, or the authorized cam-
paign committee of a candidate for State or
local office).
(2) STATE LAW.—Paragraph (1) does not
apply to the solicitation, receipt, or spending
of funds by an individual who is also a
candidate for political office or a member of such
organization where such solicitation is made by an individual who is also a
candidate for Federal office and who is permitted under State law and refers only to
such other candidate or local candidate, or to any other candidate for the State or local office
so solicited by such individual.
described in paragraph (1) may make a solicitation explicitly to obtain funds for carrying out the activities described in clauses (i) and (ii) of section 301(20)(A), or for an entity with a principal purpose to conduct such activities, if—

(i) the solicitation is made only to individuals; and

(ii) the amount solicited from any individual during any calendar year does not exceed $20,000.

(2) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.

(b) Definitions.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(3) Electioneering communication means a communication described in section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end of (B); and

(2) by redesignating clauses (ix) through (xiv), respectively, as clauses (viii) through (xv), respectively.

TITLE II—NONCANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications

SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

(a) In General.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended, is amended—

(1) by striking clause (b)(8); and

(2) by redesigning clauses (ix) through (xv) as clauses (viii) through (xiv), respectively.

(4) Reporting requirements.—Reports required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any person sharing the activity, or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement;

(B) The principal place of business of the person making the disbursement, if not an individual;

(C) The aggregate amount of each disbursement of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) The disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence in the United States, or any subcommittees established for purposes of this Act, as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2)) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated bank account other than electioneering communications.

(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(G) Electioneering communication.—For purposes of this subsection—

(1) In general.—The term ‘electioneering communication’ means any broadcast, cable, or satellite communication which—

(i) refers to a clearly identified candidate for Federal office;

(ii) is made within—
(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or
(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and
(II) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(II) the employees or agents of a political party, political action committee, or candidate; and
(III) communications for purposes of subparagraph (A), the term ‘electioneering communication’ means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate.

Nothing in this subparagraph shall be construed to establish, modify, or otherwise affect the definition of political activities or political campaigns, including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate, including for purposes of the Internal Revenue Code of 1986.”.

(b) RESPONSIBILITIES OF FEDERAL COMMUNICATIONS COMMISSION.—The Federal Communications Commission shall compile and maintain any information the Federal Election Commission may require to carry out section 304(f) of the Federal Election Campaign Act of 1971 (as added by subsection (a)), and shall make such information available to the public on the Federal Communication Commission’s website.

SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.
Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 444a(a)(7)) is amended—

(1) by redesigning subparagraph (C) as subparagraph (D); and
(2) by inserting after subparagraph (B) the following:

‘‘(C) if—

(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 304(f)(3)); and
(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate’s party and as an expenditure by that candidate or that candidate’s party; and’’.

SEC. 203. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 444b(b)(2)) is amended by inserting ‘‘or’’ after ‘‘the’’ in the third sentence of clause (i).

(b) APPLICABILITY TO ELECTIONEERING COMMUNICATIONS.—Section 316 of such Act is amended by adding at the end the following:

‘‘(C) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

(1) APPLICABLE ELECTIONEERING COMMUNICATIONS.—For purposes of this section, the term ‘applicable electioneering communication’ means an electioneering communication (within the meaning of section 304(f)(3)) which is described in subsection (a) of this section or any other person using funds donated by an entity described in subsection (a) of this section.

(2) EXCEPTION.—Notwithstanding the last preceding sentence, the term ‘provided directly by individuals’ does not include funds the source of which is an entity described in subsection (a) of this section.

(3) SPECIAL OPERATING RULES.—

(A) DEFINITIONS.—(i) An electioneering communication shall be treated as made by an entity described in subsection (a) if an entity described in subsection (a) directly or indirectly disburse any amount for any of the costs of the communication.

(ii) An electioneering communication shall be treated as made by an entity described in subsection (a) if an entity described in subsection (a) directly or indirectly disburse any amount for any of the costs of the communication.

(b) EXCEPTION UNDER PARAGRAPH (A).—A political action committee, or their authorized political committee, or their

(c) LIMITATIONS ON EXEMPTION.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(c) of such Code; or

(d) APPLICATION OF SUBSECTION.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 to carry out any activity which is prohibited under subsection (b).

SEC. 204. RULES RELATING TO CERTAIN TARGETED ELECTIONEERING COMMUNICATIONS.
Section 316(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 444b), as added by section 203, is amended by adding at the end the following:

‘‘(6) SPECIAL RULES FOR TARGETED COMMUNICATIONS.—

(A) EXCEPTION DOES NOT APPLY—Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.

(B) TARGETED COMMUNICATION.—For purposes of paragraph (2), a ‘targeted communication’ means an electioneering communication (as defined in section 304(f)(3)) that is distributed from a television or radio broadcast station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(C) DEFINITION.—For purposes of this paragraph, a ‘targeted communication’ is targeted to the relevant electorate if it meets the requirements described in section 304(f)(3)(C).’’.

Subtitle B—Independent and Coordinated Expenditures

SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.
Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

‘‘(17) INDEPENDENT EXPENDITURE.—The term ‘independent expenditure’ means an expenditure by an organization described in section 301(a), but shall not include

(A) expressly advocating the election or defeat of a clearly identified candidate; and

(B) that is not made in concert or cooperation with or at the direction or suggestion of such candidate, the candidate’s authorized political committee, or their

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SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) In General.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 201) is amended—

(1) by redesignating clause (i) as clause (ii), and inserting after the end thereof the following:

"(iii) a transfer of any funds, at the order and expense of the candidate or the political party, to make coordinated expenditures under this subsection to, or receive a transfer of funds from any committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.;"

(b) CONFORMING AMENDMENT. — The Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(7)(B)) is amended—

(1) by redesignating clause (i) as clause (ii), and inserting after the end thereof the following:

"(iii) a transfer of any funds, at the order and expense of the candidate or the political party, to make coordinated expenditures under this subsection to, or receive a transfer of funds from any committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.",

TITLED III. ILLEGAL CONTRIBUTIONS AND DONATIONS FOR CERTAIN PURPOSES.

SEC. 301. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 301 and inserting the following:

"SEC. 301. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

(a) Personal contributions accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

(1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;

(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

(b) PROHIBITED USE. — It shall be unlawful for a foreign national, directly or indirectly, to make—

(1) a contribution or donation described in subsection (a) (1) or (3); or

(2) a contribution or donation described in subsection (a) (1) or (2), which shall not be converted by any person to personal use.

SEC. 302. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 907 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PROHIBITION. — It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from any person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from any person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

(2) PENALTY. — A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.",

SEC. 303. STRENGTHENING FOREIGN MONEY BAN.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following:

"(1) I N GENERAL. — It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from any person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from any person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

(2) PENALTY. — A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.", and

(2) by striking subsection (a) and inserting the following:

"(a) PROHIBITION. — It shall be unlawful for a foreign national, directly or indirectly, to make—

(1) a contribution or donation described in subsection (a) (1) or (3); or

(2) a contribution or donation described in subsection (a) (1) or (2), which shall not be converted by any person to personal use.

(3) a contribution or donation described in subsection (a) (1) or (3), which shall not be converted by any person to personal use.
“(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election; or

“(B) a contribution or donation to a committee of a political party; or

“(C) an expenditure, independent expenditure, disbursement for an electioneering communication (within the meaning of section 304(h)(3)); or

“(2) a person to solicit, accept, or receive a contribution or donation described in subsection (A) or (B) of paragraph (1) from a foreign national.”

SEC. 304. MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS

(a) INCREASED LIMITS FOR INDIVIDUALS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)(1), by striking “No person” and inserting “Except as provided in subsection (i), no person”;

(2) by adding at the end the following:

“(1) INCREASED LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

“(1) INCREASE.—

“(A) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate’s authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

“(i) until the candidate or the candidate’s authorized committee has received notification of the opposition personal funds amount under section 304(a)(6)(B); and

“(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously received and expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

“(B) EFFECT OF WITHDRAWAL OF AN OPPONENT CANDIDATE.—A candidate and a candidate’s authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

“(2) DISPOSAL OF EXCESS CONTRIBUTIONS.—

“(A) IN GENERAL.—The aggregate amount of contributions accepted by a candidate or a candidate’s authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

“(B) RETURN TO CONTRIBUTORS.—A candidate or a candidate’s authorized committee shall contribute on to the person who made the contribution.

“(C) LIMITATION ON REPAYMENT OF PERSONAL LOANS.—Any candidate who incurs personal loans after the effective date of the Bipartisan Campaign Reform Act of 2002 in connection with the candidate’s campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.”.

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

(2) by inserting after subparagraph (A) the following:

“(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term ‘expenditure from personal funds’ means—

“(i) an expenditure made by a candidate using personal funds; and

“(ii) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate’s authorized committee.

“(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate’s authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 343(i)) and the manner in which the candidate or the candidate’s authorized committee used such funds.

“(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 339.

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 101(b), is further amended by adding at the end the following:

“(25) ELECTION CYCLE.—The term ‘election cycle’ means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the day of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

“(26) PERSONAL FUNDS.—The term ‘personal funds’ means an amount that is derived from—

“A person that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate—

“(i) a legal and rightful title; or

“(ii) an equitable interest; or

“(B) income received during the current election cycle of the candidate, including—

“(i) a salary and other earned income from bona fide employment;
“(ii) dividends and proceeds from the sale of the candidate’s stocks or other investments;

(iii) bequests to the candidate;

(iv) income from trusts established before the beginning of the election cycle;

(v) income from trusts established by bequest after the beginning of the election cycle, which the candidate is the beneficiary;

(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

(vii) proceeds from lotteries and similar legal games of chance; and

(C) a portion of assets that are jointly owned by the candidate and the candidate’s spouse equal to the candidate’s share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of 1/2 of the property.’’.

SEC. 205. TELEVISION MEDIA RATES.

(a) Lowest Unit Charge.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking ‘‘(b) The charges and inserting the following:

‘‘(b) CHARGES.—

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), the charges’’;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

‘‘(2) TELEVISION.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the period referred to in paragraph (1)(A), the lowest charge of the station (at any time during the 180-day period preceding the date of the use) for the same amount of time for the same period.’’.

(b) Rate Available for National Parties.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as added by subsection (a)(3), is amended by inserting at the end the following:

‘‘(3) CONTENT OF BROADCASTS.—

‘‘(A) In General.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by this Act, is amended by adding at the end the following:

‘‘(3) In General.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising in accordance with this section and section 312.

‘‘(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

‘‘(A) At least 6 of the 50 largest designated market areas (as defined in section 121(j)(2)(C) of title 17, United States Code).

‘‘(B) At least 3 of the 51-100 largest designated market areas (as so defined).

‘‘(C) At least 3 of the 101-150 largest designated market areas (as so defined).

‘‘(D) At least 3 of the 151-200 largest designated market areas (as so defined).

‘‘(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.’’

(e) Definition of Broadcasting Station.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking ‘‘(1) IN GENERAL.—’’ and inserting ‘‘(1) IN GENERAL.—’’;

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting ‘‘a’, a television broadcast station, and a provider of cable or satellite television service’’ before ‘‘before The Commission’’;

(f) Stylistic Amendments.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting ‘‘IN GENERAL.—’’ before ‘‘If any’’;

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting ‘‘DEFINITIONS.—’’ before ‘‘For purposes’’; and

(3) in paragraph (3), as redesignated by subsection (c)(1) of this section, by inserting ‘‘REGULATIONS.—’’ before ‘‘The Commission’’.

SEC. 206. LIMITATION ON AVAILABILITY OF LOW-EST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) In General.—Section 315(b)(2)(A) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)(A), as amended by this Act, is amended by adding at the end the following:

‘‘(A) A Federal office candidate shall not be entitled to receive the rate under paragraph (1)(A) or (2) for the use of such television broadcast station unless any broadcast station that the candidate (and any authorized committee of the candidate) shall make shall bear the following statement: ‘‘If you vote for another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C) or (D).’’

‘‘(B) LIMITATION ON CHARGES.—If a Federal office candidate is not entitled to receive the rate under paragraph (1)(A) or (2) for use of a broadcast station to which that candidate has not been certified, such station shall not be entitled to receive the rate under paragraph (1)(A) or (2) for use of such broadcast station by any other candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C) or (D).’’

(b) Additional Information.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

(c) Requirement.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate’s authorized committee) shall provide software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

(d) Required Posting.—The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

SEC. 208. MODIFICATION OF CONTRIBUTION LIMITS.

(a) In General.—Section 315(b)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)) is amended by striking ‘‘$2,000’’ and inserting the following: ‘‘$2,000’’.

(b) Pacific Time Zone.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)(1)) is amended by striking ‘‘one-half the amount otherwise required of him’’ and inserting ‘‘one-half the amount otherwise required of him’’.

(c) Limitation.—Section 315(b)(1)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)(1)(C)) is amended—

(1) in subparagraph (A), by striking ‘‘$1,000’’ and inserting the following: ‘‘$2,000’’.

(2) in paragraph (2), by striking ‘‘as provided in subsection (a)’’ and inserting ‘‘as provided in paragraph (1)’’.

(3) in paragraph (3), by striking ‘‘as provided in subsection (a)’’ and inserting ‘‘as provided in paragraph (1)’’.

(4) in paragraph (4), by striking ‘‘as provided in subsection (a)’’ and inserting ‘‘as provided in paragraph (1)’’.

(5) in paragraph (5), by striking ‘‘as provided in subsection (a)’’ and inserting ‘‘as provided in paragraph (1)’’.

(d) Effective Date.—The amendments made by this section shall take effect on the expiration of the term of office for which the amendment is made.
(or, in the case of a candidate for Representative in or Delegate or Resident Commissioner to the Congress, $1,000); and

(2) in subparagraph (B), by striking "$25,000" and inserting "$50,000.";

(b) INCREASE IN ANNUAL AGGREGATE LIMIT ON INDIVIDUAL CONTRIBUTIONS.—Section 313(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(3)) is amended to read as follows:

"(3) During the period which begins on January 1 of an odd-numbered year and ends on December 31 of the next even-numbered year, no individual may make contributions aggregating more than $7,500, in the case of contributions to candidates and the authorized committees of candidates;

(B) $7,500, in the case of any other contribution to the immediate political committee of a Senate candidate, and

(c) INCREASE IN SENATORIAL CAMPAIGN COMMITTEE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "$17,500" and inserting "$37,500.";

(d) INDEXING OF CONTRIBUTION LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441c) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting "(A)" before "At the beginning;" and

(C) by adding at the end the following—

"(ii) the date the donation is received; and"

"(iii) by striking "$2,000." and inserting "$5,000."; and

"(D) by adding at the end the following—

"(b) REPORTS MADE AVAILABLE BY FEC.—

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 183, 201, and 212 is amended by adding at the end the following:

"(b) REPORTS FROM INAUGURAL COMMITTEES.—The Federal Election Commission shall make any report filed by an Inaugural Committee under section 310 of title 36, United States Code, accessible to the public at the offices of the Commission on the Internet not later than 48 hours after the report is received by the Commission.".

SEC. 310. PROHIBITION ON FRAUDULENT SOLICITATION OF FUNDS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting "(a) IN GENERAL.—" before "No person—"

(2) by adding at the end the following—

"(b) FRAUDULENT SOLICITATION OF FUNDS.—

No person shall—

"(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political committee for the purpose of soliciting contributions or donations;

"(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1)."

SEC. 311. STUDY AND REPORT ON CLEAN MONEY ELECTIONS LAWS.

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term "clean money clean elections" means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the clean money clean elections of Arizona and Maine.

(2) MATTERS STUDIED.—

(A) STATISTICAL REPORT ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General shall determine—

(i) the number of candidates who have chosen to run for office with clean money clean elections including—

(I) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate’s bid for public office; and

(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall report to the Congress describing the results of the study conducted under subsection (b).

SEC. 312. CLARITY STANDARDS FOR IDENTIFICATION OF SPONSORS OF ELECTRONICALLY RELATED ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcast station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general political advertising, or whenever;"

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct" and "and"

(iv) by striking "an expenditure for an electioneering communication (as defined in section 330(c)(31)) after "public political advertising"; and

(B) in section (3), by inserting "and permanent street address, telephone number, or World Wide Web address" after "name;" and

(2) by adding at the end the following—

"(c) SPECIFICATION.—Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d) ADDITIONAL REQUIREMENTS.—

"(1) COMMUNICATIONS BY CANDIDATES OR AUTHORIZED PERSONS.—

"(A) BY RADIO.—Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through radio shall include, in addition to the requirements of that paragraph, a audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(B) BY TELEVISION.—Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(ii) the number of races in which at least one candidate ran an election with clean money clean elections including—

(i) the office for which they were candidates;

(ii) whether the candidate was an incumbent or a challenger; and

(iii) whether the candidate was successful in the candidate’s bid for public office; and

(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall report to the Congress describing the results of the study conducted under subsection (b).
more than one year, or both.

(2) Increasing the Monetary Penalty for Knowing and Willful Violations. —Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a) is amended —

(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than one year, or both; and

(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.

(b) Effective Date. —The amendment made by this section shall apply to violations occurring on or after the effective date of this Act.

SEC. 315. SENTENCING GUIDELINES.

(a) In General. —The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) Considerations. —The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation occurs—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large number of illegal transactions;

(C) a large aggregate amount of illegal contributions, donations, or expenditures;

(D) the receipt or disbursement of government funds; and

(E) the intent to achieve a benefit from the Federal Government.

(3) Assure reasonable consistency with other relevant directives and guidelines of the Commission.

(4) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements.

(5) Assure the guidelines adequately meet the purposes of sentencing under section 3553(a) of title 18, United States Code.

(c) Effective Date; Emergency Authority To Promulgate Guidelines. —

(1) Effective Date. —Notwithstanding section 3553(a) of title 18, United States Code, the Commission shall promulgate guidelines under this section not later than the later of—

(A) 90 days after the effective date of this Act; or

(B) 90 days after the date on which at least a majority of the members of the Commission are appointed pursuant to section 321(a) of the Sentencing Reform Act of 1987, as though the authority under such Act had not expired.

SEC. 316. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) Increased Monetary Penalty for Knowing and Willful Violations. —Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(A), by inserting before the period at the end the following: “(or, in the case of a violation of section 330, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation);” and

(2) in paragraph (6)(C), by inserting before the period at the end the following: “(or, in the case of a violation of section 330, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation).”

(b) Increase in Criminal Penalty. —Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended—

(1) in paragraph (3), by striking the last sentence of such paragraph and inserting in lieu thereof—

“(i) an intent to achieve a benefit from the candidate; and

(ii) a gross receipts advantage of the candidate that may be expended in connection with an election held on or before November 5, 2002 (or any runoff or recount resulting from such an election).”

SEC. 317. RESTRICTION ON INCREASED CONDUIT CONTRIBUTION PENALTIES TAKING INTO ACCOUNT CANDIDATE’S AVAILABLE FUNDS.

Section 330 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

“(E) Special Rule for Candidate’s Campaign Funds. —

“(i) In General. —For purposes of determining the aggregate amount of expenditures under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate’s authorized committee.

“(ii) Gross Receipts Advantage. —For purposes of clause (i), the term ‘gross receipts advantage’ means the excess, if any, of—

(1) the aggregate amount of 50 percent of gross receipts of a candidate’s authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with such election cycle, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(2) the aggregate amount of 50 percent of gross receipts of the opposing candidate’s authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.”.

SEC. 318. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

(a) Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(2)) is amended by inserting after “United States” the following: “or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).”

SEC. 319. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101(b), is further amended by adding at the end the following new section:

“PROHIBITION OF CONTRIBUTIONS BY MINORS —SEC. 324. An individual who is 17 years old or younger shall not make a contribution to a candidate or a political committee or to a political party.”

TITLE IV—SEVERABILITY; EFFECTIVE DATE

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, then the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the unconstitutional provision or amendment.

SEC. 402. EFFECTIVE DATE.

(a) In General. —Except as otherwise provided in section 308 and subsection (b), this Act and the amendments made by this Act shall take effect November 6, 2002.

(b) Transition Rule for Spending of Funds by National Parties. —If a national committee of a political party described in section 323(a)(1) of the Federal Election Campaign Act of 1971 (as added by section 101(a)), including any person who is subject to such section, has received funds described in such section prior to the effective date described in subsection (a), the following rules shall apply to spending of such funds by such committee:

(1) Prior to January 1, 2003, the committee may spend such funds to retire outstanding obligations that were incurred prior to such effective date, so long as such debts or obligations were incurred solely in connection with an election held on or before November 5, 2002 (or any runoff or recount resulting from such an election).

(2) At any time after such effective date, the committee may spend such funds for activities which are solely to defray the costs of the construction or purchase of any office building or facility.

(c) Regulations. —Not later than 90 days after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act and the amendments made by such title. Not later than 270 days after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out all other titles of this Act and all other amendments made by this Act which are under the Commission’s jurisdiction.

SEC. 403. JUDICIAL REVIEW.

No judicial review of any rule or order of the Federal Election Commission shall be available.
(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall consist of the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) The Clerk of the United States District Court for the District of Columbia and the Supreme Court of the United States shall advance on the docket and expeditiously conduct the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene in support of the constitutionality of any provision of the Act or amendment or to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in such action may make such orders as it considers necessary, including orders to require intervenors to show cause why they should be permitted to intervene, and to require the party making any such order to request therocessing to intervene, and to request the party making any such order to request the court to file joint papers or to be represented by a single attorney at oral argument.

Title V—ADDITIONAL DISCLOSURE PROVISIONS

SEC. 501. INTERELECTION RECORDS.

Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended to read as follows:

“(a) In general.—The Federal Election Commission shall maintain a central on the Internet to make accessible to the public all publicly available election-related records and information.

(b) ELECTION-RELATED REPORT.—In this section, the term ‘election-related report’ means any report, designation, or statement required under paragraph (1) of section 304 of the Federal Election Campaign Act of 1971.

(c) COORDINATION WITH OTHER AGENCIES.—Any Federal executive agency receiving election-related information which that agency is required by law to publicly disclose shall cooperate and coordinate with the Federal Election Commission to make such report available through, or for posting on, the site of the Federal Election Commission in a timely manner.

SEC. 503. ADDITIONAL DISCLOSURE REPORTS.

(a) COMMUNICATIONS FROM PERSONAL FUNDS.—Section 304(a)(2)(B) of the Federal Election Campaign Act of 1971 is amended by inserting “the following reports” and all that follows thereof before “they shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.”.

(b) NATIONAL COMMITTEE OF A POLITICAL PARTY.—Section 304(a)(4) of such Act (2 U.S.C. 434(a)(4)) is amended by adding at the end of the following flush sentence: “Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).”

SEC. 504. PUBLIC ACCESS TO BROADCASTING RECORDS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended by redesignating subsections (e) and (f) as subsections (i) and (j), respectively, and inserting after subsection (d) the following:

“(e) Political Record.—

“(1) In general.—A licensee shall maintain, and make available for public inspection, a complete record of a request to purchase broadcast time that—

“(A) is made by or on behalf of a legally qualified candidate for a Federal office; or

“(B) communicates a message relating to any political matter of national importance, including—

“(i) a nationally qualified candidate;

“(ii) any election to Federal office; or

“(iii) a national legislative issue of public importance.

“(2) CONTENTS OF RECORD.—A record maintained under paragraph (1) shall contain information regarding—

“(A) whether the request to purchase broadcast time is accepted or rejected by the licensee;

“(B) the rate charged for the broadcast time;

“(C) the date and time on which the communication is aired;

“(D) the class of time that is purchased;

“(E) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);

“(F) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee, and

“(G) in the case of any other request, the name of the person purchasing the time, the name, address, and a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

“(3) TIME TO MAINTAIN FILE.—The information required under this subsection shall be placed in a political file as soon as possible and shall be retained by the licensee for a period of not less than 2 years.”.

H.R. 2356

OFFERED BY: Ms. CAPITO

[Shays Substitute]

AMENDMENT VIS-A-VIS THE END OF TITLE III THE FOLLOWING NEW SECTION:

SEC. 320. MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS FOR HOUSE CANDIDATES IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) INCREASED LIMITS.—Title II of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 315 the following new section:

“MODIFICATION OF CERTAIN LIMITS FOR HOUSE CANDIDATES IN RESPONSE TO PERSONAL FUND EXPENDITURES OF OPPONENTS

“(a) AVAILABILITY OF INCREASED LIMIT.—

“(1) IN GENERAL.—Subject to paragraph (3), if the opposition personal funds amount with respect to a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress exceeds $50,000—

“(A) the limit under subsection (a)(1)(A) with respect to the candidate shall be tripled; and

“(B) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to the candidate if the contribution is made under the increased limit allowed under subparagraph (A) during a period in which the candidate may accept such a contribution; and

“(2) INCREASED LIMITS TO SUBSECTION (d) WITH RESPECT TO ANY EXPENDITURE BY A STATE OR NATIONAL COMMITTEE OF A POLITICAL PARTY ON BEHALF OF THE CANDIDATE SHALL NOT APPLY.

“(2) DETERMINATION OF OPPOSITION PERSONAL FUNDS AMOUNT.—

“(a) IN GENERAL.—The opposition personal funds amount is an amount equal to the excess (if any) of—

“(i) the aggregate amount of expenditures from personal funds (as defined in subsection (b)(1)) that an opposing candidate in the same election makes; and

“(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

“(b) SPECIAL RULE FOR CANDIDATE’S CAMPAIGN FUND.—

“(1) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds of a candidate’s authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

“(2) the aggregate amount of 50 percent of gross receipts of the opposing candidate’s authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

“(c) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—

“(1) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate’s authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limits under paragraph (2)—

“(i) until the candidate has received notification of the opposition personal funds amount under subsection (b)(1); and

“(ii) to the extent such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 100 percent of the opposition personal funds amount.

“(B) EFFECT OF WITHDRAWAL OF AN OPPOSING CANDIDATE.—A candidate’s authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limits under this subsection for the election cycle, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.
is attributable to such an opposing candidate.

(‘‘A’’) IN GENERAL.—The aggregate amount of contributions accepted by a candidate or a candidate’s authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election activity and the aggregate amount of contributions that are received from personal funds are made or obligated to be made to such candidate or committee, and all actions, withdrawals, and disbursements made in connection with such contributions, are payable to the candidate or committee just as if the contributions had been accepted under section 402 of the Act of 1971, as amended.

(‘‘B’’) NOTICE TO COMMITTEES.—A candidate or a candidate’s authorized committee shall return the excess contribution to the contributor, the contributor of the committee who made such contribution is a committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by such a committee or entity, and an officer or agent acting on behalf of such committee or entity), or by a national, state, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by such a national, state, or local committee), shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

(‘‘C’’) NOTICE TO COMMITTEE OR ENTITY.—A committee or entity described in paragraph (B) may not spend funds that are used, in whole or in part, for expenditures and disbursements for Federal election activity.

(‘‘D’’) TAX-EXEMPT ORGANIZATIONS.—A national, state, or local committee of a political party (including a national, state, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by such a national, state, or local committee, or by an officer or agent acting on behalf of such national, state, or local committee), shall not solicit any funds for, or make or direct disbursements to, an organization described in section 527 of such Code (other than a political committee, a state, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).

(‘‘E’’) FEDERAL CANDIDATES.—(1) IN GENERAL.—A candidate, individual holding Federal office, or individual holding Federal office, or any individual holding Federal office, or an entity directly or indirectly established, financed, maintained, or controlled by such a candidate or an individual holding Federal office, shall not solicits, receive, direct, transfer, or spend funds in connection with an election for Federal office, in connection with a Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

(2) SPEND FUNDS IN CONNECTION WITH AN ELECTION OTHER THAN FOR FEDERAL OFFICE OR DISBURSE FUNDS IN CONNECTION WITH SUCH AN ELECTION UNLESS THE FUNDS ARE SUBJECT TO THE LIMITATIONS, PROHIBITIONS, AND REPORTING REQUIREMENTS OF THIS ACT.

(‘‘F’’) PLACE OF FILING.—Each declaration or notification required to be filed by a candidate, committee, or individual, or by a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by such a political party), shall be filed with, and shall be available for public inspection at the offices of, the Federal Election Commission, or the Secretary of State, as designated by law.
3) **Fundraising events.**—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

4) **Limitation applicable for purposes of solicitation of donations by individuals to campaigns.**—In the case of solicitation of funds by any person described in paragraph (1) on behalf of any entity described in subsection (d) which is made specifically for funds to be used for activities described in clauses (i) and (ii) of section 301(20)(A), or made for any such entity which engages primarily in activities described in such clause and the limitation applicable for purposes of a donation of funds by an individual shall be the limitation set forth in section 315(a)(1)(D).

(f) **State candidates.**—

(1) In general.—A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 301(20)(A)(ii) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) **Exception for certain communications.**—Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.

**SEC. 102. Definitions.**

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

“(20) **FEDERAL ELECTION ACTIVITY.**—

“(a) In general.—The term ‘Federal election activity’ includes—

(i) voter registration activity;

(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); or

(b) a pic communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) that promotes or opposes a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates or otherwise opposes a candidate).”

“(B) **EXCLUDED ACTIVITY.**—The term ‘Federal election activity’ does not include an amount expended or disbursed for get-out-the-vote activities by any organization that engages primarily in activities described in clause (b) of section 304 and all that follows through ‘(C)’ and inserting ‘and (C)’.

**TITLE II—OTHER SOFT MONEY ACTIVITIES**

**SEC. 301. BAN ON USE OF SOFT MONEY FOR GET-OUT-THE-VOTE ACTIVITIES BY CERTAIN ORGANIZATIONS.**

Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking “(B) nonpartisan organization engaged primarily in voter identification, get-out-the-vote campaigns” and all that follows through “(C)” and inserting “and (C)”.

**TITLE III—OTHER SOFT MONEY ACTIVITIES**

**SEC. 302. BAN ON USE OF SOFT MONEY FOR GET-OUT-THE-VOTE ACTIVITIES BY CERTAIN ORGANIZATIONS.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

“**Sec. 324. (a) In general.—Any amount expended or disbursed for get-out-the-vote activities by any organization described in subsection (b) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.**

(b) **Organizations described.**—An organization described in this subsection is—

(1) an organization that is described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, is organized for political purposes, and exempt from tax under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section); or

(2) an organization described in section 527 of such Code (other than a State, district, or local committee of a political party, a candidate for State or local office, or the authorized campaign committee of a candidate for State or local office).”

**SEC. 303. BAN ON USE OF SOFT MONEY FOR ANY PARTISAN VOTER REGISTRATION ACTIVITIES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by paragraph (1), is further amended by adding at the end the following new section:

“**Sec. 325. No person may expend or disburse any funds for partisan voter registration activities which are not subject to the limitations, prohibitions, and reporting requirements of this Act.**

**H.R. 3256**

**OFFERED BY: MR. NEY**

[Amendment in the Nature of a Substitute]

**AMENDMENT No. 14.** Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **Short title.**—This Act may be cited as the “Bipartisan Campaign Finance Reform Act of 2002”.

(b) **Table of contents.**—The table of contents of this Act is as follows:

1. Short title; table of contents.
2. Reduction of special interest influence.
4. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
5. Reporting requirements.
7. Definitions.
8. Express advocacy determined without regard to background music.
9. Civil penalty.
10. Reporting requirements for certain independent expenditures.
11. Independent versus coordinated expenditures by party.
12. Coordination with candidates.
14. Filing of reports using computers and facsimile machines.
15. Prohibition of deposit of contributions with incomplete contributor information.
17. Reporting requirements for contributions of $50 or more.
18. Use of candidates’ names.
19. Prohibition of false representation to solicitors.
20. Soft money of persons other than political parties.
21. Campaign advertising.
22. Personal wealth option.
23. Use of contributed amounts for certain purposes.
25. Penalties for violations.
27. Prohibition of contributions by minors.
29. Initiation of enforcement proceeding.
30. Protecting equal participation of eligible voters in campaigns and elections.
32. Prohibition of tax-exempt soft money contributions.
33. Establishment of a clearinghouse of information in political activities within the Federal Election Commission.
34. Clarification of right of nationals of the United States to make political contributions.

**TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM**

**Sec. 601.** Establishment and purpose of Commission.

**Sec. 602. Membership of Commission.

Sec. 603. Powers of Commission.

Sec. 604. Report and recommended legislation.

Sec. 605. Termination.

Sec. 606. Authorization of appropriations.
TITLE VI—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING
Sec. 701. Prohibiting use of white house meals and accommodations for political fundraising.

TITLE VII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY
Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

TITLE IX—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY
Sec. 901. Reimbursement for use of government property for campaign-related travel.

TITLE X—PROHIBITING USE OF WALKING AROUND MONEY
Sec. 1001. Prohibiting campaigns from providing currency to individuals for purposes of encouraging contributions during the date of elections.

TITLE XI—ENHANCING ENFORCEMENT OF CAMPAIGN LAW
Sec. 1101. Enhancing enforcement of campaign finance law.

TITLE XII—SEVERABILITY: CONSTITUTIONALITY, EFFECTIVE DATE, REGULATIONS
Sec. 1201. Severability.
Sec. 1202. Effective date.
Sec. 1203. Review of constitutional issues.
Sec. 1204. Regulations.

Sec. 1205. Effective date.
(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (c), and (d) of subsection (b).

(4) REPORTS REQUIRED.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xx) as clauses (viii) through (xii), respectively.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

(i) for a communication that is express advocacy; and

(ii) that is not coordinated activity or is not part of a coordinated plan to communicate with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent, except that nothing in this clause may be construed to prevent the sponsor of the voting guide from directing questions to or providing any other information to a candidate about the candidate's position on issues for purposes of preparing a voter guide or to prevent the candidate from responding in writing to such questions; and

(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', 'name of candidate' for Congress, 'name of candidate' for President, or 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates."

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)(9)(A) is amended by—

(1) in clause (i), by striking "and" at the end; and

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:—

"(i) a payment made by a political committee for a communication that—

(I) refers to a clearly identified candidate; and

(II) is for the purpose of influencing a Federal election or the election of any other candidate (whether the communication is express advocacy)."

SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT REGARD TO BACKGROUND MUSIC.

Section 301(20) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), as added by section 9 of the Act, is amended by—

(A) in subparagraph (A), by striking "(II) is for the purpose of influencing a Federal election or the election of any other candidate (whether the communication is express advocacy)."

SEC. 203. CIVIL PENALTY.

A person (including a political committee) that fails to report any independent expenditure aggregating $1,000 or more after the 20th day, but not more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

(b) ADDITIONAL REPORTS.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

(c) PLACE OF FILING; CONTENTS.—A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose; 

(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.

(b) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking ", or the second sentence of subsection (c)(2)".

SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441(d)) is amended—

(1) in paragraph (1), by striking "(3)" and inserting "(2)"; and

(2) by adding at the end the following:

"(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

(B) NO COORDINATED EXPENDITURE BY COMMITTEE.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including national campaign committees) and all political committees established and maintained by a State political party (including State campaign committees) shall be considered to be a single political committee.

SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by—

(1) in subsection (c)(2), by striking the un-designated matter after subparagraph (C); and

(2) by redesigning paragraph (3) of subsection (c) as subsection (g); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:—

"(1) EXPENDITURES AGGREGATING $1,000.—

(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but not more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

(b) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as to which the initial report relates.

(c) PLACE OF FILING; CONTENTS.—A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.

(2) EXPENDITURES AGGREGATING $10,000.—

(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

(b) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as to which the initial report relates.

(c) PLACE OF FILING; CONTENTS.—A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.

(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as to which the initial report relates.
“(D) TRANSPARENCY.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to the candidate or the candidate’s authorized committee or make independent expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made the certification with respect to the candidate.

SEC. 206. COORDINATION WITH CANDIDATES. (a) Definition of Coordination With Candidate. (1) SECTION 305.—Section 305(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)) is amended— (A) in subparagraph (A)— (i) by striking “or” at the end of clause (i); (ii) by striking period at the end of clause (ii) and inserting “; or”; and (iii) by adding at the end the following: “(iii) coordinated activity (as defined in subparagraph (C));” and (B) by adding at the end the following: “(C) ‘Coordinated activity’ means anything of value provided by a person in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election by advocating the election or defeat of a candidate, as those terms are defined in section 304(b), whose being provided is a communication that is express advocacy in which such candidate seeks election to Federal office, in the same election cycle as the candidate’s campaign.

(2) SECTION 307.—Section 307(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) is amended— (A) by striking “or” at the end of clause (i); (B) by striking period at the end of clause (ii) and inserting “; or”; and (C) by adding at the end the following: “(iii) coordinated activity (as defined in subparagraph (C));”.

(3) SECTION 308.—Section 308(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended— (A) by striking “or” in the last sentence of paragraph (2) and inserting “; or” in its place; (B) by striking “and” at the end of subparagraph (B) and inserting “;” in its place; (C) by deleting the words “or committee” before the word “political party” after “political party” at the end of clause (ii); and (D) by amending paragraph (4) to read— “(4) A payment made by a person based on information about a candidate’s plans, projects, or needs provided to the person making the payment by the candidate or the candidate’s agent who provides the information with the intent that the payment be made— (i) in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election by advocating the election or defeat of a candidate, as those terms are defined in section 304(b), whose being provided is a communication that is express advocacy in which such candidate seeks election to Federal office, in the same election cycle as the candidate’s campaign; (ii) in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election by advocating the election or defeat of a candidate, as those terms are defined in section 304(b), whose being provided is a communication that is express advocacy in which such candidate seeks election to Federal office, in the same election cycle as the candidate’s campaign.


(b) Expenditures to Be Made.—Any other office of the Federal Election Commission may, in addition to the expenditures made by the Federal Election Commission under this section, make expenditures for the Federal election cycle of 2002 from any funds made available for that purpose under section 437(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(e)).

(c) Determination.—The Federal Election Commission shall determine the amount of the appropriation under this section.

SEC. 208. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS. (a) Prohibition of Deposit. Section 303 of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by adding at the end the following: “(j) Deposit of Contributions.—The treasurer of a candidate’s authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.”.

SEC. 303. AUDITS. (a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439(b)) is amended— (1) by inserting “(1) IN GENERAL.—” before “The Commission”; (2) by moving the text 2 ems to the right; and (3) by adding at the end the following: “(2) RANDOM AUDITS.—“(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least four members of the Commission.

(b) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate’s authorized committee under paragraph (A) until the candidate is no longer a candidate for Federal office, as determined by the Commission; and

(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.”.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439(b)) is amended by striking “6 months” and inserting “12 months”.

SEC. 304. REPORTS OF TOTAL CONTRIBUTIONS OF $50 OR MORE. (a) Reports Required.—Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439(b)(3)(A)) is amended— (1) by striking “$200” and inserting “$50”; and

SEC. 305. FINANCING OF INDEPENDENT EXPENSES. (a) Reports Required.—Section 305(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended by striking paragraph (1) and inserting the following: “(11) The Commission shall promulgate a regulation under this Act prescribing the manner in which a person related to a candidate shall file a designation, statement, or report under this section.”

SEC. 306. PAYMENTS TO CANDIDATES. (a) Payment of Candidate.—Section 306 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439) is amended— (1) by striking “$200” and inserting “$50”;

 TITLE V DISCLOSURE SEC. 301. REPORTING OF CONTRIBUTIONS. (a) Reporting of Contributions.—Section 301(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended by striking paragraph (1) and inserting the following: “(1) The Commission shall promulgate a regulation under this Act prescribing the manner in which a person related to a candidate shall file a designation, statement, or report under this section.”
SEC. 301. ELECTRONIC FILED CAMPAIGN

A political committee is an authorized committee if it makes contributions aggregating at least $50 but not more than $200 during the calendar year, and the contribution need only include the name and address of the person making the contribution.

SEC. 302. USE OF CANDIDATE'S NAME

SECTION 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

“(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

“(B) A political committee that is not an authorized committee shall not—

“(i) include the name of any candidate in its name; or

“(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.”.

SEC. 303. PROHIBITION OF FALSE REPRESENTATION OR UTILIZATION OF CANDIDATE'S NAME OR POLITICAL PARTY

SECTION 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) in subsection (a)—

(A) in the last preceding paragraph (1)—

(i) by striking “Whenever” and inserting “Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public advertising, or whenever—

(ii) by striking “an expenditure” and inserting “an ‘assemblage’;” and

(iii) by striking “direct” and inserting “home”; and

(B) in paragraph (3), by inserting “and permanent street address” after “name”;

(2) by adding at the end the following:

“(e) Any printed communication described in subsection (a) shall—

(1) be of sufficient type size to be clearly readable by the recipient of the communication;

(2) be contained in a printed box set apart from the other contents of the communication; and

(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(2) If a communication described in paragraph (1) is through television, the communication shall include, in addition to the audio statement under paragraph (1), a visual statement from the candidate.

(3) A source is described in this paragraph if the source is—

(A) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

(B) an independent expenditure.

(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

(A) an aggregate amount of disbursements made;

(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

(C) the date made, amount, and purpose of the disbursement; and

(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

“(2) GENERIC CAMPAIGN ACTIVITY.—The term ‘generic campaign activity’ means an activity that promotes a political party and does not promote a candidate or non-Federal political party.

SEC. 308. CAMPAIGN ADVERTISING

SECTION 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the immediately preceding paragraph (1)—

(i) by striking “Whenever” and inserting “Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public advertising, or whenever—

(ii) by striking “an expenditure” and inserting “an ‘assemblage’;” and

(iii) by striking “direct” and inserting “home”; and

(B) in paragraph (3), by inserting “and permanent street address” after “name”;

(2) by adding at the end the following:

“(c) Any printed communication described in subsection (a) shall—

(1) be of sufficient type size to be clearly readable by the recipient of the communication;

(2) be contained in a printed box set apart from the other contents of the communication; and

(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(2) If a communication described in paragraph (1) is through television, the communication shall include, in addition to the audio statement under paragraph (1), a visual statement from the candidate.

(3) A source is described in this paragraph if the source is—

(A) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

(B) an independent expenditure.

(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

(A) an aggregate amount of disbursements made;

(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

(C) the date made, amount, and purpose of the disbursement; and

(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following new section:

“SEC. 304. (a) ELIGIBLE CONGRESSIONAL CANDIDATE.—

(1) PRIMARY ELECTION.—

(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to Congress is an eligible primary election Congressional candidate if the candidate files with the Commission a declaration that the candidate and the candidate’s authorized committees will not make expenditures in excess of the personal funds expenditure limit.

(B) TIME TO FILE.—The declaration under subparagraph (A) shall not be filed later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

(2) GENERAL ELECTION.—

(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to Congress is an eligible primary election Congressional candidate if the candidate files with the Commission:

(1) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate’s authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

(2) a declaration that the candidate and the candidate’s authorized committees will not make expenditures in excess of the personal funds expenditure limit.

(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of

(i) the date on which the candidate qualifies for the general election ballot under State law; or

(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Congressional candidate or the candidate’s authorized committees from personal sources described in paragraph (2) shall not exceed $50,000.

(2) SOURCES.—A source is described in this paragraph if the source is—

(A) personal funds of the candidate and members of the candidate’s immediate family; or

(B) proceeds of indebtedness incurred by the candidate or a member of the candidate’s immediate family.

(c) CERTIFICATION BY THE COMMISSION.—

(1) IN GENERAL.—The Commission shall determine whether a candidate or a candidate’s authorized committees has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Congressional candidate.

(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Congressional candidate.

(3) REVOCATION.—The Commission shall revoke a certificate under paragraph (1) based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means determined by the Commission determines that a candidate violates the personal funds expenditure limit.
SEC. 502. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—

"(1) In general.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value in connection with a Federal, State, or local election while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

"(2) Penalty.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both; and in addition shall have 30 days after the imposition of a penalty to pay a monetary penalty that shall be imposed by the Commission and made payable to the United States Treasury or community service requirement imposed under paragraph (13) of subsection (a)."

SEC. 503. PENALTIES FOR VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (9)(B), by striking "$5,000" and inserting "$10,000"; and

(2) in paragraphs (5)(B) and (6)(C), by striking "$10,000 or an amount equal to 200 percent" and inserting "$30,000 or an amount equal to 300 percent".

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting a semicolon.

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) PENALTY FOR LATE FILING.—

"(A) IN GENERAL.—

"(i) MONEY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

"(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

"(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

"(B) FILING AN EXCEPTION.—

"(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

"(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to judicial review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.

"(2) in paragraph (5)(D)—

"(A) by inserting after the first sentence the following: "In any case where a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A);" and

"(B) by inserting before the period at the end of the last sentence the following: "or this section;"

and

(3) in paragraph (6)(A), by striking "paragraph (4)(A) or (13)")"

SEC. 504. STRENGTHENING FOREIGN MONEY BAN.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: "CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS;"

and

(2) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election, or;

"(B) a contribution or donation to a committee of a political party; or

"(2) to a person to solicit, accept, or receive such a contribution or donation from a foreign national.

(b) PROHIBITING USE OF WILLFUL BLINDNESS AS DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN CONTRIBUTION BAN.

(1) IN GENERAL.—Section 319 of such Act (2 U.S.C. 441e) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) PROHIBITING USE OF WILLFUL BLINDNESS AS DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN CONTRIBUTION BAN.—

"(1) IN GENERAL.—

"(A) by redesignating subsection (b) as subsection (c); and

"(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to violations occurring on or after the date of the enactment of this Act.

(c) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: "; or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)."

SEC. 505. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 401, is further amended by adding at the end the following new section:

"PROHIBITION OF CONTRIBUTIONS BY MINORS.—"Sec. 325. An individual who is 17 years old or younger shall not make a contribution to
a candidate or a contribution or donation to a committee of a political party.

SEC. 506. EXPEDITED PROCEDURES. (a) In General.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following: "(1) If the complaint in a proceeding was filed before the close of the term of a general election, the Commission may take action described in this subparagraph.

"(2) If the Commission determines, on the basis of facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(3) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may:

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) Referral to Attorney General.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) In the event that the court may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.

SEC. 507. INITIATION OF ENFORCEMENT PROCEEDINGS. Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

SEC. 508. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 505, is further amended by adding at the end the following new section:

"PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

"Section 326. (a) In General.—Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election, including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization, or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.

"(b) Geographic Restrictions on Contributions.—Subsection (a) may not be construed to affect any restriction under this title regarding the portion of contributions accepted by a candidate from persons residing in a particular geographic area.

SEC. 509. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) In General.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431e), as amended by section 506(b), is further amended—

"(1) by redesignating subsection (c) as subsection (d); and

"(2) by inserting after subsection (b) the following new subsection:

"(c) PENALTY.—(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of this title any person who violates subsection (a) sentenced to a term of imprisonment which may not be more than 10 years, fined in an amount not to exceed $1,000,000, or both.

"(2) Exception.—Paragraph (1) shall not apply with respect to any violation of subsection (a) arising from a contribution or donation made by an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(22) of the Immigration and Nationality Act).

"(d) Effective Date.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.


(a) In General.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

"(1) by redesignating subsection (d) as subsection (e); and

"(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for injunctive (or, if the court determines that there is clear and convincing evidence against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under section 309(a)(5)) except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted to the greatest extent practicable prior to the date of the election involved.

"(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

"(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

"(B) whether an expenditure is an independent expenditure under section 301(17).

"(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

SEC. 511. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS IN TREASURY ACCOUNT.

(a) In General.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 505, and 508, is further amended by adding at the end the following new section:

"TREATMENT OF CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS.

"Section 327. (a) Transfer to Commission.—

"(1) In General.—Notwithstanding any other provision of this Act, if a political committee or the contributor or donation given to the political committee, the committee shall transfer the contribution or donation to the Commission.

"(A) the contribution or donation is in an amount equal to or greater than $500 (other than a contribution or donation transferred within 60 days of receipt by the committee); or

"(B) the contribution or donation was made in violation of section 315, 316, 317, 319, 320, or 325 (other than a contribution or donation returned within 30 days of receipt by the committee).

"(2) Disposition Included with Transferred Contribution or Donation.—A political committee shall include with any contribution or donation transferred under paragraph (1) —

"(A) a request that the Commission return the contribution or donation to the person making the contribution or donation; and

"(B) information regarding the circumstances surrounding the making of the contribution or donation and any opinion of the political committee concerning whether the contribution or donation may have been made in violation of this Act.

"(B) Establishment of Escrow Account.— (1) In General.—The Commission shall establish a single interest-bearing escrow account for deposit of amounts transferred under paragraph (1).

"(3) Disposition of Amounts Received.—On receiving an amount from a political committee under paragraph (1), the Commission shall—

"(I) deposit the amount in the escrow account established under subparagraph (A); and

"(II) notify the Attorney General and the Commissioner of the Internal Revenue Service of the receipt of the amount from the political committee.

"(C) Use of Interest.—Interest earned on amounts in the escrow account established under subparagraph (A) shall be applied or used for the same purposes as the donation or contribution on which it is earned.

"(4) Treatment of Returned Contribution or Donation As a Complaint.—The transfer of any contribution or donation to the Commission under this section shall be treated as the filing of a complaint under section 309(a).

"(5) Use of Amounts Placed in Escrow To Cover Fines and Penalties.—The Commission may, upon a request by the Attorney General, require any amount deposited in the escrow account under subsection (a)(3) to be applied toward the payment of any fine or penalty imposed under this Act or title 18, United States Code, against the person making the contribution or donation.

"(5) Return of Contribution or Donation After Deposit in Escrow.— (1) In General.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

"(A) within 180 days after the date the contribution or donation is deposited, the Commission has not made a determination under section 309(a)(2) that the Commission has reason to investigate whether that making of the contribution or donation was made in violation of this Act; or

"(B)(i) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to subsection (a)(3); and

"(ii) if the contribution or donation will be used for those purposes, that the amounts required for those purposes have been withdrawn from the escrow account and subtracted from the returnable contribution or donation.

"(2) No Effect on Status of Investigation.—Notwithstanding any return of a contribution or donation by the Commission under this subsection shall not be construed as having an
effect on the status of an investigation by the Commission or the Attorney General of the contribution or donation or the circumstances surrounding the contribution or donation, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.

(b) ACCOUNTS USED TO DETERMINE AMOUNT OF PENALTY FOR VIOLATION.—Section 309(a) of such Act (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) For purposes of determining the amount of a civil penalty imposed under this subsection, or any donations or amounts otherwise received, the amount of the donation involved shall be treated as the amount of the contribution involved.""

(c) DISCLOSURE AUTHORITY.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) Any conciliation agreement, civil action, or criminal action entered into or instituted by the Commission or by the Director shall not affect as of the date of the enactment of this Act, any contribution, or any expenditure that is the subject of such agreement or action for transfer to the Commission for deposit in accordance with section 326."

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all contributions or donations refunded or returned after the date of the enactment of this Act, without regard to whether the Federal Election Commission or the Attorney General has issued a decision in such case as of such date.

SEC. 512. ESTABLISHMENT OF A CLEARING-HOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) ESTABLISHMENT.—There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(1) All reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(2) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(3) All reports filed with the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(4) Reports of public hearings, hearing witnesses, and witnesses' affidavits printed in the Congressional Record during the preceding 5-year period.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(c) FOREIGN PRINCIPAL.—In this section, the term "foreign principal" shall have the same meaning given the term "foreign national" under section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g), as in effect as of the date of the enactment of this Act.

Section 309(a) of such Act (2 U.S.C. 437g(a)) is amended by inserting after section 326 the following:

"(c) not later than 150 days after the date of the enactment of this Act and at any time thereafter, the Comptroller General, or the Comptroller General's designee, shall make a report to the Congress, and to the public, of the information, other than information contained in such registration, report, or other information by hand or by copying machine or, at the request of any person, furnish a copy of any information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration or report and no such information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose; and"

SEC. 513. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 311(d) of such Act (2 U.S.C. 441d) is amended by inserting at the end of such section the following:

"(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees within the 15-day period which begins on the date of the enactment of this Act, such subparagraph shall no longer apply; and"

(b) THE PRESIDENT.—The President shall appoint three members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(c) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term "political independent" means an individual who at no time after January 1992—

(1) has held elective office as a member of the Democratic or Republican Party;

(2) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party officeholder or candidate; or

(3) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican Party or to a Democratic or Republican party officeholder or candidate; or

(4) has an affiliation with a political organization.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—If a vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than four members of the Commission may be of the same political party.

SEC. 603. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out its duties, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The appointment of at least three members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized and acting under this title, any action which the Commission is authorized to take under this section.
SECTION 604. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date of the report and second section of the One Hundred Sixth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—A draft of legislation which may be necessary to implement such recommendations; and

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following as primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Minimizing the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SECTION 605. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section 604.

SECTION 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

“§ 612. Prohibiting use of meals and accommodations at White House for political fundraising

“(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

“(b) Any person who violates this section shall be fined, or imprisoned for not more than 3 years, or both.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

“§ 330. It shall be unlawful for any political committee to provide currency to any individual (directly or through an agent of the committee) for purposes of encouraging the individual to appear at the polling place for the election.

TITLE XI—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

SECTION 1101. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.

(a) MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.—Section 330(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking “shall be fined, or imprisoned for not more than one year, or both” and inserting “shall be fined or imprisoned for not more than 5 years,” and

(2) by striking the second sentence.

(b) CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of such Act (2 U.S.C. 437c(d)) is amended by adding at the end the following new paragraph:

“(4) In addition to the authority to bring criminal actions pursuant to subsection (a)(5), the Attorney General may at any time bring a civil action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 2002.

TITLE XII—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SECTION 1201. SEVERABILITY.

It is the sense of the Congress that Federal law clearly demonstrates that any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act shall not be affected by the holding.

SECTION 1202. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SECTION 1203. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect upon the expiration of the period that begins on the date of the enactment of this Act.

SECTION 1204. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 45 days after the date of the enactment of this Act.

H.R. 2356

OFFICIAL REPORT—MR. NEY

AMENDMENT NO. 15: Amend section 301(20) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

“(20) FEDERAL ELECTION ACTIVITY.—

“(A) IN GENERAL.—The term ‘Federal election activity’ means—

“(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

“(ii) generic campaign identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);
TITLE I

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as ‘‘The Bipartisan Campaign Reform Act of 2002.’’

SEC. 201. INCREASE IN LIMITS ON CONTRIBUTIONS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL POLITICAL PARTIES—Section 315(a)(2)(B) of such Act (2 U.S.C. 441a(a)(2)(B)) is amended by striking ‘‘$15,000’’ and inserting ‘‘$30,000’’.

(b) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking ‘‘$25,000’’ and inserting ‘‘$37,500’’.

SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO STATE PARTIES.

(a) CONTRIBUTIONS BY INDIVIDUALS—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ‘‘or’’ at the end;

(2) in subparagraph (D) after ‘‘other than a committee described in subparagraph (D)’’ at the end after ‘‘committee’’;

and

(b) by striking the period at the end and inserting ‘‘; and’’.

(c) APPLICABILITY—This subsection shall apply to any political committee established and maintained by a national political party, any officer or agent of such a committee acting on behalf of such committee, and any entity that is directly or indirectly established, maintained, or controlled by such a national committee.

SEC. 203. MODIFICATION OF CONTRIBUTION LIMITS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL POLITICAL PARTIES—Section 315(a)(2) of such Act (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (B), by striking ‘‘or’’ at the end;

(2) in subparagraph (C)—

(A) by inserting ‘‘other than a committee described in subparagraph (D)’’ after ‘‘committee’’; and

(B) by striking the period at the end and inserting ‘‘; and’’;

and

(b) by striking the period at the end and inserting ‘‘; and’’.

(c) APPLICABILITY—This section shall apply to any political party, any officer or agent of such a political party, and any entity that is directly or indirectly established, maintained, or controlled by such a political party.
"(B) Subparagraph (A) shall not apply with respect to any contribution made to any political committee established and maintained by a national political party which is not the authorized political committee of any candidate.

SEC. 304. EXEMPTION OF COSTS OF VOLUNTEER CAMPAIGN MATERIALS PRODUCED AND DISTRIBUTED BY PAID PERSONNEL FROM TREATMENT AS CONTRIBUTIONS AND EXPENDITURES.

(a) TREATMENT AS EXPENDITURES.—Section 301(b)(8)(B)(x) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(b)(8)(B)) is amended by striking "a State or local committee of a political party of the costs of producing and distributing" and inserting "a national, State, or local committee of a political party of the costs of producing and distributing".

(b) TREATMENT AS EXPENDITURES.—Section 301(9)(B)(viii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(viii)) is amended by striking "a State or local committee of a political party of the costs of" and inserting "a national, State, or local committee of a political party of the costs of producing and distributing".

SEC. 205. WAIVER OF LIMITS ON CONTRIBUTIONS TO SINGLE ACCOUNTS FOR MAKING EXPENDITURES OF PERSONAL FUNDS.

(a) Establishment of Accounts.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) by inserting paragraph (1)—

(B) by striking the second and third sentences; and

(C) by inserting "(A) before "At the beginning of each calendar year, the national, State, or local committee of a political party of the costs of producing and distributing," and

(2) in paragraph (2)(B), by striking "the amount so increased shall remain in effect for the calendar year; and"

(ii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

(b) In the case of limitations under subsections (a) and (b), increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

(ii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

(c) In the case of limitations under subsections (a) and (b), increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

(i) for purposes of subsections (b) and (d), calendar year 1974; and

(ii) for purposes of subsections (a) and (b), calendar year 2001.

SEC. 206. PERMITTING NATIONAL PARTIES TO ESTABLISH ACCOUNTS FOR MAKING EXPENDITURES IN EXCESS OF LIMITS ON BEHALF OF CANDIDATES RUNNIGN FOR GENERAL ELECTION OR CONGRESSIONAL ELECTIONS.

(a) Establishment of Accounts.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding after subsection (b) the following subsection:

"(4)(A) Subject to subparagraph (B), the national committee of a political party may make expenditures in connection with the general election involving a candidate for Federal office (other than a candidate for President) who is affiliated with such party in an amount in excess of the limit established by subparagraph (3) if—

(i) the candidate’s opponent in the general election campaign makes expenditures of personal funds in connection with the campaign in an amount in excess of $100,000 (as provided in the notifications submitted under section 304(a)(6)(B)); and

(ii) the expenditures are made from a separate account of the party used exclusively for making expenditures pursuant to this paragraph.

(B) The amount of expenditures made in accordance with subparagraph (A) by the national committee of a political party in connection with the general election campaign of a candidate for Federal office (other than a candidate for President) shall be included in the aggregate amount of expenditures of personal funds made by the candidate’s opponent in connection with the campaign (as provided in the notifications submitted under section 4(a)(6)(B)).

(b) Waiver of Limits on Contributions to Accounts.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) The limitations imposed by paragraphs (1)(B), (2)(B), and (3) shall not apply with respect to contributions made to the national committee of a political party which are designated by the donor to be deposited solely into the account established by the party under subsection (d)(4)."

(c) Notification of Expenditures of Personal Funds.—Section 304(a)(6) of such Act (2 U.S.C. 441a(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) The principal campaign committee of a candidate (other than a candidate for President) shall submit the following notifications relating to expenditures of personal funds by such candidate (including contributions relating to expenditures of personal funds by such candidate) to such committee and funds derived from loans made by or to the candidate’s spouse to such committee:

(I) a notification of the first such expenditure (or contribution) which is the subject of the notification;

(II) the notification is made under clause (i) of subparagraph (C); and

(III) the notification is made under clause (i) of subparagraph (C).

(2) Except as provided in subparagraph (C), the amount of expenditures described in paragraph (1) shall be included in the aggregate amount of expenditures of personal funds described in paragraph (1) for purposes of subsections (b) and (d), and included in the aggregate amount of expenditures of personal funds made by such candidate (including contributions relating to expenditures of personal funds by such candidate) for purposes of subsection (d)(4).

(3) COMMUNICATIONS DESCRIBED.—(A) A communication described in this paragraph is any communication—

(i) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of a Federal election; and

(ii) which mentions a clearly identified candidate for such election (by name, image, or likeness).

(B) Exception.—A communication is not described in this paragraph if—

(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

(ii) the communication accompanies an expenditure under this Act.

(C) Coordination with Other Requirements.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

(D) Clarification of Treatment of Vendors.—A person shall not be considered to have made a disbursement for a communications connection under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with a person responsible for sponsoring the communication.

SEC. 307. DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 301, is further amended by adding at the end the following new subsection:

"(4) DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.—

(1) In General.—Any person who makes a disbursement for targeted mass communications in an aggregate amount in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

(C) The amount of the disbursement.

(D) The clearly identifiable candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

(E) The text of the communication involved.

(F) COMMUNICATIONS DESCRIBED.—(A) A communication described in this paragraph is any communication—

(i) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of a Federal election; and

(ii) which mentions a clearly identified candidate for such election (by name, image, or likeness).

(B) Exception.—A communication is not described in this paragraph if—

(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

(ii) the communication accompanies an expenditure under this Act.

(C) Coordination with Other Requirements.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

(D) Clarification of Treatment of Vendors.—A person shall not be considered to have made a disbursement for a communications connection under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with a person responsible for sponsoring the communication.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON THE DATE OF A COMMUNICATION BROADCAST PRIOR TO ELECTION.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF INFORMATION ON CERTAIN COMMUNICATIONS BROADCAST PRIOR TO ELECTIONS.—

(1) In General.—Any person who makes a disbursement for a communication described in paragraph (3) shall, not later than 24 hours after the disbursement, file with the Commission a statement containing the information required under paragraph (2).

(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

(C) The amount of the disbursement.

(D) The clearly identifiable candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

(E) The text of the communication involved.
and the identification of the person to whom the disbursement was made.

"(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

(E) The text of the communication involved.

(3) TARGETED MASS COMMUNICATION DEFINED.—

(A) IN GENERAL.—In this subsection, the term ‘targeted mass communication’ means any communication—

(i) which is disseminated during the 120-day period ending on the date of a Federal election;

(ii) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and

(iii) which is targeted to the relevant electorate.

(B) TARGETING TO RELEVANT ELECTORATE.—

(i) BROADCAST COMMUNICATIONS.—For purposes of this paragraph, a communication disseminated to the public by means of any broadband or satellite communication which refers to or depicts a clearly identified candidate for Federal office is ‘targeted to the relevant electorate’ if the communication is disseminated by a broadcaster whose audience includes—

(I) a substantial number of residents of the district the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

(II) a substantial number of residents of the State the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Senator.

(ii) OTHER COMMUNICATIONS.—For purposes of this paragraph, a communication which is not described in clause (i) which refers to or depicts a clearly identified candidate for Federal office is ‘targeted to the relevant electorate’ if—

(I) more than 10 percent of the total number of intended recipients of the communication are members of the electorate involved with such office by Federal office;

(II) more than 10 percent of the total number of members of the electorate involved with such office by Federal office receive the communication.

(C) EXCEPTIONS.—The term ‘targeted mass communication’ does not include—

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or corporation; or

(ii) a communication made by any member of Congress, including a labor organization or corporation solely to its members, stockholders, or executives or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

(iii) a communication which constitutes an expenditure under this Act.

(4) DISCLOSURE DATE.—For purposes of this subsection, the term ‘disclosure date’ means—

(A) the first date during any calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

(B) any other date during such calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

(5) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act. "(E) CONTRACTUAL AGREEMENTS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made these disbursements solely pursuant to a contractual agreement with the person responsible for sponsoring the communication.''

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

H.R. 2356
OFFERED BY:

AMENDMENT No. 17: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to the Second Amendment of the Constitution

SEC. 221. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution protects the right of individual persons to bear arms.

(2) There are more than 60,000,000 gun owners in the United States.

(3) The Securing Amendment to the Constitution of the United States protects the right of Americans to carry firearms in defense of themselves and others.

(4) The United States Court of Appeals in U.S. v. Emerson reaffirmed the fact that the right to keep and bear arms is an individual right protected by the Constitution.

(5) Americans who are concerned about threats to their ability to keep and bear arms have the right to petition their government.

(6) The Supreme Court, in U.S. v. Cruikshank (92 U.S. 542, 1876) recognized that the right to arms preexisted the Constitution. The Court stated that the right to arms is not a right created by the Constitution. Neither is it in any manner dependent upon that instrument for its existence.

(7) In Beard v. United States (158 U.S. 550, 1895), the Supreme Court commended the rule that a person “may repel force by force” in self-defense, and concluded that when attacked a person “was entitled to stand his ground and fight back, if necessary, with defense and with a deadly weapon, in such a way and with such force” as needed to prevent “great bodily injury or death.” The laws of all 50 States and the constitutions of most States, recognize the right to use armed force in self-defense.

(8) In order to protect Americans’ constitutional right to criticize or praise their elected officials individually or collectively as a group, Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(9) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such a restriction would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the First Amendment—leading to a free debate which is the very essence of democracy. Such restrictions also hinder citizens’ ability to communicate their support or opposition on issues concerning the right to keep and bear arms to their elected officials and the general public.

(10) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances on major issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO THE SECOND AMENDMENT OF THE CONSTITUTION.

None of the restrictions or requirements contained in this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any person who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to the Second Amendment.
defined periods of armed hostilities. Altogether, almost one-third of the nation's population—approximately 70,000,000 persons who are veterans, dependents and survivors of deceased veterans—are potentially eligible for Veterans' Administration benefits and services.

(10) Care for veterans and dependents spans centuries. The last dependent of a Revolutionary War veteran died in 1812's last dependent died in 1946, the Mexican War's, in 1962.

(11) The Veterans' Administration health care system, drawn from 54 hospitals in 1930, to include 171 medical centers; more than 350 outpatient, community, and outreach clinics; service in 41 medical and 35 domiciliary facilities. Veterans' Administration health care facilities provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast increase in the veteran population, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act a century ago.

(13) About 2,700,000 veterans receive disability compensation or pensions from VA. Also receiving Veterans' Administration benefits are more than 1,000,000 dependents of deceased veterans, constitute more than 25 million are still living. Living dependents of deceased veterans, constitute among them are 193,881 survivors of Vietnam era veterans and 286,679 survivors of World War II veterans. In fiscal year 2001, Veterans' Administration was planned to spend $22,000,000,000 yearly in disability compensation, death compensation and pension to 3,200,000 people.

(14) Veterans' Administration manages the largest medical education and health professions training program in the United States. Veterans Administration affiliates with 197 medical schools, 55 dental schools and more than 1,200 other schools across the country. Each year, about 85,000 health professionals are trained in Veterans Administration medical centers. More than half of the physicians practicing in the United States have had part of their professional education in the Veterans Administration health care system.

(15) Seventy-five percent of Veterans Administration researchers are practicing physicians. Because of their expertise, their research is often immediately benefits patients. Functional electrical stimulation, a technique to use electrical current to activate paralyzed muscles, is being developed at Veterans Administration clinical facilities and laboratories throughout the country. They also at technology, paraplegic patients have been able to stand, and, in some instances, walk short distances and climb stairs. Patients with quadriplegia are able to learn to use their hands to grasp objects.

(16) There are more than 35,000,000 persons in the United States aged 65 and over.

(17) Seniors are a diverse population, each member has his or her own political and economic issues.

(18) Seniors and their families have many important issues for which they seek congressional action. Some of these issues include, but are not limited to, health care, Social Security, and taxes.

(19) The First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

(20) The Supreme Court recognized and emphasized the importance of free speech rights in Buckley v. Valeo, where it stated, "A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed or the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies involve facilities, transportation, speakers' wages. Speech and the printed word are indispensable instruments of effective political speech."

In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively re- strained, the Buckley Court stated that the First Amendment denied the government the power to make that determination: "In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign."

The Court also stated, "The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from all sources and viewpoints.'" Those who have an interest in issues about or related to veterans, military personnel, seniors, and their families have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(21) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions should stifle and suppress individual and group advocacy pertaining to politics and government—the very engine of democracy. Such restrictions and the First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning veterans, military personnel, seniors, and their families to their elected officials and the general public.

(22) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and finding solutions to the problems of the time leading up to it, is when political speech should be at its most robust and un- fettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERMITTED TO CANDIDATES FOR CONGRESSIONAL OR OTHER FEDERAL OFFICE, OR SENIORS

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who
is a candidate for congressional or other Fed-
eral office, on any matter pertaining to vet-
erans, military personnel, or senior citizens, or
to the immediate family members of vet-
erans, military personnel, or senior citizens.

H. R. 2356

OFFERED BY:

AMENDMENT No. 19: Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATE.

(a) In GENERAL.—Except as otherwise pro-
vided in this Act, this Act and the amend-
ments made by this Act shall take effect
February 14, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL PARTIES.—If a national
committee of a political party described in
section 301(b) of the Federal Election Camp-
aign Act of 1971 (as added by section 101(a)),
including any person who is subject to such
section, has received funds described in such
section prior to the effective date described
in subsection (a) which remain unexpended
as of such date, the committee shall return
the funds on a pro rata basis to the persons
who provided the funds to the committee.

H. R. 2356

OFFERED BY:

AMENDMENT No. 20. Add at the end of title II
the following new subtitle:

Subtitle C—Exemption of Communications
Pertaining to Workers, Farmers, Families,
and Individuals

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Thousands of organizations and associa-
tions represent these employed persons and
their interests in numerous forums and for-
rums, not least of which is by participating
in our electoral and political system in a
number of ways, including informing citizens
of key votes that affect their common inter-
ests, criticizing and praising elected officials
for their position on issues, contributing to
candidates and political parties, registering
voters, and conducting get-out-the-vote ac-
tivities.

(3) The rights of American workers to bar-
gain collectively are protected by their First
Amendment to the Constitution and by pro-
visions in the National Labor Relations Act.
Federal law guarantees the rights of workers
to choose whether to bargain collectively
through a union.

(4) Fourteen percent of the American
workforce has chosen to affiliate with a
labor union. Federal law allows workers and
unions to communicate to combine their online
strength and to work together to seek to
improve the lives of America’s working families,
bring fairness and dignity to the workplace and
secure social and economic equity in our na-
tion.

(5) Nearly three quarters of all United
States business firms have no payroll. Most
are small, family-owned, unincorporated busi-
nesses, and may or may not be the owner's principal source of income.

(6) Minorities owned fewer than 7 percent
of all United States businesses, excluding C cor-
porations, in 1982, but this share soared to
about 15 percent by 1997. Minorities owned
more than 3 million businesses in 1997, of
which 615,222 had hired employees, generated
more than $591 billion in revenues, created
more than 4.5 million jobs, and provided
about $56 billion in payroll to their workers.

(7) In 1996, States made up 46 percent of
the labor force. The labor force participation
rate of American women was the highest in the
world.

(8) Labor-Worker unions represent 16 mil-
lion working women and men of every race
and ethnicity and from every walk of life.

(9) In recent years, union members and
their families have mobilized in growing
numbers. In the 2000 election, 26 percent
of the nation’s voters came from union house-
holds.

(10) According to the 2000 census, total
United States families were totaled at over
105 million.

(11) In 2000, there were 8.7 million African
American families.

(12) Asians have larger families than other
groups. For example, the average Asian fam-
ily size is 3.6 persons, compared to an aver-
age Caucasian family of 3.1 persons.

(13) American farmers, ranchers, and agri-
cultural business management direct the activities of
the world’s largest and most productive agricult-
ural sectors. They produce enough food and
fiber to meet the needs of the United States
and produce a surplus for export.

(14) About 17 percent of raw United States
agricultural products are exported yearly,
including 83 million metric tons of cereal
grains, 1.6 billion pounds of poultry, and 1.4
million metric tons of fresh vegetables.

(15) One-fourth of the world’s beef and
nearly one-fifth of the world’s grain, milk,
and eggs are produced in the United States.

(16) With 96 percent of the world’s popu-
lation living outside our borders, the world’s
most productive farmers need access to inter-
national markets.

(17) Every State benefits from the income
generated from agricultural exports. 19
States have over $1 billion or more
for export.

(18) America’s total on United States
exports is $49.1 billion and the number of im-
ports is $37.5 billion.

(19) By itself, farming-production agri-
iculture—contributed $60.4 billion toward
the national GDP (Gross Domestic Product).

(20) Farmers and ranchers provide food and
habitat for 75 percent of the Nation’s wild-
life.

(21) More than 23 million jobs—17 percent of
the civilian workforce—are involved in some
phase of growing and getting our food and
Clothing to us. America now has fewer farm-
ers, but they are producing now more than
ever before.

(22) Twenty-two million American workers
process, sell, and trade the Nation’s food
and fiber. Farmers and ranchers work with
the Department of Agriculture to produce
healthy crops while caring for soil and
water.

(23) By February 8, the 39th day of 2002,
the average American has earned enough to
pay for the food for their family’s food for the entire year. In 1970 it took 22 more
days than it does now to earn a full food pantry for the year. Even in 1980 it took 19 more
days—49 total days—to earn to put a year’s supply of food on the table.

(24) Farmers are facing the 5th straight
year of the lowest real net farm income since
the Great Depression. Last October, prices
farmers received made their sharpest drop
since United States Department of Agri-
culture record-keeping 91 years ago. During
this same period the cost of produc-
tion has hit record highs.

(25) The First Amendment to the United
States Constitution states that, “Congress
shall make no law respecting an establish-
mment of religion, or prohibiting the free ex-
ercise thereof; or abridging the freedom of
speech, or of the press; or of the right of the
people peaceably to assemble, and to peti-
tion the Government for a redress of griev-
ances.”

(26) The Supreme Court recognized and
emphasized the importance of free speech rights in
Buckley v. Valeo, where it stated, “A restric-
tion on the amount of money a person
or group may spend in communicating during a campaign necessarily reduces the quantity of expression by restricting the
number of issues discussed, the depth of their exploration, and the size of the audi-
ence reached. This is because virtually every means of communicating ideas in today’s
 society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and
circulation costs. Speeches and rallies generally necessitate the distribution of handbills or leaflets, and the costs
of publicizing the event. The electorate’s increasing dependence on television, radio, and other
can add to the mass media for news and information has
exploited the expensive modes of communica-
tion indispensable instruments of effective
political speech.”

(27) In response to the relentlessly repeated
claims that campaign spending is an unconsti-
tutional restraint and that the Constitution
read as follows:

(28) Buckley, the Court also stated, “The concept that government may restrict the speech of some elements of our society in
order to enhance the relative voice of others is
wholly foreign to the First Amendment, which
designed to give a free and unfettered
liberty to publish or otherwise advocate
possible dissemination of information from
diverse and antagonistic sources,” and “to as-
sure unfettered exchange of ideas for the
banning of of freedom and societal changes desired by the people”.

(29) Citizens who have an interest in issues
about or related to their lives have the Con-
stitutional right to communicate with or
about their elected officials individually or
collectively as a group. Communications in the form of criticism or praise of elected officials is pre-
ciously protected as free speech under the
First Amendment of the Constitution of the
United States.

(30) This title contains restrictions on the
rights of citizens, either individually or col-
lectively, to communicate with or about their
elected representatives and to the general
public.

(31) Candidate campaigns and issue cam-
paigas are the primary vehicles for giving
voice to popular grievances, raising issues
and proposing solutions. An election, and the
time leading up to it, is when political
speech should be at its most robust and un-
fettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS
PERTAINING TO WORKERS, FARMERS, FAMILI-
EES, FAMILIES, AND INDIVIDUALS.

None of the restrictions or requirements
contained in this title or the amendments
made by this title shall apply to any form or
mode of communication to the public that
clearly represents the meetings of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds
congressional or other Federal office, or who is
a candidate for congressional or other Fed-
eral office, on any matter pertaining to any
individual.

H. R. 2356

OFFERED BY:

AMENDMENT No. 21. Add at the end of title II
the following new subtitle:
Subtitle C—Exemption of Communications Pertaining to Civil Rights and Issues Affecting Minorities

SEC. 221. FINDINGS.
Congress finds the following:

(1) The quantity of expression by restricting the channel of communication during a campaign necessarily reduces the electorate’s increasing ability to communicate their support or opposition on issues concerning civil rights to their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedom of speech, or of the press; or abridging the freedom of speech, or of the press; or interfering with the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

(20) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues concerning civil rights to their elected officials and the general public.

(21) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO RIGHTS AND ISSUES AFFECTING MINORITIES.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form of communication that consists of information or commentary regarding the elections, actions, positions, or voting records of any individual who holds public office and whose information is available to the public, or any candidate for public office, or any organization that is a political party or political group.

H.R. 2356
OFFERED BY:

AMENDMENT No. 22: Add at the end the following title:

TITLE VI—NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS

SEC. 601. FINDINGS.
Congress finds the following:

(1) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(2) The First Amendment affords the broadest protection to such political expression in order “to assure the absolute freedom of discussion about political and social changes desired by the people.”

(3) Americans, who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(4) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedom of speech, or of the press; or abridging the freedom of speech, or of the press; or interfering with the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

(5) The First Amendment protects political association as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449, 460 (1958), stemmed from the Court’s recognition that “ef[fective] advocacy of both public and private purposes, even the most controversial ones, is undeniably enhanced by group association.”

(6) In Buckley v. Valeo, the Supreme Court stated, “A restriction on the amount of money a person or group can spend on political communication cannot be justified unless it is necessary to prevent large disparities in the relative voice of others and its effect is to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people.”

(7) The First Amendment protects the freedom of the press as well as the freedom of association. The First Amendment reflects our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.”

(8) The First Amendment protects the public’s right to be informed about public affairs, “of course including[ing] discussions of candidates...”

(9) According to New York Times Co. v. Sullivan, 376 U.S. 254, 272 (1964), the First Amendment reflects our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” According to this same decision, “the public’s right to be informed about public affairs, ‘of course including[ing] discussions of candidates...’...”

(10) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

(11) The number of Asians and Pacific Islanders in the labor force increased by 366,000 between 1994 and 1998. Nationally, overall turnout by the voting-age population was down from 45 percent in 1994 to 40 percent in 1998. Nationally, overall turnout by the voting-age population was down from 45 percent in 1994 to 40 percent in 1998.

(12) Businesses owned by Asians and Pacific Islanders made up 4 percent of the nation’s nonfarm businesses.

(13) Of the 4,514,699 jobs in minority-owned firms, 11.9 percent were in American Indian-owned firms, 15.9 percent in African American-owned firms, and 6.6 percent in American Native-owned firms.

(14) According to the United States Constitution, states are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for the identities of those who are elected will inevitably shape the course that we follow as a nation.

(15) The First Amendment reflects our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” According to this same decision, “the public’s right to be informed about public affairs, ‘of course including[ing] discussions of candidates...’...”

(16) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively re-strained, the Buckley Court stated that the First Amendment denied the government the power to make that determination: “In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committee members—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(17) In Buckley, the Court also stated, “The concept that government may restrict the interchange of ideas on any topic in order to ensure the relative voice of others is wholly foreign to the First Amendment, which was designed ‘to secure the widest possible inclusion of the full variety of human ideas and opinions from the most diverse sources and in the most antagonist[s],’ and ‘to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people’...”

(18) Citizens who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(19) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedom of speech, or of the press; or abridging the freedom of speech, or of the press; or interfering with the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

(20) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

(21) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.
(8) In *Buckley*, the Court also stated, “The concept of government may restrict the speech of some elements of our society in order to enhance the relative voice of others which is in the public interest.” The First Amendment principle which was designed “to secure the widest possible dissemination of information from diverse and antagonistic sources,” and to assure “the widest possible range of ideas, bringing about of political and societal changes desired by the people.”


Even the FEC abandoned its quest for an effective communications standard soon after the 1996 election due to its vagueness.

(11) The courts have also repeatedly upheld the rights of political party committees, as Justice Kennedy noted: “The central holding in *Buckley v. Valeo* is that spending money on one’s own speech must be permitted, and that charitable contributions to charitable parties that make expenditures FECIA restricts.” *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm’n*, 513 U.S. 604, 627 (1996) (J. Kennedy, concurring). Justice Thomas added: “As applied in the specific context of campaign funding by political parties, the anticorruption rationale loses its force. See Nahr. Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities, 56 Ford L. Rev. 33, 105–106 (1987). What could it mean for a party to ‘corrupt’ its can- didates in such a way that they would agree to act against their public interest?”

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(12) As recently as 2000, the Supreme Court reminded us once again of the vital role that political parties play on our democratic life, where “political parties serve as vital organs of government by representing the political views and voices of millions and millions of Americans.” *Representative democracy in any populous unit of governance is unsustainable without the ability of citizens to band together in promoting the electoral candidates they espouse their political views. The formation of national political parties is a key part of the formation of the Republic itself.” *California Democratic Party v. Jones*, 530 U.S. 567 (2000).

Moreover, just last year, a Federal court struck down a so-called “soft money ban,” which in reality was a ban on corporate and union contribu- tions to political parties—which as a factual matter is correct. *The Anchorage Daily News* reported:

(13) A Federal judge says corporations and unions have a constitutional right to give unlimited amounts of “soft money” to political parties, so long as none of the money is used to get specific candidates elected. In a decision dated June 11, U.S. District Judge James Logan struck down a provision of Alaska’s 1997 political contributions law that barred corporations, unions and other business interests from contributing any money to political campaigns against non-candidate expenditures. “Corporations contributions to individual candidates is fine,” Singleton said. Public con- cern about the corrupting influence or cor- porate contributions on a specific candidate is legitimate and important enough to some- what limit freedom of speech and political parties. The judge concurred that the contri- butions to the noncandidate work of a pol- itical party do not raise undue influence issues and therefore may not be restricted, the judge concluded.

speech should be at its most robust and un-fettered.

SEC. 692. NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS.

Notwithstanding any provision of this Act, and in recognition of the First Amendment to the United States Constitution, nothing in this Act or in any amendment made by this Act may be construed to abridge the freedoms found in that Amendment, specifically the freedom of speech or of the press, or the right of people to peaceably assemble, and toward that end the government for a redress of grievances, consistent with the rulings of the courts of the United States (as provided in section 601).

H. R. 2356
Offered By:

AMENDMENT No. 22: Amend section 323(b) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.--An amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

Amend section 323(e)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

"(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

Amend section 304(e)(2) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1) to which section 323(b) applies) shall report all receipts and disbursements made for activities described in section 301(20)(A).

H. R. 2356
Offered By:

AMENDMENT No. 24: Add at the end of title III the following new section:

SEC. 323. BANNING POLITICAL CONTRIBUTIONS IN FEDERAL ELECTIONS BY ALL INDIVIDUALS NOT CITIZENS OR NATIONALS OF THE UNITED STATES.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(2)) is amended by striking the period at the end of the section and inserting the following:

"(2) The term "Federal election activity" means:

"(a) IN GENERAL.—The term 'Federal election activity' means:

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for State or local office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

"(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

"(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

"(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not described in subparagraph (A); or

"(iii) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

In section 402(b), strike "At any time after such effective date, the committee may spend such funds for activities which are solely to defray the costs of construction or purchase of any office building or facility," and insert the following: "At no time after such effective date may such a committee spend any such funds for activities to defray the costs of the construction or purchase of any office building or facility."

H. R. 2356
Offered By: Mr. Ney

AMENDMENT No. 26: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Campaign Reform and Citizen Participation Act of 2001." (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

Sec. 101. Restrictions on soft money of national political parties.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions to State parties.

Sec. 203. Treatment of contributions to national committees under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

Sec. 205. Indexing.

Sec. 206. Permitting national parties to establish accounts for making expenditures within limits on behalf of candidates facing wealthy opponents.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

Sec. 301. Disclosure of information on communications broadcast prior to election.

Sec. 302. Disclosure of information on targeted mass communications.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

Sec. 101. RESTRICTIONS ON SOFT MONEY OF NATIONAL PARTIES

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SOFT MONEY OF NATIONAL POLITICAL PARTIES

"(a) PROHIBITING USE OF SOFT MONEY FOR FEDERAL ELECTION ACTIVITY.—A national committee of a political party (including a national campaign committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value for Federal election activity, or spend any funds for Federal election activity, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(b) LIMIT ON AMOUNT OF NONFEDERAL FUNDS PROVIDED TO PARTY BY ANY PERSON FOR ANY PURPOSE.

"(1) LIMIT ON AMOUNT.—No person shall make contributions, donations, or transfers of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party in any calendar year in an aggregate amount equal to or greater than $200.

"(2) PROHIBITING PROVISION OF NONFEDERAL FUNDS BY INDIVIDUALS.—No individual may make any contribution, donation, or transfer of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party.

"(c) APPLICABILITY.—This subsection shall apply to any political committee established and maintained by a national political party, any officer or agent of such a committee acting on behalf of the committee, and any entity that is directly or indirectly established, maintained, or controlled by such a national committee.

"(d) DEFINITIONS.—

"(1) FEDERAL ELECTION ACTIVITY.—

"(A) IN GENERAL.—The term 'Federal election activity' means:

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election, unless the activity constitutes generic campaign activity;

"(ii) voter identification, get-out-the-vote activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot), unless the activity constitutes generic campaign activity;
"(iii) any public communication that refers to or depicts a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication provides in an election a vote for or against a candidate); or

(iv) any public communication made by means of any broadcast, cable, or satellite communication service.

(2) EXCEPTION FOR CERTAIN ADMINISTRATIVE ACTIVITIES.—The term ‘Federal election activity’ does not include any activity relating to any contribution to the establishment or solicitation of costs of all political committees established and maintained by a national political party, so long as the funds used to carry out the activity are derived from funds or payments made to the committee which are segregated and used exclusively to defray the costs of such activities.

(3) PUBLIC COMMUNICATION.—The term ‘public communication’ means a communication by means of any broadcast, cable, or satellite communication service, newspaper, magazine, outdoor advertising facility, or direct mail.

(4) DIRECT MAIL.—The term ‘direct mail’ means a mailing by a commercial vendor or any mailing made from a commercial list.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

SEC. 201. INCREASE IN LIMITS ON CERTAIN CONTRIBUTIONS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL PARTIES.—Section 315(a)(2)(B) of such Act (2 U.S.C. 441a(a)(2)(B)) is amended by striking ‘$15,000’ and inserting ‘$30,000’.

(b) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking ‘$25,000’ and inserting ‘$35,500’.

SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO STATE PARTIES.

(a) CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in paragraph (1), by striking ‘or’ at the end;

(2) in paragraph (c), by inserting ‘other than a committee described in subparagraph (D)’ after ‘committee’;

(b) by striking the period at the end and inserting ‘;’; and

(c) by adding the following:

‘‘(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.’’

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICATIONS BROADCAST PRIOR TO ELECTION.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by
(1) In general.—Any person who makes a disbursement for a communication described in paragraph (2) shall, not later than 24 hours after the disbursement, file under this subsection a statement containing the information required under paragraph (2).

(2) CONTENTS OF STATEMENT.—Each statement filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

(C) The amount of the disbursement.

(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

(E) The text of the communication involved.

(3) COMMUNICATIONS DESCRIBED.—

(A) In general.—A communication described in this paragraph is any communication:

(1) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of the Federal election; and

(2) which mentions a clearly identified candidate for such election (by name, image, or likeness).

(B) EXCEPTION.—A communication is not described in this paragraph if—

(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

(ii) the communication constitutes an expenditure under this Act.

(4) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

(5) CLARIFICATION OF TREATMENT OF VENDEES.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.

SEC. 302. DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 301, is further amended by adding at the end the following new subsection:

"(1) DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.—

(A) In general.—Any person who makes a disbursement for targeted mass communications in an aggregate amount in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(B) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(i) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(ii) The principal place of business and phone number of the person making the disbursement, if not an individual.

(iii) The amount of each such disbursement of more than $200 made by the person during the period covered by the statement and the specific recipient to whom the disbursement was made.

(iv) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

(v) The text of the communication involved.

(vi) The first date during any calendar year on which a person made disbursements for targeted mass communications aggregate in excess of $50,000; and

(vii) Any other date during such calendar year on which a person made disbursements for targeted mass communications aggregate in excess of $50,000 since the most recent disclosure date for such calendar year.

(4) DISCLOSURE DATE.—For purposes of this subsection, the term ‘disclosure date’ means—

(A) the first date during any calendar year on which a person made disbursements for targeted mass communications aggregating in excess of $50,000; and

(B) any other date during such calendar year on which a person made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

(5) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

(6) CLARIFICATION OF TREATMENT OF VENDEES.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with a person responsible for sponsoring the communication.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

H.R. 2356
OFFERED BY: [Shays Substitute]

AMENDMENT No. 27: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to the Second Amendment of the Constitution

SEC. 221. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution protects the right of individual persons to keep and bear arms.

(2) There are more than 60,000,000 gun owners in the United States.

(3) The Second Amendment to the Constitution of the United States protects the right of Americans to carry firearms in defense of themselves and others.

(4) The United States Court of Appeals in U.S. v. Emerson reaffirmed the fact that the right to keep and bear arms is an individual right protected by the Constitution.

(5) Americans who are concerned about threats to their ability to keep and bear arms have the right to petition their government.

(6) The Supreme Court, in U.S. v. Cruikshank (92 U.S. 542, 1876) recognized that the right to arms preexisted the Constitution.

(7) In Beard v. United States (158 U.S. 550, 1895) the Court approved the common-law rule that a person ‘‘may repel force by force’’ in self-defense, and concluded that when attacked a person ‘‘was entitled to stand his ground and meet any attack made upon him with a deadly weapon, in such a way and with such force’’ as needed to prevent ‘‘great bodily injury or death’’. The laws of all 50 states, and the constitutions of most States, recognize the right to use armed force in self-defense.

(8) In order to protect Americans' constitutional rights under the Second Amendment, the First Amendment provides the ability for a person to address the right to arms protected by the Constitution.

(9) The First Amendment to the United States Constitution states that, ‘‘Congress
shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”.

(10) The Supreme Court recognized and emphasized the importance of free speech rights in Buckley v. Valeo when it stated that restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today’s mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and advertising the event. The electorate’s increasing dependence on television, radio, and other mass media for news and information has made the role of the media in disseminating political information indispensable.

(11) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the Buckley Court stated that the First Amendment denied the government the power to make that determination: “In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—alone control the quantity and range of debate on public issues in a political campaign.”.

(12) In Buckley, the Court also stated, “The concern is that the majority of the electorate cannot participate in the free and open exchange of ideas of the people.”

(13) Citizens who have an interest in issues about or related to the Second Amendment of the Constitution have the Constitutional right to express their views individually or collectively as a group. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(14) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens’ ability to communicate their support or opposition on issues concerning the right to keep and bear arms to their elected officials and the general public.

(15) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when those who speak should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO THE SECOND AMENDMENT OF THE CONSTITUTION

None of the restrictions or requirements contained in this title shall apply to any form or mode of communication to the public that consists of commentary regarding the statements, actions, positions, or voting records of any person who holds congressional or other Federal office, or any official of the State, or any other Federal office, on any matter pertaining to the Second Amendment.

H.R. 2356
OPPOSED BY: [Shays Substitute]

AMENDMENT No. 28: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Veterans, Military Personnel, or Seniors

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 42,000,000 men and women have served in the United States Armed Forces from the Revolution onward and more than 25 million are still living. Living veterans include the 121,000 patients who are dependents of deceased veterans, constitute a significant part of the present United States population.

(2) American veterans are black and they are white; they are of every race and ethnic heritage. They are men, and they are women. They are Christians, they are Muslims, they are Jews. They are fathers, mothers, sisters, brothers, sons and daughters. They are neighbors, down the street or right next door. They are teachers, police officers, and they are factory workers. They are Americans living today who served in the armed services, and they are the more than 1,000,000 who have died in service to their country.

(3) America’s veterans are men and women who have fought to protect the United States against foreign aggressors as Soldiers, Sailors, Airmen, Coast Guardsmen and Marines. The members of our elite organization are those who have discharged their very special obligation of citizenship as servicepeople. Stressed and strained to expend great time, effort and energy in the service of their fellow veterans and their communities.

(4) There is a bond joining every veteran from every branch of the service. Whether drafted or enlisted, commissioned or noncommissioned, each took an oath, lived by a code, and stood ready to fight and die for their country.

(5) American men and women in uniform risk their lives on a daily basis to defend our freedom and democracy. American veterans have always believed that there are values worth fighting for—values and liberties upon which America was founded and which we have carried forward for freedom for Americans for 235 years, that men and women of this great nation gave their lives to preserve.

(6) It is the sacrifice borne by generations of American veterans that has made us strong and has rendered us the beacon of freedom guiding the course of nations throughout the world. American veterans have fought for freedom for Americans as well as citizens throughout the world. They have helped to defend and preserve the values of freedom of speech, democracy, voting rights, human rights, and access to the rights of the individual—the values felt and nurtured on every continent in our world.

(7) The freedoms and opportunities we enjoy today were bought and paid for with their devotion to duty and their sacrifices. We can never say it too many times: We are the beneficiaries of their sacrifice, and we are grateful.

(8) Of the 25,000,000 veterans currently alive, nearly three of every four served during a war or an official period of hostility. About a quarter of the Nation’s population—approximately 70,000,000 people—are potentially eligible for VA benefits and services because they are veterans, family members or survivors of veterans.

(9) The present veteran population is estimated at 25,600,000, as of July 1, 1997. Nearly 80 of every 100 living veterans served during defined periods of armed hostilities. Altogether, almost one-third of the Nation’s population—approximately 97,000,000 people—are veterans, dependents and survivors of deceased veterans—are potentially eligible for Veterans’ Administration benefits and services.

(10) Care for veterans and dependents spans centuries. The last dependents of a Revolutionary War veteran died in 1911: the War of 1812’s last dependents died in 1946; the Mexican War’s, in 1962.

(11) The Veterans’ Administration health care system has grown from 54 hospitals in 1960 to include 171 medical centers, more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; 193 domiciliaries. Veterans Administration health care facilities provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast increase in the veteran population, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act more than a century ago.

(13) About 2,700,000 veterans receive disability compensation or pensions from VA. Also receiving Veterans’ Administration benefits are 392,713 widows, children and parents of deceased veterans. Among them are 133,881 survivors of Vietnam era veterans and 295,679 survivors of World War II veterans.

(14) In fiscal year 2001, Veterans’ Administration spent $22,000,000 annually in disability compensation, death compensation and pension to 3,200,000 people.

(15) Veterans’ Administration manages the largest medical education and health professions training program in the United States. Veterans’ Administration facilities are affiliated with 107 medical schools, 55 dental schools, and more than 1,900 other schools across the country. Each year, more than 85,000 health professionals are trained in Veterans’ Administration medical centers. More than half of the physicians practicing in the United States have had part of their professional education in the Veterans’ Administration health care system.

(16) Veterans’ Administration researchers are practicing physicians. Because of their dual roles, Veterans’ Administration research often immediately benefits patients. Functional electrical stimulation, a technology using controlled electrical current to activate paralyzed muscles, is being developed at Veterans’ Administration clinical facilities. Laboratories throughout the country. Through this technology, paraplegic patients have been able to stand and, in some instances, walk short distances and climb stairs. Patients with spinal cord injuries are able to use their hands to grasp objects.

(17) There are more than 35,000,000 persons in the United States aged 65 and over. Veterans are a diverse group, each member having his or her own political and economic issues.
The Supreme Court recognized and emphasized the importance of free speech in the Buckley v. Valeo case, stating, "The right of a person a group to speak or be heard, and the right to use the press and other means of publication to express views and ideas are essential to the normal processes of a democratic society.

(21) In response to the relentlessly repeated finding that campaign spending has skyrocketed and should be legislatively restrained, the Buckley Court stated that the First Amendment denied the government the power to make that determination: "In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

(22) In Buckley, the Court also stated, "The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which is designed to secure the widest possible dissemination of information from diverse and antagonistic sources, and to assure the free flow of ideas necessary for the bringing about of political and societal changes desired by the people.".

(23) Citizens who have an interest in issues about veterans, military personnel, seniors, and their families have the Constitutional right to criticize or praise their elected officials individually or collectively. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(24) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to policies and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to comment upon or question elections, votes, and issues concerning veterans, military personnel, seniors, and their families to their elected officials and the general public.

(25) Advertising and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO VETERANS, MILITARY PERSONNEL, OR SENIORS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding key votes that affect their common interests, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, or voting according to veterans, military personnel, or senior citizens, or to the immediate family members of veterans, military personnel, or senior citizens.

OFFERED BY: [Shays Substitute]

AMENDMENT No. 29. Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATE.

(a) IN GENERAL. As otherwise provided in this Act, this Act and the amendments made by this Act shall take effect February 14, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL PARTIES.—If a national committee of a political party described in subsection (a) which remain unexpended on or before the effective date of this title, such committee shall return the funds to the political party from which such funds were received.

OFFERED BY: [Shays Substitute]

AMENDMENT No. 30. Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Workers, Farmers, Families, and Individuals

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Large and powerful labor/worker unions represent these employed persons and their employers in numerous forms and forums, not least of which is by participating in our electoral and political system, including voting and by contributing to candidates and political parties.

(3) The rights of American workers to bargain collectively are protected by the First Amendment to the Constitution and by provisions in the National Labor Relations Act.

(4) The collective bargaining process has stabilized the nation's economy, and has provided a stable platform for economic growth.

(5) Nearly three quarters of all United States business firms have no payroll. Most are self-employed persons operating unincorporated businesses, and may or may not be the owner's principal source of income.

(6) Minorities owned fewer than 7 percent of all United States firms, excluding C corporations, in 1982. This had increased to about 15 percent by 1997. Minorities owned more than 3 million businesses in 1997, of which 615,223 had paid employees, generated more than $586 billion in revenues, created more than 4.5 million jobs, and produced about $96 billion in payroll to their workers.

(7) In 1990, women made up 46 percent of the Federal workforce. The labor participation rate of American women was the highest in the world.

(8) Farm and Rancher Worker unions represent 16 million working women and men of every race and ethnicity and from every walk of life.

(9) In recent years, union members and their families have experienced growing numbers. In the 2000 election, 26 percent of the nation's voters came from union households.

(10) According to the 2000 census, total United States families were totaled at over 105 million.

(11) In 2000, there were 8.7 million African American families.

(12) Asians have larger families than other groups. For example, the average Asian family size is 3.6 persons, as opposed to an average white American family size of 2.6 persons.

(13) American farmers, ranchers, and agricultural managers direct the activities of the world's largest and most productive agricultural producers. They provide a vital link in the food supply chain to meet the needs of the United States and produce a surplus for export.

(14) About 17 percent of raw United States agricultural products are exported yearly, including 83 million metric tons of cereal grains, 1.6 billion pounds of poultry, and 1.4 million metric tons of fresh vegetables.

(15) One-fourth of the world's beef and nearly one-fifth of the world's grain, milk, and eggs are produced in the United States.

(16) With 86 percent of the world's population living outside our borders, the world's most productive farmers need access to international markets to compete.

(17) Every State benefits from the income generated from agricultural exports. 19 States have exports of $1 billion or more.

(18) America’s total on United States exports is $189.1 billion and the number of imports is $375.7 billion.

(19) By itself, farming-production agriculture contributed 23 percent of the nation's GDP (Gross Domestic Product).

(20) Farmers and ranchers provide food and habitat for 75 percent of the Nation's wildlife.

(21) More than 23 million jobs—17 percent of the civilian workforce—are involved in some phase of growing and getting our food and fiber to market to us. America now has fewer farmers, but they are producing now more than ever before.

(22) Twenty-two million American workers process, sell, and trade our grain and fiber. Farmers and ranchers work with the Department of Agriculture to produce healthy crops while caring for soil and water.

(23) By February 8, the 39th day of the 2002, the average American has earned enough to pay for their family's food for the entire year. In 1970 it took 12 more days than it does now to earn a full food pantry for the year. Even in 1980 it took 10 more days—49 total days—of earning to put a year's supply of food on the table.

(24) Farmers are facing the 5th straight year of the lowest real net farm income since the Great Depression. Last October, prices paid to farmers for their family's food consumed by the average American were 15 percent lower than in February.
During this same period the cost of production has hit record highs.

(25) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(26) The Supreme Court recognized and emphasized the importance of free speech rights in Buckley v. Valeo, where it stated, “A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today’s mass society requires the expenditure of money. The distribution of the humble handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate’s increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication necessary for the exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(27) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restricted, the Buckley Court stated that the First Amendment denied the government the power to make that determination: “In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(28) In Buckley, the Court also stated, “The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed ‘to secure the widest possible dissemination of information from diverse and antagonistic sources,’ and ‘to assure unhampered exchange of ideas for the bringing about of political and societal changes desired by the people.”

(29) Citizens who have an interest in issues about or related to civil rights have the Constitution and the First Amendment to petition the government the power to make that determination: “In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(30) In the same period the cost of production has hit record highs.

(31) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to polarized public, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and un-fettered...

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or votes of any candidate for congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to any individual.

H.R. 2356

OFFERED BY: [Shays Substitute]

AMENDMENT NO. 31. Add at the end title II the following new subtitile:

Subtitle C—Exemption of Communications Pertaining to Civil Rights and issues affecting minorities.

SEC. 221. FINDINGS.

Congress finds the following:

1. More than 70 million people in the United States belong to a minority race.

2. More than 34 million people in the United States are African American, 35 million are Hispanic or Latino, 10 million are Asian, and 2 million are American Indian or Alaska Native.

3. Minorities account for around 24 percent of the U.S. workforce.

4. Minorities who have an interest in issues concerning civil rights to their elected representatives and to the general public.

5. Minorities account for around 24 percent of the U.S. workforce.

6. Of U.S. businesses, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 0.9 percent by American Indians.

7. Of the 4,514,699 jobs in minority-owned businesses in 1997, 48.8 percent were in Asian-owned firms, 30.8 percent in Hispanic-owned firms, 15.5 percent in Native-American owned firms, and 6.6 percent in American Native-owned firms.


9. African Americans were the only race with 10.1 percent of all U.S. firms in 1982, now own more than 15 percent. Minorities owned more than $3 million businesses in 1997, of which 615,222 had paid employees. Minority-owned businesses created more than $951 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

10. Of self-employment as a share of each group’s nonagricultural labor force (averaged over the 1991–1999 decade) was White, 9.7 percent; African American, 8.8 percent; American Indian, 8.2 percent; Aleut, 6.4 percent; and Asian or Pacific Islander, 10.1 percent.

11. Of U.S. businesses, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 0.9 percent by American Indians.

12. Of the 4,514,699 jobs in minority-owned businesses in 1997, 48.8 percent were in Asian-owned firms, 30.8 percent in Hispanic-owned firms, 15.5 percent in Native American-owned firms, and 6.6 percent in American Native-owned firms.


14. Minorities who have an interest in issues concerning civil rights to their elected representatives and to the general public.

15. The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
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mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or Federal office, or a candidate for congressional or other Federal office, on any matter pertaining to civil rights and issues affecting minorities.

H.R. 2356

Offered by
[Shays Substitute]

**AMENDMENT NO. 32: Add at the end the following title:**

**TITLE VI — NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS**

SEC. 601. FINDINGS

Congress finds the following:

(1) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”

(2) The First Amendment affords the broadest protection to such political expression as the First Amendment preserves the interchange of ideas for the bringing about of political and social changes desired by the people.

(3) According to Mills v. Alabama, 384 U.S. 214, 218 (1966), there is practically universal agreement that a major purpose of the Amendment was to protect the free discussion of governmental affairs...of course including discussions of candidates.

(4) According to New York Times Co. v. Sullivan, 376 U.S. 254, 270 (1964), the First Amendment reflects our “profound national commitment to the principle that public issues should be decided on the basis of the freely exchanged views of different and perhaps conflicting groups.”

(5) The First Amendment protects political association as a political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449, 460 (1958), stemmed from the Court’s recognition that freedom of association is the right to associate with others for the common advancement of political beliefs and ideas, a freedom that the Court reaffirmed in, e.g., “[t]he right to associate with the political party of one’s choice.”

(6) In Buckley v. Valeo, the Supreme Court stated, “A restriction on the amount of money a person or group can spend on political campaigning is unconstitutional if it unnecessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.”

(7) In response to the relentlessly repeated claim that campaign spending has skewed the democratic process, the Buckley Court stated that it is time to give the people — and the courts — a meaningful opportunity to consider whether the government may restrict the expenditure of money. The decision in Buckley did not foreclose the possibility of a constitutional challenge to restrictions that are made in order to enhance the relative voice of others in a political campaign.

(8) In Buckley, the Court also stated, “The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others...entails printing, paper, and circulation costs. The disruptive effect of the expenditure of money. The decision in Buckley did not foreclose the possibility of a constitutional challenge to restrictions that are made in order to enhance the relative voice of others in a political campaign.

(9) The courts of the United States have consistently upheld the expressive function of political parties, labor unions, trade associations, non-profit entities, among others. The Supreme Court recognized in Buckley that the First Amendment was not meant to protect one person who is in control of a large corporation from having to pay fees and costs because the theory that his candidate or campaign manager is somehow not independent of the corporation.

(10) The FEC has lost time and time again in court attempting to move away from the express advocacy bright line test of Buckley v. Valeo. In fact, in some cases, the FEC has had to pay fees and costs because the theory is frivolous. See FEC v. Christian Action Network, 110 F.3d 1049 (9th Cir. 1997). The FEC has lost this battle.

(11) The FEC has also repeatedly upheld the rights of political party committees. As Section 107(a) of the Voting Rights Act in Buckley v. Valeo is that spending money on one’s own speech must be permitted, and that this is what political parties do when they make money on elections.

(12) As recently as 2000, the Supreme Court reminded us once again of the vital role that political parties play on our democratic life, by serving as the primary vehicles for the political views and voices of millions and millions of Americans. “Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting the electoral candidates who espouse their political views. The formation of national political parties was almost concurrent with the formation of state parties.”

(13) The courts have also repeatedly upheld the rights of political party committees. As Section 107(a) of the Voting Rights Act in Buckley v. Valeo is that spending money on one’s own speech must be permitted, and that this is what political parties do when they make money on elections.

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(22) The FEC has lost time and time again in court attempting to move away from the express advocacy bright line test of Buckley v. Valeo. In fact, in some cases, the FEC has had to pay fees and costs because the theory is frivolous. See FEC v. Christian Action Network, 110 F.3d 1049 (9th Cir. 1997). The FEC has lost this battle.

(23) The courts have also repeatedly upheld the rights of political party committees. As Section 107(a) of the Voting Rights Act in Buckley v. Valeo is that spending money on one’s own speech must be permitted, and that this is what political parties do when they make money on elections.

(24) The FEC has lost time and time again in court attempting to move away from the express advocacy bright line test of Buckley v. Valeo. In fact, in some cases, the FEC has had to pay fees and costs because the theory is frivolous. See FEC v. Christian Action Network, 110 F.3d 1049 (9th Cir. 1997). The FEC has lost this battle.

(25) The courts have also repeatedly upheld the rights of political party committees. As Section 107(a) of the Voting Rights Act in Buckley v. Valeo is that spending money on one’s own speech must be permitted, and that this is what political parties do when they make money on elections.
matter is correct. The Anchorage Daily News reported:

(13) A federal judge says corporations and unions have a constitutional right to give unlimited "soft" money to candidates for public office, even of private corporations, political parties, and labor unions. The judge also struck down a part of the Alaska's 1997 political contributions law that barred corporations, unions and other businesses from contributing any money to political candidates. The ban on corporate contributions to individual candidates is fine, Singleton said. Public concern about the influence or corporate contributions on a specific candidate is legitimate and important enough to some limit freedom of speech and political association, but it is not the only option for the contributions to the noncandidate work of a political party may not raise undue influence issues and therefore may not be restricted, the judge concluded.


(15) Nor is speech any less protected by the First Amendment simply because the one making the speech contacted or communicated with another party. For some time, the Federal Election Commission held the view that such “coordinated” (an undefined term), even of communications that did not contain express solicitation (an undefined term), was prohibited and subject to the limitations and prohibitions of the Act. This view has been rejected by the courts. Federal Election Commission v. Christian Coalition, 52 F. Supp. 2d 45 (D.D.C. 1999). In fact, lower Federal courts have held that even political party committee limits on expenditures are not constitutional restrictions on speech. Federal Election Commission v. Colo. Republican Fed. Campaign Commn., 213 F.3d 1221 (10th Cir. 2000).

(16) Commentators, legal experts and testifying witnesses may echo the need to be mindful of the First Amendment. Whether it is the American Civil Liberties Union, see March 10, 2001 ACLU Letter to Senate (and cases cited therein), experts across the political spectrum have thoughtfully explained the need to ensure the First Amendment rights of citizens of this country.

(17) Citizens who have an interest in issues have the constitutional right to criticize or praise their elected officials individually or collectively as a group. Communication in the form of criticism or praise of elected officials is protected as free speech under the First Amendment of the Constitution of the United States.

(18) This Act contains restrictions on the right of individuals or groups, directly or indirectly, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues to their elected officials and the general public.

(19) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and therefore may not be restricted, consistent with the rulings of the courts of the United States (as provided in section 602).
Title I—Soft Money of National Parties

Sec. 1. Short title; table of contents.

Sec. 101. Restrictions on soft money of national political parties.

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions and expenditures.

Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

Title II—Modification of Contribution Limits

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions and expenditures.

Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

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(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Title I—Soft Money of National Parties

Sec. 101. Restrictions on soft money of national political parties.

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions and expenditures.

Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

Sec. 205. Indexing.

Sec. 206. Permutting national parties to establish accounts for making expenditures in excess of limits on behalf of candidates facing wealthy opponents.

Title III—Disclosure of Election-Related Communications

Sec. 301. Disclosure of information on communications broadcast prior to election.

Sec. 302. Disclosure of information on targeted mass communications.

Title IV—Effective Date

Sec. 401. Effective date.
“(i) for purposes of subsections (b) and (d), calendar year 1974; and
“(ii) for purposes of subsections (a) and (h), calendar year 2002.”

SEC. 296. PERMITTING NATIONAL PARTIES TO ESTABLISH ACCOUNTS FOR MAKING EXPENDITURES IN EXCESS OF LIMITS OF HALF OF CANDIDATES FACING WEALTHY OPPONENTS.

(a) ESTABLISHMENT OF ACCOUNTS.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 444(d)) is amended by adding at the end the following new paragraph:
“(4) Subject to subparagraph (B), the national committee of a political party may make expenditures in connection with the general election campaign of a candidate for Federal office (other than a candidate for President) who is affiliated with such party in an amount in excess of the limit established under paragraph (3) if—
“(I) the candidate’s opponent in the general election campaign makes expenditures of personal funds in connection with the campaign in an amount in excess of $100,000 (as provided in the notifications submitted under section 304(a)(6)(B)); and
“(II) the expenditures made from a separate account of the party used exclusively for making expenditures pursuant to this paragraph.

(b) WAIVER OF LIMITS ON CONTRIBUTIONS TO ACCOUNTS.—Section 315(a) of such Act (2 U.S.C. 444(a)) is amended by adding at the end the following new paragraph:
“(A) Subject to subparagraph (B), the national committee of a political party in connection with the general election campaign of a candidate may not exceed the amount of expenditures of personal funds made by the candidate’s opponent in connection with the campaign (as provided in the notifications submitted under section 304(a)(6)(B)).’’

(c) NOTIFICATION OF EXPENDITURES OF PERSONAL FUNDS.—Section 304(a)(6) of such Act (2 U.S.C. 444(a)(6)) is amended by—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:
“(B) The principal campaign committee of a candidate (other than a candidate for President) shall submit the following notifications of expenditures of personal funds by such candidate (including contributions by the candidate or the candidate’s spouse to such committee and funds derived from loans made by the candidate or the candidate’s spouse to such committee):
“(I) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds $100,000.
“(II) After the notification is made under a subclause (I), a notification of each subsequent expenditure (or contribution) which, taken together with all such subsequent expenditures (and contributions) in any amount in the most recent report under this subparagraph, totals $5,000 or more.
“(III) Each of the notifications submitted under this subparagraph:
“(A) shall be submitted not later than 24 hours after the expenditure or contribution which is the subject of the notification is made; and
“(B) shall include the name of the candidate, the office sought by the candidate, and the date of the expenditure or contribution and amount of the expenditure or contribution involved; and
“(C) shall include the total amount of such expenditures and contributions made with respect to the same election as of the date of expenditure or contribution which is the subject of the notification.”

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICATIONS BROADCAST PRIOR TO ELECTION.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:
“(e) DISCLOSURE OF INFORMATION ON CERTAIN COMMUNICATIONS BROADCAST PRIOR TO ELECTION.
“(1) IN GENERAL.—Any person who makes a disbursement for a communication described in paragraph (3) shall, not later than 24 hours after making the disbursement, file with the Commission a statement containing the information required under paragraph (2).
“(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:
“(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over such person, and of any individual or entity sharing or exercising direction or control over the person making the disbursement.
“(B) The principal place of business and phone number of the person making the disbursement, if not an individual.
“(C) The amount of the disbursement.
“(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.
“(E) The text of the communication involved.
“(F) TARGETED MASS COMMUNICATION DEFINED.—
“(A) IN GENERAL.—In this subsection, the term ‘targeted mass communication’ means any communication—
“(I) which is disseminated during the 120-day period ending on the date of a Federal election;
“(ii) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and
“(iii) which is targeted to the relevant electorate.
“(B) TARGETING TO RELEVANT ELECTORATE.—
“(1) BROADCAST COMMUNICATIONS.—For purposes of this paragraph, a communication is disseminated to the relevant electorate if—
“(A) the communication is disseminated to the relevant electorate by any broad, cable, or satellite communication which refers to or depicts a clearly identified candidate for Federal office (as determined in accordance with regulations of the Commission), in the case of a candidate for Representative in, or Delegate of, the Resident Commissioner to, the Congress; or
“(B) a substantial number of residents of the State the candidate seeks to represent are members of the electorate involved.
“(2) OTHER COMMUNICATIONS.—For purposes of this paragraph, a communication which is not described in clause (i) which refers to or depicts a clearly identified candidate for Federal office is ‘targeted to the relevant electorate’ if—
“(I) more than 10 percent of the total number of intended recipients of the communication are members of the electorate involved with respect to such Federal office; or
“(II) more than 10 percent of the total number of members of the electorate involved with respect to such Federal office receive the communication.
“(C) EXCEPTIONS.—The term ‘targeted mass communication’ does not include—
“(1) DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.—
“(A) IN GENERAL.—Any person who makes a disbursement for targeted mass communications which is an aggregation of an expenditure in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).
“(B) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:
“(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over such person, and of the custodian of the books and accounts of the person making the disbursement.
“(B) The principal place of business and phone number of the person making the disbursement, if not an individual.
“(C) The amount of each such disbursement of more than $200 made by the person during the period covered by the statement and the identification of the person to whom the disbursement was made.
“(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.
“(E) The text of the communication involved.
“(2) TARGETED MASS COMMUNICATIONS.—
“(A) IN GENERAL.—In this subsection, the term ‘targeted mass communication’ means any communication—
“(I) which is disseminated during the 120-day period ending on the date of a Federal election;
“(II) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and
“(III) which is targeted to the relevant electorate.
“(1) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, which is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

(2) a communication made by any membership organization (including a labor organization) or corporation solely to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

(3) a communication which constitutes an expenditure under this Act.

“(4) DISCLOSURE.—For purposes of this subsection, the term ‘disclosure date’ means

(A) the first date during any calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000; and

(B) any other date during such calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of the most recent disclosure date for such calendar year.

“(5) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

“(6) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.”.

**TITLE IV—EFFECTIVE DATE**

**SEC. 401. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on the date of the enactment of this Act.

H.R. 2356

**OFFERED BY:**

[Army Substitute]

**AMENDMENT No. 37: Add at the end of title II the following new subtitle:

**Subtitle C—Exemption of Communications Pertaining to Veterans, Military Personnel, or Seniors**

**SEC. 221. FINDINGS.**

Congress finds the following:

(1) More than 42,000,000 men and women have served in the United States Armed Forces from the Revolution onward and more than 25 million are still living. Living veterans and their families, living dependents of deceased veterans, constitute a significant part of the present United States population.

(2) American veterans are black and they are white; they are of every race and ethnic heritage. They are men, and they are women. They are Jews, they are Muslims, they are Christians, they are of every race and ethnic heritage.

(3) America’s veterans are men and women who have fought to protect the United States against foreign aggressors as Soldiers, Sailors, Airmen, Coast Guardsmen and Marines. The members of our elite organization are those who have discharged their very special obligation of citizenship as service men and women, and who today continue to expend great time, effort and energy in the service of their fellow veterans and their communities.

(4) There is a bond joining every veteran from every branch of the service. Whether drafted or enlisted, commissioned or non-commissioned, each took an oath, lived by a code, and stood ready to fight and die for their country.

(5) American men and women in uniform risk their lives on a daily basis to defend our freedom and democracy. Americans have always believed that there are values worth fighting for—values and liberties upon which America was founded and which we have carried forward for more than 235 years. Men and women of this great nation gave their lives to preserve.

(6) It is the sacrifice borne by generations of American veterans that has made us strong and has rendered us the beacon of freedom guiding the course of nations.
freedom guiding the course of nations throughout the world. American veterans have fought for freedom for Americans, as well as citizens throughout the world. They have defended our nation's borders and preserved the values of freedom of speech, democracy, voting rights, human rights, equal access and the rights of the individual—those values felt and nurtured on every continent in our world.

(7) The freedoms and opportunities we enjoy today were bought and paid for with their blood, their sweat, and their sacrifice. We can never say it too many times: We are the benefactors of their sacrifice, and we are grateful.

(8) Of the 25,000,000 veterans currently alive, nearly three of every four served during a war or an official period of hostility. About 80 of every 100 living veterans served during defined periods of armed hostilities. Altogether, almost one-third of the nation's population—approximately 70,000,000 people who are veterans and survivors of deceased veterans—are potentially eligible for Veterans' Administration benefits and services because they are veterans, family members or survivors of veterans.

(9) The present veteran population is estimated at 25,600,000, as of July 1, 1997. Nearly 80 of every 100 living veterans served during World War II. Of the 135 million people who served during World War II, approximately 70,000,000 people are potentially eligible for Veterans' Administration benefits and services because they are veterans, family members or survivors of veterans.

(10) Care for veterans and dependents spans centuries. The last dependent of a Revolutionary War veteran died in 1911; the War of 1812's last dependent died in 1946; the Mexican War's, in 1962.

(11) The Veterans' Administration health care system has grown from 54 hospitals in 1900, to 171 medical centers; more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; and 35 domiciliaries. Veterans' Administration health care facilities provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast increase in the veteran population, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act more than a century ago.

(13) Veterans receive disability compensation or pensions from VA. Also receiving Veterans' Administration benefits are 592,713 widows, children and parents of veterans. Among them are 131,881 survivors of Vietnam era veterans and 290,679 survivors of World War II veterans. In fiscal year 2001, Veterans' Administration plans to spend $22,000,000,000 yearly in disability compensation, death compensation and pension to 3,200,000 people.

(14) Veterans' Administration manages the largest home and health care program in the United States. Veterans' Administration facilities are affiliated with 107 medical schools, 55 dental schools and more than 1,200 other schools across the country. Each year, about 85,000 health professionals are trained in Veterans' Administration medical centers. More than half of the physicians who practice in the United States have had part of their professional education in the Veterans' Administration health care system.

(15) The Veterans' Administration researchers are practicing physicians. Because of their dual roles, Veterans' Administration researchers often immediately benefit patients. They practice on electrical stimulation and a technology using controlled electrical current to activate paralyzed muscles, is being developed at Veterans' Administration clinical facilities and laboratories throughout the country. Through this technology, para-plegic patients have been able to stand and, even more importantly, to climb stairs. Patients with quadriplegia are able to use their hands to grasp objects.

(16) There are more than 35,000,000 people in the United States and their families are potential recipients of VA benefits.

(17) Seniors are a diverse population, each member having his or her own political and economic issues. Many are seeking an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”.

(18) The Supreme Court recognized and emphasized the importance of free speech rights in Buckley v. Valeo, where it stated, “A restriction on the amount of money a person or group can spend on political communica- tion due to the immediate pecuniary interest, the quantity of expression by restricting the number of issues discussed, the depth of the exploration and the size of the audience reached. This is because virtually every means of communicating ideas in today’s mass society requires the expenditure of money. The distribution of the humble handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing speakers. The increase in the use of television, radio, and other mass media for news and information has made these expensive modes of communica- tion indispensable instruments of effective political speech.”.

(19) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively re- strained, the Buckley Court stated that the First Amendment denied the government the power to make that determination: “In the free society we cherish, it is not the government but the people—individually as citizens and candidates and collectively as associations and political com- mittees—who must retain control over the quantity and range of debate on public issues in a political campaign.”.

(20) The Supreme Court referred to the “government” as those entities having its or her own political and electoral process and of First Amendment free- doms—two values felt and nurtured on every continent in our world, and the rights of citizens, either individually or collectively. An election, and the bringing about of political and societal changes desired by the people”.

(21) Citizens who have an interest in issues about or related to veterans, military personnel, or senior citizens, or who are immediate or intermediate associates of vet- erans, military personnel, or senior citizens.

(22) In the Court’s Report also stated, “The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is what the First Amendment was, which was designed to ‘secure the widest pos- sible dissemination of information from di- verse and antagonistic sources,’ and ‘to as- sure the people of a voice to popular grievances, raising issues and proposing solutions. An election, and the bringing about of political and societal changes desired by the people’”.

(23) Citizens who have an interest in issues about or related to veterans, military personnel, or senior citizens, or who are immediate or intermediate associates of veterans, military personnel, or senior citizens.

(24) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an estab- lishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”. SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO VETERANS, MILITARY PERSONNEL, OR SENIORS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or manner of communication to the public that consists of information or commentary regarding the actions, statements, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Fed- eral office, on any matter pertaining to vet- erans, military personnel, or senior citizens, or who immediately or intermediate associates of veterans, military personnel, or senior citizens.

H.R. 2356

OPPOSED BY:

(ARMY SUBSTITUTE) AMENDMENT NO. 39: Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amend- ments made by this Act shall take effect on February 14, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS.—If a national committee of a political party described in section 323(a)(1) of the Federal Election Cam- paign Act of 1971 (as added by section 101(a)), including any person who is subject to such section, has received funds described in such section prior to the effective date described in subsection (a) which remain unexpended as of such date, the committee shall return the funds on a pro rata basis to the persons who provided the funds to the committee.

OPPOSED BY:

(ARMY SUBSTITUTE) AMENDMENT NO. 40: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications PERTAINING TO WORKERS, FARMERS, FAMILIES, AND INDIVIDUALS

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Thousands of organizations and associa- tions represent these employed persons and their families in national forums, not least of which is by participating in our electoral and political system in a number of ways, including informing citizens of key issues that affect them, inter- ests, criticizing and praising elected officials for their position on issues, contributing to candidates and political parties, registering citizens and conducting get-out-the-vote ac- tivities.

(3) The rights of American workers to bar- gain collectively are protected by their First Amendment to the Constitution, and by pro- visions in the National Labor Relations Act. Federal law guarantees the rights of workers to choose whether to bargain collectively through a union and by pro- visions in the National Labor Relations Act.
labor union. Federal law allows workers and unions the opportunity to combine strength and to work together to seek to improve the lives of America’s working families, bring fairness and justice to the workplace, and enhance the social and economic equity in our nation.

(5) Nearly three quarters of all United States businesses have no payroll. Most are self-employed persons operating unincorporated businesses, and may or may not be the owner’s principal source of income.

(6) The number decreased by fewer than 7 percent of all United States firms, excluding C corporations, in 1982, but this share soared to about 15 percent by 1997. Minority-owned firms more than 3 million businesses in 1997, of which 615,222 had employees, generated more than $391 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(7) In 1999, women made up 46 percent of the labor force. The labor force participation rate of American women was the highest in the world.

(8) Labor-Worker unions represent 16 million working women and men of every race and every walk of life.

(9) In recent years, union members and their families have mobilized in growing numbers. In the 2000 election, 26 percent of the nation’s voters came from union households.

(10) According to the 2000 census, total United States families were totaled at over 100 million.

(11) In 2000, there were 8.7 million African American families.

(12) Asians have larger families than other groups. For example, the average Asian family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(13) Farmers and ranchers are involved in the world’s largest and most productive agricultural sectors. They produce enough food and fiber to meet the needs of the United States and produce a surplus for export.

(14) About 17 percent of raw United States agricultural products are exported yearly, including 83 million metric tons of cereal grains, 1.6 billion pounds of poultry, and 1.4 million metric tons of fresh vegetables.

(15) One-fourth of the world’s beef and nearly one-third of the world’s grain, milk, and eggs are produced in the United States.

(16) With 96 percent of the world’s population restricted from the world’s most productive farmers need access to international markets to compete.

(17) Every State benefits from the income generated by the agricultural export industry. 19 States have exports of $1 billion or more.

(18) America’s total on United States exports is $49.1 billion and the number of imports is $56.5 billion.

(19) By itself, farming—production agriculture—contributed $60.4 billion toward the national GDP (Gross Domestic Product).

(20) Farmers and ranchers provide food, fiber, and habitat for 75 percent of the Nation’s wildlife.

(21) More than 23 million jobs—17 percent of the civilian workforce—are involved in some phase of growing and getting our food and clothing to us. America now has fewer farmers, but they are producing now more than ever before, and they are outselling the world.

(22) Twenty-two million American workers process, sell, and trade the Nation’s food and fiber. Farmers and ranchers work with the Department of Agriculture to produce healthy crops while caring for soil and water.

(23) By February 6, the 9th day of 2002, the average family earned enough to pay for their family’s food for the entire year. In 1970 it took 12 more days than it does now to earn a full food pantry for the year. Even in 1980 it took 10 more days—49 total days—of earning to put a year’s supply of food on the table.

(24) Farmers are facing the 5th straight year of the lowest real farm income since the Great Depression. Last October, prices farmers received made their sharpest drop in nearly 4 decades and the Census of Agriculture began keeping records 91 years ago. During this same period the cost of production has hit record highs.

(25) The Supreme Court of the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”

(26) The Supreme Court recognized and emphasized the importance of free speech rights in Buckley v. Valeo, where it stated, “A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity and range of debate on public issues indispensable instruments of effective political participation in a democratic society. . . . A candidate or group can spend on political communication an unlimited amount of money. The distribution of the humblest speech and the most eloquent speech are the very engine of democracy. . . . The electorate depends on television, radio, and other mass media for news and information and has made these expensive modes of communication indispensable instruments of effective political participation in a democratic society.”

(27) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the Buckley Court stated that the First Amendment denied the government the power to make that determination: “In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(28) In Buckley, the Court also stated, “The constitutional guarantees of freedom of speech and of a republican form of government are designed to secure the widest possible dissemination of information from diverse and antagonistic sources, and to assure untrammelled debate on ideas for the bringing about of political and societal changes desired by the people.”

(29) Citizens who have an interest in issues about or related to their lives have the constitutional right to use their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(30) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle the First Amendment advocacy rights of citizens pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the heart of the Nation’s democratic process.

(31) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unencumbered.
(12) Businesses owned by Asians and Pacific Islanders made up 4 percent of the nation’s 20.8 million nonfarm businesses.

(13) Asians tend to have larger families—the average number of children born to a woman is 3.4 persons, as compared to an average Caucasian family of 3.1 persons.

(14) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(15) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, “The right of the government to restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed to assure unfettered dissemination of information from diverse and antagonistic sources, ‘in order to assure [the] unfettered competition of ideas for the bringing about of political and societal changes desired by the people’.”

(16) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment is “the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(17) In *Buckley*, the Court also stated, “The concept that government may restrict the speech of some of its citizens in order to assure the equal expression of other voices is wholly foreign to the First Amendment, which was designed to assure unfettered competition of ideas for the bringing about of political and societal changes desired by the people.”

(18) Citizens who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is protected as free speech under the First Amendment of the Constitution of the United States.

(19) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions on citizens’ rights would not only make it impossible for citizens to communicate their support or opposition on issues concerning civil rights to their elected officials and the general public.

(20) Political action committees and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

**SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO CIVIL RIGHTS AND ISSUES AFFECTING MINORITIES**

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the qualifications of candidates for Federal office, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to civil rights.

H.R. 2356

OFFERED BY: [Armey Substitute]

Amendment No. 42: Add at the end the following:

**TITLE VI—NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS**

**SEC. 601. FINDINGS.**

Congress finds the following:

(1) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(2) The First Amendment affords the broadest protection to such political expression in order “to assure [the] unfettered competition of ideas for the bringing about of political and societal changes desired by the people.”

(3) According to *Mills v. Alabama*, 384 U.S. 214, 218 (1966), there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs...” etc.

(4) According to *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964), the First Amendment reflects our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, that it must be untrammeled byonte restrictions on political speech.”

(5) The First Amendment protects political association as well as political expression.

(6) In the case of *Buckley v. Valeo*, the Supreme Court stated, “A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity and range of debate on public issues should be uninhibited, robust, and wide-open, that it must be untrammeled by federal regulations on campaign financing.”

(7) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: “In the First Amendment...it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(8) In *Buckley*, the Court also stated, “The concept of government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed to assure unfettered dissemination of information from diverse and antagonistic sources, ‘in order to assure [the] unfettered competition of ideas for the bringing about of political and societal changes desired by the people’.”

(9) The courts of the United States have consistently reaffirmed and applied the teachings of *Buckley*, striking down such government overreaching. The courts of the United States have consistently upheld the right of citizens, candidates for public office, political parties, corporations, labor unions, trade associations, non-profit entities, among others. Such decisions provide a very clear line as to what the government can and cannot do with respect to the regulation of campaigns. See *Federal Election Comm’n v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 234 (1986); *Federal Election Comm’n v. National Conservative Political Action Comm’n*, 470 U.S. 480 (1985); *California Medical Ass’n v. Federal Election Comm’n*, 443 U.S. 194, 204 (1979); *Federal Election Comm’n v. National Organization for Women, Inc.*, 479 U.S. 104 (1986); *Federal Election Comm’n v. National Coalition Against the Draft*, 486 U.S. 594 F. Supp. 946 (W.D.Va. 1995); *Maine Right to Life Comm. v. FEC*, 914 F. Supp. 8 (D.Me. 1996), aff’d 98 F.3d 1 (1st Cir. 1996), cert. denied, 118 S. Ct. 32 (1997); *Citizens Concerned for Life, Inc. v. FEC*, 357 U.S. 449, 460 (1958), affidavit,” which was designed to assure the widest possible dissemination of information from diverse and antagonistic sources; and ‘to assure unconstrained competition of ideas for the bringing about of political and societal changes desired by the people.”

(10) The Federal Election Commission has consistently reaffirmed and applied the teachings of *Buckley*, striking down such government overreaching. The courts of the United States have consistently upheld the right of citizens, candidates for public office, political parties, corporations, labor unions, trade associations, non-profit entities, among others. Such decisions provide a very clear line as to what the government can and cannot do with respect to the regulation of campaigns. See *Federal Election Comm’n v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 234 (1986); *Federal Election Comm’n v. National Conservative Political Action Comm’n*, 470 U.S. 480 (1985); *California Medical Ass’n v. Federal Election Comm’n*, 443 U.S. 194, 204 (1979); *Federal Election Comm’n v. National Organization for Women, Inc.*, 479 U.S. 104 (1986); *Federal Election Comm’n v. National Coalition Against the Draft*, 486 U.S. 594 F. Supp. 946 (W.D.Va. 1995); *Maine Right to Life Comm. v. FEC*, 914 F. Supp. 8 (D.Me. 1996), aff’d 98 F.3d 1 (1st Cir. 1996), cert. denied, 118 S. Ct. 32 (1997); *Citizens Concerned for Life, Inc. v. FEC*, 357 U.S. 449, 460 (1958), affidavit,” which was designed to assure the widest possible dissemination of information from diverse and antagonistic sources; and ‘to assure unconstrained competition of ideas for the bringing about of political and societal changes desired by the people.”

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standard soon after the 1996 election due to its vagueness.

(11) The courts have also repeatedly upheld the rights of political party committees. As Justice Kennedy noted, "The central holding in Buckley v. Valeo is that spending money on one's own speech must be permitted, and that this is what political parties do when they pay for a general election campaign in support of one candidate or another." The Supreme Court also held in Colorado Republican Fed. Campaign Comm. v. Federal Election Comm'n, 518 U.S. 694, 627 (1996) (J. Kennedy, concurring), Justice Thomas added, "The influence of any one person or the importance of any one group is the very engine of democracy. Such restrictions, on the very core of the First Amendment freedoms—the very engine of democracy. Such restrictions, on the very core of the First Amendment freedoms—should not be allowed to stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the elec-
tions are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and un-
fettered.

SEC. 602. NO RESTRICTIONS ON FIRST AMEND-
MENT RIGHTS.

Notwithstanding any provision of this Act, and in recognition of the First Amendment to the United States Constitution, nothing in this Act or in any amendment made by this Act may be construed to abridge those freedoms found in that Amendment, specifically the freedom of speech or of the press, or the right of people to peaceably assemble, and to petition the government for a redress of grievances, consistent with the rulings of the courts of the United States (as provided in section 601).

H. R. 2356
OFFERED BY:
[Army Substitute]

AMENDMENT NO. 43: Amend section 323(b) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

"(b) STATE, DISTRICT, AND LOCAL COMMIT-
tees.—An amount that is expended or dis-
bursed for Federal election activity by a State, district, or local committee of a polit-
ical party (including a race or event that is di-
rectly or indirectly established, financed, main-
tained, or controlled by a State, dist-
ric, or local committee of a political party and is at least one-half of such committee or entity, or by an associa-
tion or similar group of candidates for State or local office or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and report-
ning requirements of this Act."

Amend section 323(e)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

"(3) FUNDRAISING EVENTS.—Notwith-
standing paragraph (1), a candidate or an in-
dividual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

Amend section 323(b) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

"(b) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not included within the meaning of paragraph (3) to which section 323(b) applies shall report all receipts and disbursements made for activities described..."
in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

H.R. 2536

OFFERED BY: [Armeny Substitute]

AMENDMENT No. 44: Add at the end the following:

TITLE —STRENGTHENING FOREIGN MONEY BAN

SEC. 1. STRENGTHENING FOREIGN MONEY BAN.

(a) BANNING ALL DONATIONS TO CANDIDATES AND PARTIES.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: “CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS”; and

(2) by striking subsection (a) and inserting the following:

(a) PROHIBITION.—It shall be unlawful for—

(1) a foreign national, directly or indirectly, to make—

(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election; or

(B) a contribution or donation to a committee of a political party; or

(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

(b) EXTENSION OF BAN IN FEDERAL ELECTIONS TO ALL NONCITIZENS.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: “; or in the case of an election for Federal office, an individual who is not a citizen of the United States or national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).”

H.R. 2536

OFFERED BY: Mr. Ney

[Ney Substitute]

AMENDMENT No. 45: Amend section 301(29) of the Federal Election Campaign Act of 1971, as added by section 101(a) of the bill, to read as follows:

“(29) FEDERAL ELECTION ACTIVITY.—

(A) IN GENERAL.—The term "federal election activity" means—

(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

(iv) services provided during any month by a employee of a State, district, or local committee of a political party who spends more than 25 percent of individual's compensated time during that month on activities in connection with a Federal election.

(B) EXCLUDED ACTIVITY.—The term ‘federal election activity’ does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

(ii) any contribution, donation, or transfer of funds or any other thing of value for Federal election activity, or spend any funds for Federal election activity, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(b) LIMIT ON AMOUNT OF NONFEDERAL FUNDS PROVIDED TO PARTY BY ANY PERSON FOR ANY PURPOSE.—

(1) LIMIT ON AMOUNT.—No person shall make contributions, donations, or transfers of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party in any calendar year in an aggregate amount equal to or greater than $20,000.

(2) PROHIBITION ON PROVISION OF NONFEDERAL FUNDS BY INDIVIDUALS.—No individual may make any contribution, donation, or transfer of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party.

(c) APPLICABILITY.—This subsection shall apply to any political committee established and maintained by any national political party, or any officer or agent of such a committee acting on behalf of the committee, and any entity that is directly or indirectly established, maintained, or controlled by such a national committee.

(4) DEFINITIONS.—

(1) FEDERAL ELECTION ACTIVITY.—

The term ‘federal election activity’ means—

(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election, unless the activity constitutes generic campaign activity;

(ii) voter identification or get-out-the-vote activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot), unless the activity constitutes generic campaign activity;

(iii) any public communication that refers to or depicts a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) that promotes or supports a candidate for that office, or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

(iv) any public communication made by means of any broadcast, cable, or satellite communication.

(3) EXCEPTION FOR CERTAIN ADMINISTRATIVE ACTIVITIES.—The term ‘federal election activity’ does not include any activity relating to establishment, administration, or solicitation costs of a political committee established and maintained by a national political party, so long as the funds used to carry out the activity are derived from funds or payments made to the committee which are segregated and used exclusively to defray the costs of such activities.

(2) GENERIC CAMPAIGN ACTIVITY.—The term ‘generic campaign activity’ means any activity that does not mention, depict, or otherwise promote a clearly identified Federal candidate.

(3) PUBLIC COMMUNICATION.—The term ‘public communication’ means a communication by means of any broadcast, cable, or
tion by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, or direct mail.

(4) DIRECT MAIL.—The term ‘direct mail’ means a mailing by a commercial vendor or any mailing made from a commercial list.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

SEC. 201. INCREASE IN LIMITS ON CERTAIN CONTRIBUTIONS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL PARTIES.—Section 315(a)(2)(B) of such Act (2 U.S.C. 441a(a)(2)(B)) is amended by striking ‘$15,000’ and inserting ‘$30,000’.

(b) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(5) of such Act (2 U.S.C. 441a(a)(5)) is amended by striking ‘$25,000’ and inserting ‘$75,000’.

SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO STATE PARTIES.

(a) CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in paragraph (1), by striking ‘or’ at the end;

(2) in subparagraph (C)—

(A) by inserting ‘the political party of the costs of’ before ‘printing’;

(B) by striking the period at the end and inserting ‘; and’;

(C) by inserting ‘, and’ at the end;

(D) by inserting ‘; and’ at the end;

and

(B) by striking the period at the end and inserting ‘; or’;

(c) TREATMENT AS EXPENDITURES.

SEC. 203. TREATMENT OF CONTRIBUTIONS TO NATIONAL PARTY UNDER AGGREGATE ANNUAL LIMIT ON INDIVIDUAL CONTRIBUTIONS.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended—

(1) by striking ‘3’ and inserting ‘3(3)’;

and

(2) by adding at the end the following:

‘(3) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds $100,000.’.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICATIONS BROADCAST PRIOR TO ELECTION.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) shall be amended by adding at the end the following:

‘(3) Scope of section—Such section shall apply to any communication described in paragraph (3) if—

(1) the person identified or to be identified in the communication is a candidate identified or to be identified in the communication for the position of President; and

(2) the communication is made in connection with such election and is not a communication for which the notice or notice of the notice is required to be filed under section 304(a)(6) of such Act.’.

(4) Waiver of Limitations on Contributions to Accounts.—Section 315(a)(8)(B) of such Act (2 U.S.C. 441a(a)(8)(B)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by adding after subparagraph (A) the following new subparagraph:

‘(B) The principal campaign committee of a candidate (other than a candidate for President) shall submit the following notifications relating to expenditures of personal funds by such candidate (including contributions by the candidate’s spouse to such committee and funds derived from loans made by the candidate or the candidate’s spouse to such committee) to the Commission:—

(i) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds $100,000.’.
(3) Communications described.—

(A) In general.—A communication described in this paragraph is any communication—

(i) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of a Federal election; and

(ii) which mentions a clearly identified candidate for such election (by name, image, or likeness).

(B) Election.—A communication is not described in this paragraph if—

(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

(ii) the communication constitutes an expenditure under this Act.

(4) Coordination with other requirements.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

(5) Clarification of treatment of vendors.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.


Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 301, is further amended by adding at the end the following new subsection:

(1) Disclosure of Information on Targeted Mass Communications.—

"(A) In general.—Any person who makes a disbursement for targeted mass communications in an aggregate amount in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(B) Contents of Statement.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(i) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over such person, and of the custodian of the books and accounts of the person making the disbursement.

(ii) The principal place of business and phone number of the person making the disbursement, if not an individual.

(iii) The amount of such disbursement of more than $200 made by the person during the period covered by the statement and the identification of the person to whom the disbursement was made.

(iv) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

(v) The text of the communication involved.

(vi) Targeted Mass Communication Defined.—"Targeted mass communication" means any communication—

(I) which is disseminated during the 120-day period ending on the date of a Federal election;

(ii) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and

(iii) which is targeted to the relevant electorate.

(B) Targeting to Relevant Electorate.—

(i) Broadcast Communications.—For purposes of this paragraph, a communication is disseminated to the public by means of any broadcast, cable, or satellite communication which refers to or depicts a clearly identified candidate for Federal office is targeted to the relevant electorate if the communication is disseminated by a broadcaster whose audience includes—

(I) a substantial number of residents of the district or state to which it is targeted to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

(II) a substantial number of residents of the State the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Senator.

(ii) Other Communications.—For purposes of this paragraph, a communication which is not described in clause (i) which refers to or depicts a clearly identified candidate for Federal office is targeted to the relevant electorate if the communication—

(I) more than 10 percent of the total number of intended recipients of the communication are members of the electorate involved with respect to such office; or

(II) more than 10 percent of the total number of members of the electorate involved with respect to such Federal office receive the communication.

(C) Exceptions.—The term 'targeted mass communication' does not include—

(i) a communication appearing in a news story or broadcast communication disseminated through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) a communication made by any membership organization (including a labor organization) or corporation solely to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

(iii) a communication which constitutes an expenditure under this Act.

(4) Disclosure Date.—For purposes of this subsection, the term 'disclosure date' means—

(A) the first date during any calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000; and

(B) any other date during such calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

(5) Coordination with other requirements.—Any report required under this subsection shall be in addition to any other reporting requirement under this Act.

(6) Clarification of treatment of vendors.—A person considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.

TITLE IV—Effective Date

SEC. 401. Effective Date.

The amendments made by this Act shall take effect on the date of the enactment of this Act.
power to make that determination: “In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

Radio and television also play a role in political campaign. The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed “to secure the widest possible dissemination of information from diverse and antagonistic sources,” and “to assure the free communication of ideas” and “to bring about of political and societal changes desired by the people.”

Citizens who have an interest in issues about or related to the Second Amendment of the Constitution have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political processes of the electoral and legislative process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens’ abilities to communicate for opinion or opposition on issues concerning the right to keep and bear arms to their elected officials and the general public.

Campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO THE SECOND AMENDMENT OF THE CONSTITUTION

None of the restrictions or requirements contained in this title shall apply to any form or mode of communication to the public the dissemination of information or commentary regarding the statements, actions, positions, or voting records of any person who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to the Second Amendment.

Ney Substitute] Offered By:

AMENDMENT No. 46: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Veterans, Military Personnel, or Seniors

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 42,000,000 men and women have served in the United States Armed Forces from the Revolution onward and more than 13,000,000 persons are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute a significant part of the present United States population.

(2) American veterans are black and they are white; they are of every race and ethnic heritage. They are men, and they are women. They are veterans, dependents of deceased veterans, constitute a significant part of the present United States population.

(3) America’s veterans are men and women who have fought to protect the United States. There are more than 400,000 active-duty soldiers, sailors, airmen, coast guardsmen and marines. The members of our elite organization are those who have discharged their very special obligations to serve their country and their communities.

(4) There is a bond joining every veteran from every branch of the service. Whether drafted at the age of 18 or noncommissioned, each took an oath, lived by a code, and stood ready to fight and die for their country.

(5) American men and women in uniform risk their lives on a daily basis to defend our freedom and democracy. Americans have always believed that there are values worth fighting for and dying for upon which this nation was founded and which we have carried forward for more than 225 years, that men and women of this great nation gave their lives so that others might live.

(6) It is the sacrifice born by generations of American veterans that has made us strong and has restored us the beacon of freedom to the nations of the world. Americans throughout the world. American veterans have fought for freedom for Americans, as well as citizens throughout the world. They have helped to defend and preserve the values of freedom of speech, democracy, voting rights, human rights, equal access and the rights of the churches and of the world.

(7) The freedoms and opportunities we enjoy today were bought and paid for with their devotion to duty and their sacrifices. We cannot say it too many times: We are the benefactors of their sacrifice, and we are grateful.

(8) Of the 25,000,000 veterans currently alive, nearly three of every four served during a war or an official period of hostility. Veterans are the benefactors of the nation for a war or an official period of hostility. Veterans—approximately 70,000,000 people—are potentially eligible for Veterans’ Administration benefits and services because they are veterans, family members or survivors of veterans.

(9) The present veteran population is estimated at more than 19,300,000. Nearly 80 of every 100 living veterans served during defined periods of armed hostilities. Altogether, almost one-third of the nation’s population—approximately 70,000,000 persons who are veterans, dependents and survivors of deceased veterans—are potentially eligible for Veterans’ Administration benefits and services.

(10) Care for veterans and dependents spans centuries. The last dependent of a Revolutionary War veteran died in 1911; the War of 1812’s last dependent died in 1946; the Mexican War’s, in 1962.

(11) The Veterans’ Administration health care system has grown from 54 hospitals in 1890, to include 171 medical centers; more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; and 35 domiciliaries. Veterans’ Administration hospitals provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast amount of equipment and technology, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act more than a century ago. Under it, 2,700,000 veterans received disability compensation or pensions from VA. Also receiving Veterans’ Administration benefits are 692,713 widows, children and paraplegic patients. Veterans’ Administration hospitals and clinics are among the 133,881 survivors of Vietnam era veterans and 285,679 veterans of World War II veterans. In fiscal year 2001, Veterans’ Administration hospitals and clinics spent 16 billion dollars in disability compensation, death compensation and pension to 3,200,000 people.

(13) Veterans’ Administration manages the largest medical education and health professions training program in the United States. Veterans’ Administration facilities are affiliated with 107 medical schools, 55 dental schools and more than 1,200 other schools across the country. Each year, about 85,000 health professionals are trained in Veterans’ Administration medical centers. More than half of the physicians practicing in the United States have had part of their professional education in the Veterans’ Administration health care system.

(14) 75 percent of veterans’ Administration researchers are practicing physicians. Because of their dual roles, Veterans’ Administration researchers often benefit patients. Functional electrical stimulation, a technology using controlled electrical current to activate paralyzed muscles, is being developed at VA medical research facilities and laboratories throughout the country. Through this technology, paraplegic patients have been able to stand and walk in some instances, walk short distances and climb stairs. Patients with quadriplegia are able to use their hands to grasp objects.

(15) Seniors are a diverse population, each member having his or her own political and economic issues.

(16) Seniors and their families have many important issues for which they seek congressional action. Some of these include, but are not limited to, health care, Social Security, and taxes.

(17) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The Supreme Court recognized and emphasized the importance of free speech rights in Buckley v. Valeo, where it stated, “A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily restricts the quantity of expression by restricting the number of issues discussed, the depth of exploration, and the audience reached. This is because virtually every means of communicating ideas in today’s mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and distribution costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate’s increasing dependence on television, radio, and other mass media for news and information has made these expensive means of communication the chief—and perhaps the only—equalizers of the political playing field.”

In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be reined in, the Buckley Court stated that the First Amendment denied the government the...
power to make that determination: “In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as additions and political com-
mittees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(22) Buckley v. Valeo also stated, “The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed “to secure the widest pos-
sible dissemination of information from di-
verse and antagonistic sources,” and to “as-
sure unfettered opportunities for ideas for the bringing about of political and societal changes desired by the people”.

(23) Citizens who have an interest in issues about or related to veterans, military per-
sonnel, seniors, and their families have the Constitutional right to criticize or praise their elected officials individually or collec-
tively as a group. Communications in the form of criticism or praise of elected officials is precisely protected as free speech under the First Amendment of the Constitution of the United States.

(24) This title contains restrictions on the rights of citizens, either individually or col-
lectively, to communicate with or about their elected officials or representatives and the gen-
eral public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the elec-
toral process and of First Amendment free-
doms—the very engine of democracy. Such restrictions also hinder citizens’ ability to communicate their support or opposition on issues concerning veterans, military per-
sonnel, seniors, and their families to their elected officials and the general public.

Propaganda and issue cam-
paigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and un-
feathered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO WORKERS, MILITARY PERSONNEL, OR SENIORS.

None of the restrictions or requirements contained in this title or the amendments or exemptions made by this title shall apply to any form or mode of communication to the public that consists of information or commentary re-
garding the statements, actions, positions, or voting record of any individual who holds a political office, on any matter pertaining to vet-
erans, military personnel, or senior citizens, or to the immediate family members of vet-
erans, military personnel, or senior citizens.

H.R. 2356

OFFERED BY: [Ney Substitute]

AMENDMENT No. 49: Amend section 422 to read as follows:

SEC. 422. EFFECTIVE DATE.

(a) In General.—Except as otherwise pro-
vided in this Act, this Act and the amend-
ments made by this Act shall take effect Febru-
ary 14, 2002.

(b) Transition Rule for Spending of Funds by National Parties.—If a national com-
mittee of a political party described in section 323(a)(1) of the Federal Election Cam-
paign Act of 1971 (as added by section 101(a)), including any person who is subject to such section prior to the effective date described in subsection (a) which remain unexpended
as of such date, the committee shall return the funds on a pro rata basis to the persons who provided the funds to the committee.

H.R. 2356

OFFERED BY: [Ney Substitute]

AMENDMENT No. 50: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications PERTAINING TO WORKERS, FARMERS, FAMILIES, AND INDIVIDUALS

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Thousands of organizations and associa-
tions represent individuals and their employers in numerous forms and fo-
rums, not least of which is by participating in our electoral and political system in a number of ways, including informing citizens of key votes that affect their common inter-
ests, criticizing and praising elected officials for their position on issues, contributing to candidates and political parties, registering voters, and conducting get-out-the-vote ac-
tivities.

(3) The rights of American workers to bar-
gain collectively are protected by their First Amendment to the Constitution and by pro-
visions in the National Labor Relations Act. Federal law guarantees the rights of workers to choose whether to bargain collectively through a union.

(4) Fourteen percent of the American workforce has chosen to affiliate with a labor union. Federal law allows workers and unions the opportunity to combine strength and to work together to seek to improve the lives of America’s working families, bring fairness and dignity to the workplace and se-
ure social and economic equity in our na-
tion.

(5) Nearly three quarters of all United States business firms have no payroll. Most are self-employed persons operating unincor-
porated businesses, and may or may not be the owner’s principal source of income.

(6) Minorities owned fewer than 7 percent of all United States firms, excluding C cor-
porations, in 1982, but this share soared to about 15 percent by 1997. The business owners of more than 3 million businesses in 1997, of which 615,222 had employees, generated more than $91 billion in revenues, created more than 7.3 million jobs, and provided about $96 billion in payroll to their workers.

(7) In 1999, women made up 46 percent of the labor force. The labor force participation rate of American women was the highest in the world.

(8) Labor/Worker unions represent 16 mil-
lion working women and men of every race and ethnicity in every part of life.

(9) In recent years, union members and their families have mobilized in growing numbers. In the 2000 election, 26 percent of the nation’s voters came from union house-
holds.

(10) According to the 2000 census, total United States families were totaled at over 108 million in 2000.

(11) In 2000, there were 8.7 million African American families.

(12) Asians have larger families than other groups, but the average Asian family size is 3.6 persons, as opposed to an aver-
age Caucasian family of 3.1 persons.

(13) American farmers, ranchers, and agri-
cultural organizations supply the world’s largest and most productive agri-
cultural sectors. They produce enough food and fiber to meet the needs of the United States and provide access to international markets to compete.

(14) About 17 percent of raw United States agricultural products are exported yearly, including 83 million metric tons of cereal grains, 1.6 billion pounds of poultry, and 1.4 million metric tons of fresh vegetables.

(15) One-fourth of the world’s beef and nearly five-eighths of the milk, and eggs are produced in the United States.

(16) With 96 percent of the world’s popu-
lation living outside our borders, the world’s productive capacity is needed to sup-
port the United States.

(17) Every State benefits from the income generated from agricultural exports. 19 States export more than $1 billion a year to the rest of the world.

(18) America’s total on United States ex-
ports is $91.1 billion and the number of im-
ports is $77.5 billion.

(19) By itself, farming-production agri-
culture-contributed $60.4 billion toward the national GDP (Gross Domestic Product).

(20) Farmers and ranchers work with the De-
partment of Agriculture to produce healthy crops while caring for soil and water.

(21) By February 8, the 39th day of 2002, the average American has earned enough to pay for their family’s food for the entire year. In 1970 it took 12 more days than it does now to earn a full food pantry for the year. Even in 1980 it took 10 more days—49 total days—of earning to put a year’s supply of food on the table.

(22) Twenty-two million American workers process, sell, and trade the nation’s food and fiber. Farmers and ranchers work with the Department of Agriculture to produce healthy crops while caring for soil and water.

(23) Farmers are facing the 5th straight year of the lowest real net farm income since the Great Depression. Last October, prices farmers received made their sharpest drop since United States Department of Agri-
culture began keeping records 91 years ago. During this same period the cost of produc-
tion has hit record highs.

(24) The First Amendment to the United States Constitution states that, “Congress shall make no law respecting an establish-
ment of religion, or prohibiting the free ex-
ercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to peti-
tion the Government for a redress of griev-
ances.”

(25) The Supreme Court recognized and em-
phasized the importance of free speech rights in Buckley v. Valeo, which held that a restriction on the amount of money a person or group can spend on political communica-
tion during a campaign necessarily reduces the quantity of expression by limiting the number of issues discussed, the depth of their exploration, and the size of the audi-
ence reached. This is because virtually every mode of communication in today’s mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs, so candidates generally necessitate hiring a hall and public-
izing the event. The electorate’s increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communica-
tion indispensable instruments of effective political speech.

H.R. 2356

OFFERED BY: [Ney Substitute]
is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.’’

(28) In Buckley, the Court also stated, ‘‘The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed ‘to secure the widest possible dissemination of information from diverse and antagonistic sources,’ and ‘to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people.’’’

(29) Citizens who have an interest in issues about or related to their lives have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is previously protected as free speech under the First Amendment of the Constitution of the United States.

(30) This title contains restrictions on the rights of citizens, either individually or collectively, to participate with or without the elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertinent to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy.

(31) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO WORKERS, FARMERS, FAMILIES, AND INDIVIDUALS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to any individual.

H.R. 2356
OFFERED BY: [Ney Substitute]

AMENDMENT NO. 51: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Civil Rights and Issues Affecting Minorities

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 70 million people in the United States belong to a minority race.

(2) More than 34 million people in the United States are African American, 35 million are Hispanic, 10 million are Native American, 8.5 million are Asian, and 2 million are American Indian or Alaska Native.

(3) Minorities account for around 24 percent of U.S. businesses.

(4) Minorities, who owned fewer than 7 percent of all U.S. firms in 1982, now own more than 15 percent. Minorities owned more than 3 million businesses in 1997, of which 615,222 were minority-owned firms.

(5) Self-employment as a share of each group’s nonagricultural labor force (averaged over the 1991–1999 decade) was White, 9.7 percent; African American, 3.8 percent; American Indian, Eskimo, or Aleut, 6.4 percent; and Asian or Pacific Islander, 10.1 percent.

(6) Of U.S. businesses, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 9.9 percent by American Indians.

(7) Of the 4,514,699 jobs in minority-owned businesses in 1997, 48.8 percent were in Asian American-owned firms, 15.9 percent in African American-owned firms, and 6.6 percent in American Native-owned firms.

(8) Minority-owned firms had about $96 billion in payroll in 1997. The average payroll per employee was roughly $21,000 in the major minority groups and ranged from just under $15,000 to just over $27,000 in various subgroups of the minority population.

(9) African Americans were the only race or ethnic group to show an increase in voter participation in congressional elections, increasing their presence at the polls from 37 percent in 1994 to 40 percent in 1998. Nation-wide, overall turnout by the voting-age population was down from 45 percent in 1994 to 42 percent in 1998.

(10) In 2000, there were 8.7 million African American families. The United States had 2,200,000 African American engineers, 41,000 African American physicians and 47,000 African American lawyers in 1999.

(11) The number of Asians and Pacific Islander voters voting in congressional elections increased by 366,000 between 1994 and 1998.

(12) Businesses owned by Asians and Pacific Islanders made up 4 percent of the nation’s 20.8 million nonfarm businesses.

(13) Asians tend to have larger families: the average family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(14) The First Amendment to the United States Constitution states that, ‘‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.’’

(15) The Supreme Court recognized and emphasized the importance of free speech rights in Buckley v. Valeo, where it stated, ‘‘A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of information by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every meaningful way of communicating ideas in today’s mass society requires the expenditure of money. The distribution of the humble handbill or leaflet entails printing, paper, and distribution and is generally necessitate hiring a hall and publicizing the event. The electorate’s increasing dependence on television, radio, and other mass media communication has made these expensive modes of communication indispensable instruments of effective political speech.’’

(16) In recent years the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the Buckley Court stated that the right of the people to campaign the way they choose is a constitutional power to make that determination: ‘‘In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.”

(17) In Buckley, the Court also stated, ‘‘The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed ‘to secure the widest possible dissemination of information from diverse and antagonistic sources,’ and ‘to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people.’”

(18) Citizens who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is previously protected as free speech under the First Amendment of the Constitution of the United States.

(19) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertinent to political—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such communications also hinder the ability to communicate their support or opposition on issues concerning civil rights to their elected officials and the general public.

(20) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO CIVIL RIGHTS AND ISSUES AFFECTING MINORITIES.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to civil rights and issues affecting minorities.

H.R. 2356

OFFERED BY: [Ney Substitute]

AMENDMENT NO. 52: Add at the end the following title:

TITLE VI—NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS

SEC. 601. FINDINGS.

Congress finds the following:

(1) First Amendment rights to the United States Constitution states that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”

(2) The First Amendment affords the broadest protection to such political expression in order ‘‘to assure the [unfettered] exchange of ideas for the bringing about of political and social changes desired by the people.’’

(3) According to Mills v. Alabama, 384 U.S. 214, 218 (1966), there is practically universal agreement that a major purpose of that public welfare...
Amendment was to protect the free discussion of governmental affairs, "...of course including[ing] discussions of candidates...". (4) According to New York Times Co. v. Sullivan, 376 U.S. 254 (1964), however, the First Amendment reflects our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open; for only by an unhampered competition of ideas can the holders of fixed opinions be compelled to reassess their positions and draw civil strength from the素材内容。
by the courts. Federal Election Commission v.
Christian Coalition, 52 F. Supp. 2d 45 (D.D.C.
1999). In fact, lower Federal courts have held
that even political party committees limits on
coordinated expenditures are an unconstitu-
tional restriction on speech. Federal Elec-
tion Commission v. Colo. Republican Fed. Cam-
pany Comm., 213 F.3d 1221 (10th Cir. 2000). Un-
less a party committee’s expenditure is the
functional equivalent of a contribution (and
thus not “coordinated”), it cannot be lim-
Republican Fed. Campaign Comm., 150 L.Ed.2d 461,
nt. 17, nt. 2 (J. Thomas, dis-
senting) (2001). As a factual matter, many
party committee “coordinated” expenditures
are not the functional equivalent of con-
tributions. See Amicus Curie Brief of the Na-
tional Republican Congressional Committee,
Federal Election Commission v. Colo. Republic-
ican Fed. Campaign Comm., 150 L.Ed.2d 461
(16) Commentators, legal experts and testi-
mony in the record echoes the need to be
mindful of the First Amendment. Whether it
is the American Civil Liberties Union, see
March 10, 2001 ACLU Letter to Senate (and
all cases cited therein) & June 14, 2001 ACLU
testimony before the House Administration
Committee (and cases cited therein), or the
counsel to the National Right to Life Com-
mittee and the Christian Coalition, see June
14, 2001 testimony of James Bopp before the
House Administration Committee (and cases
cited therein), experts across the political
spectrum have thoughtfully explained the
need to ensure the First Amendment rights
citizens of this country.
(17) Citizens who have an interest in issues
have the Constitutional right to criticize or
praise their elected officials individually or
collectively as a group. Communication in
the form of criticism or praise of elected offi-
cials is preciously protected as free speech
under the First Amendment of the Constitu-
tion of the United States.
(18) This Act contains restrictions on the
rights of citizens, either individually or col-
lectively, to communicate with or about
their elected representatives and to the gen-
eral public. Such restrictions would stifle
and suppress individual and group advocacy
pertaining to politics and government—the
political expression at the core of the elec-
toral process and of First Amendment free-
doms—the very engine of democracy. Such
restrictions also hinder citizens’ ability to
communicate their support or opposition on
issues to their elected officials and the gen-
eral public.
(19) Candidate campaigns and issue cam-
paigns are the primary vehicles for giving
voice to popular grievances, raising issues
and proposing solutions. An election, and the
very act of voting, leads up to it. It is where
political speech should be at its most robust and
unfettered.
SEC. 602. NO RESTRICTIONS ON FIRST AMEND-
MENT RIGHTS.
Notwithstanding any provision of this Act,
and in recognition of the First Amendment to
the United States Constitution, nothing in this
Act or in any amendment made by this Act
may be construed to abridge those
freedoms found in that Amendment, specifi-
cally the freedom of speech or of the press,
and to petition the government for a redress
of grievances, consistent with the rulings
of the courts of the United States (as provided
in section 601).
H.R. 2356
OFFERED BY: ___
[Ney Substitute]
AMENDMENT No. 54: Amend section 323(b) of
the Federal Election Campaign Act of 1971,
as proposed to be added by section 101(a)
of the bill, to read as follows:
“(b) STATE, DISTRICT, AND LOCAL COMMIT-
MENTS.—An amount that is expended or dis-
bursed for Federal election activity by a
State, district, or local committee of a polit-
cal party (including an entity that is di-
rectly or indirectly established, financed,
maintained, or controlled by a State, dis-
trict, or local committee of a political party
and an officer or agent acting on behalf
of such committee or entity), or by an associa-
tion or similar group of candidates for State
or local office or individuals holding State or
local office, shall be made from funds subject
to the limitations, prohibitions, and report-
ing requirements of this Act.
Amend section 323(e)(3) of the Federal
Election Campaign Act of 1971, as proposed
to be added by section 101(a) of the bill, to
read as follows:
“(3) FUNDRAISING EVENTS.—Notwith-
standing paragraph (1), a candidate or an
individual holding Federal office may attend,
speak, or be a featured guest at a fundraising
event for a State, district, or local com-
mittee of a political party.
Amend section 394(e)(2) of the Federal
Election Campaign Act of 1971, as proposed
to be added by section 103(a) of the bill, to
read as follows:
“(2) OTHER POLITICAL COMMITTEES TO WHICH
SECTION 323 APPLIES.—In addition to any
other reporting requirements applicable
under this Act, a political committee (not
described in paragraph (1)) to which section
323(b) applies shall report all receipts and
disbursements made for activities described
in section 301(20)(A), unless the aggregate
amount of such receipts and disbursements
during the calendar year is less than $5,000.
H.R. 2356
OFFERED BY: ___
[Ney Substitute]
AMENDMENT No. 54: Insert at the end of the
Act:
STRENGTHENING FOREIGN MONEY BAN
SEC. ___ STRENGTHENING FOREIGN MONEY BAN.
(a) BANNING ALL DONATIONS TO CANDIDATES AND
PARTIES; BANNING DISBURSEMENTS FOR
CERTAIN COMMUNICATIONS.—Section 319 of
the Federal Election Campaign Act of 1971 (2
U.S.C. 441e) is amended—
(1) by striking the heading and inserting
the following: “CONTRIBUTIONS AND DONA-
TIONS BY FOREIGN NATIONALS”; and
(2) by striking subsection (a) and inserting
the following:
“(a) PROHIBITION.—It shall be unlawful for—
(1) a foreign national, directly or indi-
rectly, to make—
“(A) a contribution or donation of money
or of other thing of value, or to make an
express or implied promise to make a contribu-
tion or donation, in connection with a Fed-
eral, State, or local election;
“(B) a contribution or donation to a com-
mitee of a political party; or
“(C) an expenditure, independent expendi-
ture, or disbursement for a communication
described in section 306(e)(3) or a targeted
mass communication (as defined in section
306(f)(3)); or
“(2) a person to solicit, accept, or receive
a contribution or donation described in sub-
paragraph (A) or (B) of paragraph (1) from a
foreign national.”;
(b) EXTENSION OF BAN IN FEDERAL ELEC-
TIONS TO ALL NONCITIZENS.—Section 319(b)(2)
of such Act (2 U.S.C. 441e(b)(2)) is amended by
striking the period at the end and insert-
ing the following: “; or in the case of an elec-
tion for Federal office, an individual who is
not a citizen of the United States or a na-
tional of the United States (as defined in sec-
tion 101(a)(2) of the Immigration and Na-
tionality Act).”;

February 12, 2002
CONGRESSIONAL RECORD—HOUSE
H335
The Senate met at 9:30 a.m. and was called to order by the Honorable Debbie Stabenow, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today on Abraham Lincoln’s birthday, we pray remembering some of the most significant things he said about prayer. “I have been driven many times upon my knees,” he said, “by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for that day.” When asked whether the Lord was on his side, he responded, “I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I—and this Nation—should be on the Lord’s side.”

Let us pray.

Holy, righteous God, so often we sense that same longing to be in profound communion with You because we need vision, wisdom, and courage no one else can give. We long for our prayers to be affirmations that we want to be on Your side rather than appeals for You to join our causes. Forgive us when we act like we have a corner on the truth, and our prayers reach no further than the ceiling. In humility, we spread our concerns before You and ask for Your marching orders and the courage to follow the cadence of Your drumbeat. Through Jesus who taught us to pray, “Your will be done on earth as it is in heaven.” Amen.

PLEDGE OF ALLEGIANCE

The Honorable Debbie Stabenow led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The Senate will recess from 12:30 to 2:15 today, which is traditional, for the weekly party conferences.

RESERVATION OF LEADER TIME

The Acting President pro tempore. Under the previous order, the leadership time is reserved.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The Acting President pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will read. The legislative clerk read as follows: A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) amendment No. 2471, in the nature of a substitute. Daschle motion to reconsider the vote (Vote No. 377—107th Congress, 1st session) by which the second motion to invoke cloture on Daschle (for Harkin) amendment No. 2471 (listed above) was not agreed to.

Crapo/Craig amendment No. 2533 (to amendment No. 2471), to strike the water conservation program.

Craig amendment No. 2385 (to amendment No. 2471), to provide for a study of a proposal to prohibit certain packers from owning, feeding, or controlling livestock.

Santorum modified amendment No. 2542 (to amendment No. 2471), to improve the standards for the care and treatment of certain animals.

Feinstein amendment No. 2829 (to amendment No. 2471), to make up for any shortfall in the amount sugar supplying countries are allowed to export to the United States each year.

Harkin (for Grassley) amendment No. 2837 (to amendment No. 2835), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Baucus amendment No. 2839 (to amendment No. 2471), to provide emergency agriculture assistance.
Beld amendment No. 2842 (to the language proposed to be stricken by Crapo/Craig amendment No. 2333), to promote water con- 

servation on agricultural land.

Enzi amendment No. 2843 (to amendment No. 2471), to require the Secretary of Agri-
culture to provide livestock feed assistance to producers affected by disasters.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 40 minutes of debate, equally divided, on the Grassley amendment No. 2837.

Mr. CRAIG. Senator GRASSLEY has ar-

rived now, so debate can begin.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I wish to make a very short statement today. I would refer my colleagues to a lengthier statement I made when

I offered the amendment. The Senator from Iowa controls 20 minutes.

Mr. GRASSLEY. Madam President, I yield the Senator from Iowa, my col-
league, 3 minutes.

Mr. HARKIN. I thank the Senator for yielding me this time.

Madam President, I will make a statement. I made a lengthier state-
ment on Friday when I offered the sec-
ond-degree amendment for my col-
league Senator Grassley.

Farmers and ranchers have long sought a ban on a packer’s ability to own livestock. The reasons are simple: When packers own livestock, it gives them a greater ability to manipulate the market because they control the supply, and packer ownership shuts out farmers from the market because the packer fills its plant with company-

owned animals.

This past December, the Senate re-
sponded to these problems by adopting the Johnson-Grassley amendment by a 51-to-46 margin. That amendment pro-
hibited packers from owning, feeding, or controlling livestock for more than 14 days before processing.

After that amendment was adopted, the packers created a firestorm with a lot of smoke and mirrors about the word “control.” They somehow argued that the amendment would affect for-
ward contracting and marketing agree-
ments. But the amendment did not affect these types of arrangements. Nevertheless, the packers gained some traction by the pure repetition of this argument.

So Senator Grassley, Senator John-
son, myself, and others worked with in-
terested groups, such as the American Farm Bureau, to further define “con-
trol” so the packers could not even pretend to make the argument that the amendment affects marketing con-
tracts.

This is what the Grassley second-de-
gree amendment does. It makes it clear that farmers may still contract for the sale of their livestock. The amendment does this by stating that it does not af-
fect relationships where the producer “materially participates in the man-
gement of the operation with respect to the production of livestock.” We use these words because they are familiar to farmers and agricultural law-

yers. This phrase draws a clear legal

line.

Now about the study. Farmers do not want another study that concludes there is a strong correlation between captive supplies and lower prices. The USDA has done a number of studies before. A report, released on Jan-
uary 18 of this year, included a 15-page appendix of all the previous studies dealing with packer ownership and cap-
tive supply. In summary, all these re-
ports basically said: As the packer’s use of captive supplies increases, the farmer’s price for livestock decreases.

So we know the facts. We have had study after study. We know what is good for our farmers. The National Farmers Union and the American Farm Bureau, and over 100 other farm, com-
modity, and rural groups are sup-
porting the Grassley amendment. They do not want another study to tell us what the other studies have already told us.

The packers want to limit the pack-
er’s ability to manipulate the market; they want a ban on packer ownership; and that is what the Grassley amend-
dement does. That is why I strongly sup-
port it and urge our colleagues to sup-
port the Grassley amendment.

I thank the Senator for yielding me this time.

The ACTING PRESIDENT pro tem-
pore. The Senator from Indiana.

Mr. LUGAR. Madam President, in a moment the distinguished Senator from Idaho, Mr. CRAIG, will seek rec-
ognition on behalf of the opposition to the amendment. I ask Senator Craig to control the time on our side.

The ACTING PRESIDENT pro tem-
pore. The Senator from Idaho.

Mr. CRAIG. Madam President, I un-
derstand the time on the Grassley sec-
degree was 40 minutes, 20 to each side equally divided.

The ACTING PRESIDENT pro tem-
pore. The Senator is correct.

Mr. CRAIG. I thank the Chair.

I will be brief in the beginning be-
cause we have now heard from the chairman of the authorizing com-
mittee. I share with the chairman the kind of frustration to which he has just spoken as it relates to livestock prices and transparency and reportability and ownership. There is no question that there is concern in the livestock indus-

try.

I come from a large beef-producing State. I was once a rancher. I am very close to the livestock industry of my State. They have spoken to me about this. We have talked about the issue.

Let me take the Senate back before today to December when I voted for the Johnson-Harkin-Grassley amend-
ment. I voted for it because I was told these were the words that would deal with concentration or packer owner-
ship. I was concerned at that time, but I was also concerned about the myriad new tools being used in the market-
place of sales and processing and dis-
tribution and horizontal and vertical integration and regional differences and operatonal capacities. All of these things have been talked about by the chairman or by Senator GRASSLEY or by Senator JOHNSON.

And all of a sudden a variety of very skilled attorneys began to arise and say: Wait a moment. We think there is a very serious second-degree amendment. We think it has already been read. It will be dis-
cussed.

I believe this, in part, is a rush to judgment to correct a problem that is yet not effectively studied and/or def-
de. I am not talking about a study that goes on for year after year. I am talking about us coming back next year, having directed USDA in 200 plus days to look at the full ramifications of the livestock industry and the slaughter operations, the packers, the marketers, the wholesalers, the retailers, the brand names, the carcass qual-
ity, all of those kinds of things that are an integrated relationship in a new market today that producers are de-
veloping with packers that we are now de-
ciding—or at least some are—is a wrong relationship, and somehow we ought to legislatively step in and, by law, fix it.

I am not opposed to fixing something that is broken, but I am not at all con-
vinced that it is yet broken. It may be influenced. It might be tampered with. I don’t know what yet. I think an effec-
tive study could do that.

I will agree that a study a few years ago indicated there was manipulation
in the market place, there was a minority record that said that captive herd and packer concentration in that regard was a problem. At the same time, I don’t think we rush to judgment here and collapse a marketing system that is now growing and becoming more efficient, maybe not the price wanted but clearly stability and brand name and quality to the consumers of our country that is in reality strengthening the market.

That is with what we have to deal. I don’t believe the second degree gets us there. It has not been effectively studied. It is in the eye of the legal mind that created it last weekend—not months ago, not with hearings, just this last weekend.

Why don’t we take a breather, time-out, 200 days? Examine this amendment against the reality of control and market relationships and contract relationships, and see if this is where this country wants to direct its livestock industry. I hope not. I hope my colleagues will join with me in opposing this second degree and, as a result, passing the study dealing with this issue.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Idaho.

Mr. GRASSLEY. I yield 5 minutes to the Senator from South Dakota, Mr. JOHNSON.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I thank my friend, Senator GRASSLEY, my colleague from Iowa.

I come to the Chamber to make one final stand for my bipartisan amendment that restores fair competition and access in the livestock markets. Fifty-one Senators already voted for this provision which prevents meatpacker ownership of livestock.

I yield the right of my colleagues to demand a second vote on this issue. That is what we will wind up having today. To clear up any question about the intent of our provision, Senators GRASSLEY and HARKIN have offered a second-degree amendment to the Craig language making it clear that forward contracts can be used as a marketing tool for both packers and producers. This additional language is now being offered, and we will have this debate this morning and vote on this issue.

Additionally, USDA has failed to hire attorneys to lead investigations on competition cases despite the fact that GAO made a recommendation and Congress appropriated increased money for this purpose.

Mr. GRASSLEY. We have done a lot of studies in the past. They have found a strong correlation between increased captive supplies and price.

However, the studies conducted by USDA have not made a conclusion. Rather, they acknowledge in the sense as to what might be the case, this is why policy and legislation must clarify and strengthen existing law.

I encourage my colleagues to support the Grassley-Harkin second-degree amendment.

Should we vote on Senator CRAIG’s amendment, I urge my colleagues to oppose it and put a stop to concentration in the livestock industry.

I have no doubt about it, this is our opportunity to address the issue. Talk is fine. We can do this in 200 days or a year or so down the road. The fact is, this is the farm bill. The likelihood of passing this legislation as a free-standing bill, with all the controversies and lobbying that come into play, is remote. This is the opportunity. We either act in the context of this farm bill or I fear that years will go by before we have another opportunity to address the integration crisis we have in American agriculture—livestock in particular. We control the horse is long out of the barn before we have another opportunity to address this issue.

I ask my fellow colleagues to support theunderlying amendment prohibiting packer ownership of livestock, to support the clarification as it applies to forward contracting, and to support Senator GRASSLEY’s amendment.

Mr. ROBERTS. Madam President, it is with deep regret that I must rise in opposition to the second-degree amendment offered by my good friend from Iowa.

His intentions are good, but I sincerely believe his amendment will have unintended effects that will hurt producers in the long run and that could have an unfortunate effect on the livestock industry in the United States—particularly the beef industry in Kansas.

Kansans are proud of the beef industry and the history it has played in our state. From the days of the cattle drives that stretched from Texas to Abilene and Ellsworth it has been one of our top industries.

I have always argued that we need to give control over the market to the stockyard in order to keep our beef industry and farming communities growing and thriving.

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meat packers doing business within a 100 mile radius of Dodge City.

While some argue that the packers have a crippling effect on the cattle market, I can tell you that the economy of western Kansas would not survive without the beef industry—individual producers, feeders, and packers.

How important is this industry to Kansas?

Cattle represented 62.6 percent of the 2000 Kansas agricultural cash receipts. Cash receipts were $4.95 billion in cash receipts in 2000. More than double that generated by our second largest commodity—wheat.

Kansas processed 8.21 million head in 2000; grazes 1.5 million stockers annually; and, had 1.32 million beef cattle in the State on January 1, 2002.

Kansas ranked first in commercial cattle processed in 2000.

Kansas ranked second in the value of live animals and meat exported to other countries at $969.7 million in 2000.

Kansas ranked second in fed cattle marketed with 5.37 million in 2000, representing 22.3 percent of all cattle fed in the United States.

Kansas ranks second, with 6.34 billion pounds of meat produced in 2000. These numbers extend simply beyond the number of cattle we have and the producers who raise and feed them. These numbers also represent jobs that are the linchpin of many of our western Kansas communities.

As a couple of examples:

Farmland Industries employees 5260 people in Kansas in its beef packing sector and 850 in pork packing. Most of those jobs are in Dodge City and Liberal, Kansas.

Cargill employees approximately 4500 people. 3600 of these people work in its meat and livestock businesses in Leoti, Dodge City, and Wichita.

If those promoting this amendment are wrong, and I believe they are, it is my role to raise the economic impact and ripple effects it could cause, would be devastating to the Kansas economy.

The cattle is the linchpin of many of our western Kansas communities.

Last year 13,300 head were marketed through USPB each week.

In fiscal year 2001, USPB cattle earned an average of $18.95 per head in premiums over the cash market. The top 25 percent earned a $46 per head average over the cash market, the top 50 percent $35 per head, and the top 75 percent $27 per head more than selling on the cash market.

U.S. Premium Beef has informed me that despite the best intentions of the amendment of my colleagues, it would put them from this amendment, USPB would also be put out of business.

I understand the concerns of my colleagues but I have many producers who argue for its passage.

I urge my colleagues to vote against the second-degree amendment offered by Mr. GRASSLEY and to vote for the amendment offered by Mr. CRAIG.

Mr. GRASSLEY. Madam President, I will write down the title of my yielding time back and forth. Rather than using all of my time, the other side will have the last 10 minutes of debate.

Mr. CRAIG. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Thirteen minutes, forty-five seconds.

Mr. CRAIG. Let me take just a couple of minutes and then return it to Senator GRASSLEY.

The Senator from South Dakota said studies have languished. Action has languished. Action needs to be taken if the studies yield what he says they might yield. This is a directive from the Congress to USDA to operate in 270 days. If it is not then not be incumbent upon USDA to act. It would be incumbent upon the Congress to act.

What does my amendment do? It directs that there should be an examination of the relationship of livestock as it relates to 14 days prior to slaughter, livestock producers that market under contract grid, base contracts, forward contracts, rural communities, employees of commercial feedlots, livestock producers, and market feeder livestock, and feedlot owners controlled by packers, market price for livestock—both cash and futures—and the ability of the livestock producers to obtain credit from commercial sources.

What is occurring today under these new relationships with contracts is that the producer can take the contract to the bank and get financing. That has become an important and valuable tool as it relates to a lot of these new relationships. Studies that have been done talk about cooperatives and the number of the market with branded marketers. They talk about how we deal with brand name products and quality control. Those are new relationships that have added value to a product. No, it isn’t just a simple matter of concentration so defined by control. We are talking about a new world in the livestock industry and industry planning and adjustments to it.

Do I like it as a traditional cattleman? No. But who are the producers? No. Other producers do because they decided to make some adjustments and changes. All of that needs to be studied. There has not been one hearing on this issue. There has been some study but a limited amount of studies worldwide.

I think that is really the issue. It is not about USDA not acting. It is about the Senate acting when it is properly informed and when we have not rushed judgment over the weekend by trying to define something that only one attorney, to my knowledge, has had the ability to craft with limited review from anyone else.

I retain the remainder of my time.

Mr. GRASSLEY. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Ten minutes, forty-four seconds.

Mr. GRASSLEY. Madam President, I yield myself 5 minutes.

First of all, if you read the history of the Packers and Stockyards Act passed roughly around 1920, I believe you will find a lot of the same arguments being used against the passage of the original act at that particular time as you are now finding used against our efforts to modify the act to a smaller extent.

We have had a good Packers and Stockyards Act for 80 years. We are trying to bring it up to date. It didn’t anticipate the control that a few packer would have over the livestock industry. We are adjusting it to take into consideration new world to which we are living.

Also, I would ask just my Republican colleagues, not my Democrat colleagues—I am not sure exactly which ones I am talking about, but there was a group of us who met with the new Secretary of Agriculture about a year ago, there were probably 8 to 10 Republican Senators present—to give our views on certain issues for her, an incoming new Secretary of Agriculture. I don’t take notes on these meetings, but I remember, to my astonishment, the number of my colleagues who told the Secretary of Agriculture as they reflected on the grassroots opinions which they received from their constituents that one of the greatest concerns was about concentration in agriculture. I will bet the distinguished Senator from Michigan, the Presiding Officer, hears that from family farmers in Michigan.

This was not in reference to what I am trying to do today. I don’t imply that at all. My amendment is not a result of that meeting. But my amendment is an effort with the opinion that my Republican Senators expressed to the Secretary of Agriculture—that we have to do something
to make sure we have more competition in agriculture because of this concern about less competition, and particularly because a few packers have the vast majority of the slaughter of livestock. That is one thing. But it is compelling that the ownership of livestock which they can dump on the market on a day they choose to dump it on the market. That depresses the market, and the marketplace just does not work.

I want my Republican colleagues—I do not know who they were, but they were from the Midwest and the West—to think of that meeting we had with Ann Veneman and the opinions they expressed. I hope they will find my amendment in tune with their points of view.

The other thing I want to make a comment on is the insinuation in the Midwest newspapers and by Smithfield’s CEO that if this amendment went through, they were not going to build any new plants in certain States in the Midwest.

I had an opportunity to have a long conversation maybe about 18 months ago with Mr. Luter about competition in agriculture. I had never met him before. He is obviously a very good entrepreneur and has developed Smithfield Foods. Out of that meeting I remember two very distinct things he said. He said, first of all, he wanted me to know that his view was that family farmers for profit are not good businesspeople and are not very sophisticated. Second, he told me something to the effect he—again, I didn’t take notes at those meetings; this is a recollection. I hope I am not doing him an injustice. I am sure Mr. Luter would say that I am. But the second point he made was he thinks there should be a lot of pork producers in certain States in the Midwest.

That is how he controls the market. He would argue that is how he controls the quality. That is how he satisfies the consumer. I am not insinuating bad motives that he has as a quality producer of pork. I am just saying his attitude is very different from that of the family farmer in the United States. Consequently, I hope that is why we can get this amendment adopted, because we want to help the family farmers.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator has used his time.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Will the Chair please tell me when 5 minutes remains on our side?

The PRESIDING OFFICER. Yes.

Mr. CRAIG. Madam President, let me speak quickly. Senator GRASSLEY has talked in general because I share his concern. I attended one of those meetings with him some time ago and I, as many others, have expressed that. My effort today is not to stop what is going on here but to better inform us if we are in fact making the right decision. I want the family farmer to prosper, and for any packer to suggest that family farmers cannot compete with him, I think they do not know the family farmer of Idaho, or Iowa for that matter. They are highly skilled, professional business men and women—some small, some quite large. But they are family farmers who produce the food and fiber of our country.

Here is what I think all of us fail to address, and that is not competition in this country as much as competition from foreign countries, where we see my study direct. Are we simply not handicapping the family farmers? Or should we be working with them to assure that they have greater tools of integration, so they can share in the profit line instead of simply standing for the highest or the lowest bidder, if you will, to take their product?

Those are fundamental issues that the Grassley amendment does not address. He would like to think it does. But to simply arbitrarily suggest there is only one profitable livestock industry today—and that is captive herds—is to suggest almost that we ignore all of the tools of integration that are beginning to develop out there. I want my cattle men and women, and pork producers and women to know I have little to no poultry in my State—to be as competitive and as profitable as possible. But I do know one thing: If you deny these efficiencies and the vertical integration to the beef and pork industries—there is one industry out there that is vertically integrated, and that is the poultry industry—those two industries become less competitive while the poultry industry becomes more competitive. That is the reality of what we are facing.

Shouldn’t we know about that in detail and shouldn’t a study be done before we act instead of collapsing the industry after? I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I yield myself such time as I might consume. It is my understanding I have 4 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Madam President, I also want to take this opportunity to, hopefully, get some people who represent big population States to look at our amendment. I think it is very much oriented toward helping consumers. We have more competition in the processing of livestock, as well as helping the family farmer.

I am offering this second-degree amendment to the Craig amendment to clear up any concerns raised by the opposition regarding the word “control.” The new language reads that a packer may not own or feed hogs or cattle, “through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, so such an arrangement that produces the livestock, or such an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, on which the farmer pays income tax.”

Some of the packers’ allies are already trying to complain that this only adds another layer of confusion. That’s an absolute lie. What this amendment does is clarify the issue, and this issue is whether packers should be packers, or packers should be producers.
Let me make this clear. The vote this morning is a vote on whether packers should own livestock, nothing more and nothing less. If you oppose my amendment you support packer ownership. If you oppose my amendment you must believe that independent livestock producers should compete on an even playing field with corporations that can generate hundreds of millions of dollars to compete with farmers. If you oppose my amendment you are supporting packer greed versus the independent producer's need.

Ask any independent producer in the United States. If we were able to ask them if they think packers should be able to compete with them dollar for dollar, who benefits? I realize that AMI has been arguing that “the sky is falling” is this passes, but what would your independent producers really want you to do?

The revised Grassley amendment will inject competition, access, transparency and fairness into the livestock marketplace. Small and medium sized livestock operations will gain greater access to markets that will have greater volume and be subject to less manipulation.

The revised bill clarifies that arrangements that do not impose control over the producer can still provide all the benefits of coordination and product specification that many “grid market” arrangements desire. We are not limiting independent producers at all, only packers.

I've got letters and endorsements from possibly every group interested in this issue that doesn’t allow packers to be included in their membership. These endorsements come from state pork producer and cattlemen groups, to the American Farm Bureau. I have well over 135 organizations that signed a letter in support of my second degree amendment. A few of those groups are the: Livestock Marketing Association (who stated they would like to voice their strongest possible support), National Farmers Union, R-CALF USA, Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, National Catholic Rural Life Conference, and the Organization for Competitive Markets.

The packers are an important piece in the rural economy, but only a piece, not the whole pie. They think they are the whole pie. The question we need to ask ourselves is whether packers should be packers or packers should also be producers. Is it our intent to let packers compete with producers on an even playing field? Once again, is there any question who will lose this competition?

The reason we keep sows in farrowing stalls is to protect the piglets. Sows are extremely important for the health and well-being of the piglets, but if we let the sow out of the crate we brand the chance of getting the piglets crushed by the sheer weight of the sow, or worse, and watch the sow grow fat.

Let’s build a strong farrowing stall for the packers and facilitate the health and well being of our independent producers.

Support the Grassley second-degree, your independent producers would.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CRAIG. Madam President, Senator GRASSLEY and I have worked on a lot of agricultural issues together and a lot of farm issues together, and we are in agreement about 99.9 percent of the time. The only reason that I want to make sure the step Senator GRASSLEY, Senator HARKIN, and Senator Johnson are asking the Senate to take, which has a direct impact on the livestock marketing industries of our country, is the right step.

They took a step in December only to have a lot of different legal minds say: Wait a minute. We think you are wrong or we think it could be misinterpreted and think it could be very destructive to a lot of relationships that are now building in the marketing between the producer and the processor.

I have read his amendment. It was read yesterday. I am not quite sure it achieves what he wants it to achieve as it relates to control. It talks about a variety of controls, managerial supervision, control of livestock, to such an extent the producer is no longer materially participating in the management of the operation “with respect to, and the following.”

I received a report in the last few days from the Purdue University Department of Agricultural Economics. I ask unanimous consent to have that report printed in the RECORD.

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

IMPLICATIONS OF BANNING PACKER OWNERSHIP OF LIVESTOCK

(By Allan Gray, Ken Foster, and Michael Boelje)

The goal of this paper is to address some of the issues surrounding Senator Johnson’s (D_SD) amendment to the Senate Farm Bill (S. 1791, The Agricultural, Conservation, and Rural Enhancement Act of 2001) that would make it illegal for meat packers to own, feed, or control livestock more than 14 days before slaughter. There has been much debate of this amendment in the press, and much of the debate centers on the word “control” and its likely interpretation in a court of law. These comments address the underlying issues for the motivation and the likely impacts of this proposed amendment for the structure of the livestock industries. Is defining control important?

The word “control” regardless of its interpretation gives serious concerns. While Fuez, et. al. make arguments that this word could eliminate marketing contracts, Harl, et. al. argue that, in a court of law, control would be interpreted as ownership and would not ban marketing contracts. The issue at hand seems to be that the concept of “control” is, in fact, subject to interpretation and uncertainty. The uncertainty surrounding the interpretation of the word “control” will lead to increased uncertainty about legal business structures and likely increased litigation. These factors will increase transactions costs in livestock industries making them less competitive against other protein sources and export markets. If the natural economic tendency is toward tighter alignment of the livestock valuesupply chain, as will be argued later in this paper, this bill will move toward tighter vertical linkages without actual ownership if the amendment is enacted. This tendency to push for tighter alignment may be in the interest of control without a more explicit definition and will most assuredly lead to litigation. Thus, the word “control” should be defined more explicitly and made consistent in the legislation to avoid the uncertainty and the increased litigation that would follow if it is not defined.

Having addressed the issue of defining control, there are three other factors that should be explored regarding the impacts of this amendment and whether it can be expected to achieve its intended goals. First, the motivation of packer ownership of livestock should be explored to determine whether it is a demand driven issue or a market power issue. Second, whether this legislation would maintain their independence or if some other, more tightly aligned interdependent, governance structure would result needs to be examined. Finally, the impacts on packers and packers that are located in isolated or “fringe” regions should be considered.

Is packer ownership of livestock (vertical integration) driven by packers trying to respond to market demand and economic forces, or is it driven by packers exercising market power?

The U.S. livestock industry is a mature industry that delivers products to a set of customers with rising demand for a more differentiated, higher-value set of choices in their proteins. In addition, the marketplace is increasingly concerned about food safety and the ability to trace any contamination to the root source. This argument suggests that the market places pressured on the industry to deliver more differentiated, higher-value, traceable protein products is a key driver in the development of tighter vertical linkages in the livestock industry.

A more tightly aligned livestock supply chain allows the industry to be more responsive to consumer needs, providing growth for its products in mature markets and increasing efficiency. By increasing vertical coordination (whether through vertical ownership or contracting), the industry increases the ability of information to flow quickly and unambiguously along the supply chain (in essence through quantity and quality purchase orders), allowing for quick responses to changes in consumer preferences through new requirements and specifications rather than trying to attract change through price incentives alone. In addition, the packing industry has large investments in fixed assets that are most economical when operated at full capacity. The best way to assure full capacity and better flow scheduling, and better match consumer or retailer quantity and quality requirements is through tighter vertical coordination. Thus, the industry can improve its competitive position through better inventory management that arises from vertical control, enhanced information, learning capacity, and financial gains from vertical coordination may lead to more rapid technological adoption and enhanced efficiencies, which leads to more affordable and/or desirable products for consumers over time.
Risk in the livestock industry is another important driver of increased vertical coordination. When markets are less coordinated, the market signals and production activities may be less aligned. This misalignment can lead to wider savings in inventories and prices creating a higher degree of variability in income for farmers and packers. Increasing vertical coordination can reduce misalignments that lead to higher variability. In addition, the sharing of risks and rewards in coordinated systems may be different than in an “open” market. Research has shown that producers producing under production contracts (a form of packer ownership) receive lower returns on average than their “open” market counterparts. However, this same research indicates that the variability of returns for producers in production contracts is substantially lower than the variability of their counterpart’s returns. This reduction in risk could be a substantial benefit to some producers—these risk reduction benefits would be reduced by the proposed amendment if it prohibits production (not marketing) contracts, which is likely.

An alternative argument for the increase in vertical coordination is that packers are exercising their ability to control the price of live livestock. This argument states that packers have market power in the live animal markets and thus can squeeze producer’s margins when they are more vertically aligned. Most studies have found little evidence that packers are exercising pure market power in the live animal markets. However, there is some research that packers might strategically use captured supplies (company owned or contract produced animals) to reduce the number of animals that they purchase through the market without using capacity utilization shortfalls; the result of this behavior is lower live animal prices, which would have otherwise prevailed, on the open market. However, if packers have this so-called monopsony power, it is unlikely to disappear under the terms of the proposed amendment. If there exists substantial market power, then packers will likely find ways to exercise it via exploitative marketing contracts that fit within the bounds of the proposed amendment. If the problem in the livestock industry is more of market power and it can be documented, then it is an issue of anti-trust and not one of industry structure. Furthermore, the market power of packers may be significantly impacted by banning packer ownership of cattle.

In summary, there is a sound argument that vertical coordination in the livestock industries is driven by changes in consumer demands, high-quality differentiated products to the marketplace, and to improve the risk/reward sharing between producers and packers in the industry. This amendment would simply eliminate one form of vertical coordination for delivering products to consumers and would be unlikely to impact the market power of packers. In fact, the amendment could, at the margin, increase the packers market power since it would likely lead to an increase in contract production and the ownership of specific assets in the hands of producers where they are more likely to be exploited by packers. The new market would be one for contracts rather than for live animals, and with no provision to avoid those contracts the potential for packers to extract price discriminating rents from the producers is not likely to decrease.

Would this amendment have an open access market with production through independent producers, or would it lead to some other form of supply/value chain governance structure?

The argument above is that tighter vertical alignment through ownership and/or contractual arrangements is primarily driven by the need to avoid consumer demands and lower cost. If this is the case, it is unlikely that this (assuming control is not defined as amendment eliminating detailed franchising) would curtail the industry’s move towards tighter vertical alignment. That is, this amendment is unlikely to preserve the “independence” of the livestock producers. The benefits of tighter vertical alignment can be obtained through two forms of supply/value chain governance. The first would be through vertical integration or ownership. This has been the primary choice of the poultry industry, which is widely credited with being more responsive to customer’s needs that has led to increases in the demand for poultry products at the expense of beef and pork. Packer vertical integration in the swine industry (where pork is relatively small when compared to the broiler industry. The latest statistics show packer ownership in beef to be between 5 and 7 percent while pork packer ownership is more than 74 percent of hogs were marketed through some form of vertical coordination in 2000. Thus, while this amendment would eliminate vertical integration in its purest form (i.e., ownership of livestock raw materials), it is unlikely to reverse the trend toward tighter alignment in the livestock supply chain and re-establish the dominance of independent producers of livestock and open access market coordination between producers and packers.

Since this amendment would eliminate the possibility of vertical integration (at least, backward integration by packers), the other choice of governance structure to obtain some of the benefits of vertical alignment is through contracts. However, the economic pressure will likely be create very tightly controlled contracts with a limited set of “preferred suppliers.” This limited set of preferred suppliers would consist of producers with the ability to deliver the quality and quantity of livestock needed by the packer to take advantage of the economic forces in the market place. This set of “preferred” suppliers would have an extremely close relationship with the packer and would, in effect, act as an agent for the packer, more or less mimicking the vertical integration structure.

This change in the structure of the livestock industry is at best a marginal change from the currently emerging structure. While it is likely that this amendment would shift some of the power in the industry towards producers, it is likely that these margins would be collected by relatively few suppliers. It is extremely unlikely that this amendment would eliminate ownership, these plants may have no alternative but to shut down or be sold at a loss. Because of the limited production and packing capacity in these regions, facilities like these would continue operating. Thus, this bill would likely increase the packers’ market power since it is the most concentrated at the expense of others.

Mr. CRAIG. They say the definition of control is in the eye of the beholder and ultimately in the eye of the court, and that is where I believe this relationship will go if it is a mandate of Federal law. We must know where we are going. Is it only an updating of the Packers and Stockyards Act? I think not. I think it is an entirely different relationship of which we need to be clearly aware. When we are talking competitiveness, I want ranchers of Idaho to be as competitive as possible.

What I am frustrated about, and the Purdue University study says it, what about the fringe area where there is only one packer house? If this goes through, are we assuming packers are going to go out and build new plants around the West? The West is a fringe area.

We have heard from my colleagues from Idaho, Idaho and Wyoming fit that definition. Our livestock must move elsewhere, or at least to the edge of our borders, to be processed and ultimately to be marketed. That is why capacity, throughout, all of those kinds of relationships, and owner relationships, has built stability within that market— and competition, and I hope pricing. If I am wrong, the study will prove it.

This is the first time we have directed USDA to look straight at this issue, not around the issue, not about market manipulation but the reality of the current market and changing those relationships, and the impact those changes would have on the profitability of the livestock industry, primarily the beef and the pork industry. The poultry industry is already fully integrated, and we compete, if one is a beef producer or a pork producer, directly with that industry. Therefore, efficiencies must be such to create the profitabilities for a kind of effective competition. That is the reality of the issue we face.

I hope my colleagues vote down the Grassley amendment and recognize that my amendment is not ad infinitum. It is 270 days directed specifically at USDA, with specifics for that study, and then we come back to Congress and the next year the Senators from Wyoming, South Dakota can stand in this Chamber and say here are the facts; here is what we know we are doing; here is a designer amendment to fit the reality of the marketplace, instead of what we believe might be based on what we think exists today.

I do not want to collapse the livestock industry built on maybes and
mights and possibilities. That is the value of the study. I move to table the second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second? If so, who will move the amendment? The amendment is in the hands of Mr. BURNS. I rise to support the Crapo amendment. I thank the Senator from Idaho for the work he has done in this area. His background—as a matter of fact his legal background—much of it is in the water rights area. So he certainly brings to this Chamber a good deal of not only interest but also knowledge and insight, and I thank him for that.

I rise to support the Crapo amendment in this instance. I think it has a great deal to do with the West, a great deal to do with our traditional use of water. There are, I believe, major concerns behind this idea of the water conservation program. It could be very permanent acquisition of water rights. It preempts State water rights. It extends authority over endangered species to USDA which, of course, is a different operation than we have had. Endangered species is a very interesting and important aspect to land and water management in the West. It proposes a radical change to the CRP, the conservation reserve, without addressing reforms to ESA, the Endangered Species Act. Interestingly enough, the concept was never discussed in our committee, and I think it makes it more difficult and less practical to bring it up in this way.

I am a member of the Agriculture Committee and can attest to the fact it was never debated there. I am quite sure had it been, there are several members of the committee who represent States that experience real problems with how this would impact our lands, and we would have vigorously fought to keep it out.

The allocation of water in the West is done by the States. This is a real tradition and an important States rights issue to us. This is a precious commodity a producer has, and the States vigorously defend any effort that would reduce their rights to make the water allocation. This new water conservation idea is another example of the Federal government intruding on State water rights. For my constituents, the compromise reached allowing the Governor to opt in is certainly not enough.

One of the real difficulties is the possibility that it could result in permanent acquisition of water rights. Program enrollment language does not mention what happens to water upon termination. That is very important. A provision claims it is not intended to preempt the State water. However, if that is the intention, safeguards need to be made. They are not there.

The involvement with the Endangered Species Act, without addressing reform of ESA is very important to those in the West. The jurisdiction over endangered species is under the Department of the Interior. Changing this, then, places a new provision under the Secretary of Agriculture. Obviously that is a conflict.

Certain fears exist in the West—and I just returned home over the weekend—have strong points of view about it. Many say if this Reid amendment is included, they do not want a farm bill. That would be a shame.

I yield to my friend from Montana, Mr. BURNS.

Mr. BURNS. I thank my friend, Madam President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. BURNS. How much on the other side?

The PRESIDING OFFICER. Seven and a half minutes.

Mr. BURNS. Madam President, I raise two points. Members on this side of the issue spend a lot of time talking about ‘‘shadows.’’ Senators have to ask themselves, why is this in this bill, No. 1; and No. 2, why is it important? What is the reason for it? Have we been given a reason why this was in this legislation when it was offered as a stand-alone bill? It did not even gain enough recognition to have a hearing in committee and now we are going to put it into law. I want the other side to defend why they want this piece of legislation. Why do they want this section? I don’t want Members to go back to the cloakroom or offices and turn off the TV and not listen to this. I have not heard one reason why it is important anything that has to do with the production of food and fiber.

It is in there to leave us to fight it. What are we fighting? We don’t know. I have not heard anybody come down here and do that. I heard my friend from Idaho and they probably did discuss it and I probably missed it, but nonetheless these ears and these eyes have not heard or seen the reason for this legislation or this section to be in this piece of legislation and what it has to do with food and fiber production and the security of the American people to have their grocery stores full.

That does not make a lot of sense to me. We are going to vote on it.

The PRESIDING OFFICER. Time controlled by the Senator has expired. The Senator from Nevada.

AMENDMENT NO. 2522, AS MODIFIED
(Purpose: To promote water conservation on agricultural land)

Mr. REID. Under the agreement from last night, I send a modification to the desk.

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

The amendment will be so modified.

The amendment is printed in today’s RECORD under “Amendments Submitted.”

Mr. REID. Madam President, I have spent a great deal of time in the last several days speaking to my friend from the State of Idaho, Senator CRAPO, who is a water expert. He was a water attorney before he came here. We have had some fruitful discussions. I have spoken to many other people in an effort to try to alleviate some of the fears people have. They are fears.

I have come to this Chamber on several occasions to explain to people we have a new West. Nevada is an example. Seventy percent of the people live in Las Vegas. Twenty percent live in the metropolitan Reno area, with only 10 percent of the people living outside those two metropolitan areas. The land is no longer controlled by the miners and ranchers. I have great respect for them. My father was a miner. I know how much the ranchers have contributed to the welfare reform of the State of Nevada. I am doing everything I can to help them, but there is a new reality out there.

When we start talking about changing grazing—I have been here before and talked about doing that—as I discussed on Friday, people have serious fears and they are hearing and talking about things that do not exist. This is an effort to alleviate some of the fears people have. That is what the modification is about. It applies to the States of California, New Mexico, Oregon, Washington, Nevada, Maine, and New Hampshire. It is too bad it does not apply to everybody else, but there are fears people have. By the time it comes around
next time, they will see that the other States will be fighting to get in it. With all due respect to the Farm Bureau, they are the ones in opposition. Every environmental group in America supports this legislation. It is legislation that prohibits the Federal Government from holding or buying or leasing water rights. A farmer doesn't have to sell water in order to participate. This amendment is not only supported by the environmental community, but the International Association of Fish and Wildlife Agencies. For those Members who are in favor of shooting, hunting, and fishing, this association represents all State fish and game departments across the country. They support this effort.

The League of Conservation Voters will score this amendment. Everyone should understand they score very few amendments, very few votes during the year. They are scoring this one. Everyone be aware of that. They support this amendment because it helps States and farmers ease water conflicts by getting farmers income support in drought years and water to endangered fish in other years.

A Comment last week said my water program reminded him of Mark Twain. Mark Twain once said of the West: Whiskey is for drinking and water is for fighting. If they succeed in striking my language, they will be responsible for making sure that is the way things remain. A vote to support my motion to table Crapo is a vote to relieve conflict, not create it.

The modified amendment replaces the existing program with pilots. The pilot programs use conservation money and it puts this money into the hands of States and gives them discretion in how to spend it to solve their water conservation problems. It takes nothing away from the States as far as water. The first pilot expands a success with the provision in the Department of Agriculture’s Conservation Reserve Program and the State of Oregon to restore habitat and to lease water to help the fish. Under the Conservation Reserve Enhancement Program, States can submit plans to the Department of Agriculture to target resources for restoration.

The Department of Agriculture brings CRP funds to the table and States or nonprofits bring additional funds. Only a fraction of the Rural Development money goes to water resources have continued to decline. The first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah’s snowy mountains to their thirsty lands. It was only a matter of hours after the first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah’s snowy mountains to their thirsty lands. It was only a matter of hours after the first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah’s snowy mountains to their thirsty lands. It was only a matter of hours after the first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah’s snowy mountains to their thirsty lands. It was only a matter of hours after the first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah’s snowy mountains to their thirsty lands. It was only a matter of hours after the first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah’s snowy mountains to their thirsty lands. It was only a matter of hours after the first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah’s snowy mountains to their thirsty lands.
under the Endangered Species Act to these program lands could have a negative impact on the livelihood of neighboring farmers.

I am also concerned that section 215 makes considerable changes to existing programs without proper discussion of the changes in the relevant committees. For example, it creates an unprecedented link between the Endangered Species Act and farm programs. From what I have seen, when the goals of the Endangered Species Act and the needs of farmers come into conflict, the species wins and the farmer loses. I am also concerned with the language of this provision that appears to create a new "sensitive species" category for protecting wildlife. Finally, I am concerned that this language gives powers to the Secretary of Agriculture that have previously only been held by the Secretary of the Interior. This is yet another major policy shift. Changes of this magnitude should not be acted on by the Senate without the benefit of committee hearings. I urge my colleagues to support Senator CRAPO's amendment to strike this section 215 from the Farm Bill until such time that further light can be shed on its implication for farmers. And I remind my colleagues that the Farm Bill is meant to help our farmers, not hurt them.

AMENDMENT NO. 2639
The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate equally divided on the two sides of the amendment No. 2639. Who yields time?

Mr. LUGAR. Madam President, I suggest the absence of a quorum with time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

Mr. LUGAR. Madam President, I reserve the remainder of my time.

Mr. BAUCUS. Madam President, I rise today to again discuss an amendment that would provide desperately needed disaster assistance for America's farmers and ranchers.

I would like to begin by thanking my colleagues, Senators ENZI, REID, BURNS, LANDRIEU, DORGAN, JOHNSON, CONRAD, DARNHAN, DAYTON, STAROBIN, LINCOLN, LEVIN, MURRAY, and CANTWELL, for cosponsoring this measure.

This amendment extends to the 2001 crops the same agricultural disaster programs that have proven crucial to American farmers in recent years. The amendment provides $1.8 billion for the Crop Disaster Program and is intended to cover quality loss due to army worms, $500 million to the Livestock Assistance Program with $12 million added for the Native American Livestock Feed Program and $100 million toward the apple market loss assistance program.

Agricultural producers desperately need these disaster programs. Adverse weather conditions have pushed farmers, ranchers, and rural communities to the brink of economic disaster. These adverse weather conditions came on the heels of sharply escalating operating costs due to higher energy and fertilizer prices.

With weather problems continuing, costs rising, and no time to recover from the drop in farm operating income, it is incumbent on us to take action today.

President Bush understands the crucial role that agriculture plays in America's economy. In a speech delivered to the National Cattlemen's Beef Association's Annual Convention and Trade Show in Denver, He said:

Our farm economy, our ranchers and farmers provide an incredible part of the nation's economic vitality. If the agricultural economy is not vital, the nation's economy will suffer.

We must give rural America the chance to have a vital economy.

Closer to home, farmers in my State of Montana have compared current drought conditions to the dust bowl years of the 1930s. Many have not taken out their combine in over a year. When there is no harvest, there is no income. And the strain on these rural communities is beginning to mount.

According to Dale Schuler, past president of Montana Grain Growers Association, a farm county in Montana, nearly 2,000 square miles of crop in his area of central Montana have gone unharvested. That is an area the size of Delaware. And the impact has been horrendous.

To quote Mr. Schuler:

Farmers and our families haven't had the means to repay our operating loans, let alone buy inputs to plant the crop for the coming year. I believe that we've got a mass exodus not seen since the Great Depression of the 1930s.

Chouteau County, the largest farming county in Montana, the last farm equipment dealer had no choice but to close his doors, the local co-op closed its tire shop, one farm fuel supplier quit, and the fertilizer dealers and grain elevators are laying off workers.

Another farmer from the area, Darin Arganbright, told me that enrollment in local schools has decreased by 50 percent in the past few years. So we are not only losing our current farmers but our future farmers.

A final point. We need to act now—on the farm bill. Producers are making their planting decisions for next year right now. But, without these disaster payments, many banks will refuse to provide operating loans to producers for this upcoming crop year.

In Montana, it is anticipated that 40 percent of producers seeking operating loans this year will be denied if we fail to provide this assistance. Without these disaster payments, many banks will refuse to provide operating loans to producers for this upcoming crop year.

And the strain on these rural communities will continue, to which in the event of emergencies. This is in addition to $2.4 billion to the Secretary of the Interior. This is yet another major policy shift. Changes of this magnitude should not be acted on by the Senate without the benefit of committee hearings. I urge my colleagues to support Senator CRAPO's amendment No. 2839. Who yields time in opposition? The Senator from Nevada.

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

Mr. LUGAR. Madam President, I yield myself 2 minutes in opposition.

I bring to the attention of Senators that, whatever the merits of this emergency legislation, the cost of these provisions is approximately $2.4 billion. This is in addition to the $73.5 billion over a 10-year period of time, which is already the approximate cost of the bill to say nothing about the so-called baseline expenditures—namely, the farm programs which continue, to which in the event this legislation passes $73.5 billion would be added.

I think Senators must weigh the fact that the Senate and the House voted approximately $5.5 billion last year for emergency assistance. This is in addition to that.

Members must at some point weigh the consequences of the spending of...
which we are involved. This Senator has suggested ways in which this bill ought to come in for less than $73.5 billion. I simply note that if the passage of the amendment occurs, we will be adding approximately $2.4 billion to the tab.

I thank the Chair. I yield the floor. I suggest the absence of a quorum and ask unanimous consent the time be charged to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields the floor?

Mr. KYL. Madam President, I yield the floor to the distinguished Senator for whatever he may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. I thank the Senator.

Madam President, I wish to ask when this is going to exercise some restraint and some discipline. I hear a lot about the deficit and how we have to be careful to not spend so much that we go into deficit this year. Every time I come to the Chamber, we are voting on yet another amendment to spend more money. The Senate is going to authorize $2.4 billion in addition to the $73 billion that already is in the farm bill. That is in addition to the $23 billion in emergency ad hoc spending that we have spent during the last 4 years. Last year alone we authorized $5.5 billion in emergency spending.

It doesn’t seem to me that we have any restraint or any discipline, or that we are willing to set any kind of priorities. We seem to be out of control with respect to spending. I just ask when we are going to say no.

I want to give my colleagues notice. I am going to tally up all the spending that they propose, and when they come to the floor and talk about the deficit, I am going to confront them with the spending that they proposed.

Obviously, some things have to be voted on. We, obviously, have to support the war on terrorism, and there are a lot of other issues, but when we keep emergency upon emergency upon emergency spending to a farm bill that is already $73 billion, clearly we are not exercising restraint.

I want my colleagues to know what I am going to do. If they talk about deficit, I am going to talk about the spending they propose above and beyond what is already in this appropriations bill and the authorizing legislation.

I hope my colleagues will vote not to support this amendment for $2.4 billion in additional spending.

Mr. ENZI. Mr. President, I rise in support of an amendment that would allocate $500 million in emergency spending for the Livestock Assistance Program.

The Livestock Assistance Program, LAPS, is an ad hoc program administered by the U.S. Department of Agriculture, USDA, through the Farm Service Agency to help livestock producers in counties that have been declared disaster areas by the President or Secretary of Agriculture. It provides financial relief to livestock producers that are experiencing livestock production loss due to drought and other adverse conditions. Livestock producers in my State of Wyoming have been hard hit by drought and the drought outlook for this year isn’t optimistic.

Recently, Wyoming’s State climatologist reported that a third year of drought is possible. After Wyoming’s warmest summer in 107 years, a normal year would be a relief, but it wouldn’t be enough. Unless rains of 125 to 175 percent of normal fall on my State, my ranchers will be facing a third year of drought.

You may not know that in drought, producers usually suffer the loss of grazing sources. The Livestock Assistance Program commonly provides the means to buy supplemental feed for their livestock. Livestock usually require supplemental feeding in the winter.

The program was not funded in fiscal year 2002 in either the emergency appropriations act of fiscal year 2002 or the agricultural appropriations fiscal year 2002 bill. This program should be funded every year that disaster occurs. For 2001, the funding is long overdue. This is a situation where there is no light, just an endless tunnel.

I believe this program funding is critical to the continuing viability of ranches in Wyoming. My amendment would provide short-term, immediate economic stimulus to Wyoming’s agricultural population. The program is appropriate for this bill because it upholds the basic purpose of the Farm bill: to support American agriculture. This money will be spent immediately to support purchases of winter feed for livestock.

In my own State, 2002 is shaping up to be the third year of continuous drought. In these conditions, the State’s natural resources have been unable to recover. In order to conserve these resources, the Federal Government have evicted ranchers from State and Federal leased lands. Producers have been forced to find alternative grazing arrangements where pastureland is limited. Many producers grazed hay fields last summer and fall that had been planted to provide winter feed. Virtually every indicator, precipitation, snowpack, and reservoir levels, show the drought may get worse.

The Secretary of Agriculture designated counties in my State as drought disaster areas months ago, but my producers still haven’t seen the assistance that should accompany that designation. This amendment provides assistance. I urge my colleagues to pass this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, I would like to say a couple of words with respect to my friend from Arizona saying that he is not going to vote for $2.4 billion because $5 billion was already spent for emergencies.

A couple of points: Implied in his remarks was that we should support emergencies. He mentioned terrorism. He didn’t mention al-Qaida, but he implied it. That is correct. We have an emergency. We need additional national security dollars to confront that emergency.

I say to my good friend that we have another emergency. The emergency is the drought. It is crop losses due to weather conditions. It is an emergency. You can’t predict it. It happens. The $5 billion is not the $5 billion is in every category. That was added on because farmers are losing their shirts under “freedom to fail.” That had nothing to do with disaster or weather conditions. It had nothing to do with an emergency, a national security emergency, or a weather-related agricultural emergency.

We need to take care of and support people who are adversely affected by emergencies.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I yield myself time in opposition.

Let me respond to the Senator from Montana. To equate the national emergency this country faces in its war against terrorism and al-Qaida and an agricultural emergency is to stretch things quite a bit. I understand the desire of colleagues to send money to farmers and ranchers around the country. I would simply point out that in this particular calendar year agricultural income is a positive $59 billion in this country. It was, in fact, higher than it has been for several years. The net worth of farms in this country increased this year as it has at least for the last 3 or 4 years as land values increased substantially.

Let me point out that there may be reasons for specific tailoring of various programs, of various regions, but agriculture in America does not face an emergency. Agriculture in America faces at least a point in which our legislation might create problems. I have suggested the problems that will be created are incentives for overproduction, almost a guarantee of lower prices, and almost a guarantee that Members of the Senate will come here reflecting on the lower prices and wonder why that happened but suggest that we spend more money in order to counteract our own policies.

I appreciate that Senators vote generally on the merits of all the elements of the bill, but the particular area in
which we are dealing—that of agricultural payments—leaves us very vulnerable. I believe, to fiscal mismanagement, to lower prices, and to a trust that has been betrayed with regard to good judgment in farm policy.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, we have a little time, so we can have a little more debate.

Farmers across America strongly support additional aid to our military to protect our national security. That is a given. It is absolute, automatic. But there are also farmers who have suffered tremendous losses.

I ask my good friend from Indiana to visit, at least Montana and he will see thousands of square miles of dust. That is a disaster. There are no combines, nothing. I have walked through those fields. It happens in other parts of the country as well. It is an emergency. There are no combines, there are no harvesters, and the farm bill is not with the disaster assistance payments. We are now focused on voting on a disaster assistance payment. That is entirely separate from the farm bill.

So I urge my colleagues to step up and do what is right and support the farmers who are facing these emergencies. I tell you, they are in dire circumstances. We are losing people in our State of Montana. We are a special circumstance. We are losing people in other States made a deal to be excluded, but now we are going to vote to include New Mexico while the other Rocky Mountain States made a deal to be excluded, and our Senator is going along with them, without my understanding because I just arrived this morning.

I have no further reservation. The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. Senator from Nevada. Mr. REID. Mr. President, I have spoken to the manager of this legislation, Senator LUGAR. I have spoken to Senator from Nevada to restate his request. I could not hear him.

Mr. DOMENICI. Reserving the right to object, I note I was not here yesterday, nor was I in the Senate this morning. So I did not get to work on the amendment that my good friend from Nevada is offering in which he wants to change one word. I note all States similar to New Mexico have been exempt. I do not understand why Senator LUGAR went ahead with this amendment. States in similar water situations—New Mexico, Idaho, California, Oregon, and Washington—are all excluded. Senator Bingaman has concurred that we be in it and that is why he was going to be for the amendment. I think that is a mistake for New Mexico. I wish I had more time to try to convince him and the Senate, but we are now going to vote to include New Mexico while the other Rocky Mountain States made a deal to be excluded, and our Senator is going along with them, without my understanding because I just arrived this morning.

I have no further reservation. The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. Senator from Nevada. Mr. REID. So that Senator HELMS could understand, I am adding the word ‘only’ so it is very specific. Senator KYL and others wanted me to add that language, and I have done that.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The modification is as follows: Eligible States under this program shall include only Nevada, California, New Mexico, Washington, Oregon, Maine, and New Hampshire.
Federal control over what has traditionally been a State prerogative: The management, allocation, and use of water. It is critical we not start mixing our domestic farm policy with issues of Endangered Species Act management and with issues of States water rights management, allocation and use.

I encourage all Senators to oppose the motion to table.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The motion to table is something that is wanted by the conservation communities throughout America. Every environmental group supports this effort. The organization that represents all of the State fish and game departments across the country, the International Association of Fish and Wildlife Agencies, supports this effort. It is good legislation. It takes nothing, I repeat nothing, away from the States.

My State is supportive of my effort here. Nevada’s former water engineer and now the head of our conservation agency helped me write this language; he is one of the most conservative people in the State of Nevada. This is something that is good for the States. It is good for the farm communities. It will allow them to do things they have never been able to do before, and the States have programs they could afford. This will allow them to do that. This is good legislation. The motion to table the Crapo amendment would be for a better farm program, and I believe it will lead to passage of this legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Crapo amendment. This is a 10-minute vote. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yea 55, nays 45, as follows:

[The call of the vote on amendment No. 2839 is printed on page S608.]

The motion was agreed to.

Mrs. BOXER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The amendment (No. 2533), as further modified, was agreed to.

Mr. SARBANES. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2839

The PRESIDING OFFICER. On the next question—Mr. BYRD. Mr. President, I urge the Chair to insist on order in the Senate. The PRESIDING OFFICER. The Senate will order Senators will clear the well. Mr. BYRD. Mr. President, I hope this is not being charged against the 2 minutes.

The PRESIDING OFFICER. The time is not charged.

There are 2 minutes equally divided prior to the vote in relation to the Baucus amendment.

Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I would mention that emergency programs are not new to agriculture. From 1989, that fiscal year, to the present time, over $40 billion has been expended in this way.

During the last 3 years, we have had expenditures of $26.62 billion, $14.99 billion, and $11.17 billion. There appears to be a very strong trend to try to get outside the so-called baseline, plus whatever else occurs in the farm bill for additional expenditures.

The Baucus amendment calls for $2.4 billion outside the $75.5 billion for the 10 years of additional spending in the farm bill or the baseline. For that reason, I oppose it. At the proper time I will raise a point of order under section 205, but I will wait until we have had the 2 minutes expire.

The PRESIDING OFFICER. The Senator’s time has expired.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, people can always use figures. It is true that over the entire period of the farm bill that number of dollars has been spent. It is also true that some disaster assistance has been provided to farmers in the past. But it is not true that we spent $5 billion this year on disasters. Frankly, the last payment was only $5 billion, and it was not disaster payments; it was supplemental pay-
The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. There being more than one fifth of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order falls.

Mr. LUGAR. Mr. President, I move to reconsider.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2839.

The amendment (No. 2839) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

Mr. REID. Mr. President, we are on the farm bill now. Having completed our votes on all these amendments, the Senator from Kentucky, Mr. MCConnell, is here to offer an amendment. He said he would take 5 or 10 minutes. There is work being done by the managers to see whether or not that amendment would be acceptable. They will work on that during the party recesses. When Senator MCConnell finishes his remarks, I ask unanimous consent that the Senator from New Mexico, Mr. BINGAMAN, be recognized for up to 10 minutes to speak as in morning business, and then following that we would stand in recess for the party conferences.

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

The Senator from Kentucky.

AMENDMENT NO. 2839 TO AMENDMENT NO. 2711

Mr. MCConnell, Mr. President, I have an amendment at the desk, No. 2845. I call it up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

Mr. MCConnell. Mr. President, in the Food Stamp Program during this debate and I rise today to propose two further improvements to that worthwhile program.

President Bush has called for the standard deduction in the Food Stamp Program to reach 10 percent of the poverty level in his new budget proposal. In other words, if the 10 percent deduction were in effect for 2002 a family of four would receive an additional $16 a month.

The present language in the Senate bill does not meet the goal set forth in President Bush’s 2003 budget.

I am not asking for increased overall spending levels in the farm bill. The offset to my proposed increase in the Food Stamp Program would come out of a small cut in price supports and loan rates.

I am asking that we consider reductions of less than one cent—less than one cent per bushel—to the price support and marketing loan rates in this bill, so that we can continue to address the needs of our Nation’s poor and disabled.

We need to complete the task of overhauling the Food Stamp Program’s standard income deduction.

The standard income deduction policy affects the eligibility and benefit determination of every food stamp applicant. For the last several years, the standard deduction has been fixed at $17 for every family, regardless of size and regardless of inflation and the fluctuating levels of the national poverty level.
As I mentioned at the outset, we've made some progress on this issue during the farm bill debate. The nutrition title as it now stands adopts the basic policy model recommended by President Bush in his budget and introduced in committee by my colleague Senator Lugar—that is, it links the income deduction for basic family living expenses to annual poverty levels. By doing so, the amount is indexed by family size and reflects annual economic changes.

As the provision is implemented, food stamp benefits increase modestly. The Dorgan-Grassley amendment took the important step of phasing in the proposal more quickly, and I applaud them for that.

I ask, however, that we finish the job and achieve the goal set forth by President Bush to raise the standard deduction to 10 percent of the poverty level in this farm bill. That is precisely what the amendment I propose will do.

Under my amendment, over the next 10 years, there will be an additional $500 million in the hands of needy families with children. That's $50 million more per year.

Let us remember that half the gains from this change would go to low-wage working families. In addition, over 99 percent of the gains would go to families with children.

The second Food Stamp Program change in my amendment would remedy an inconsistency in the rules that apply to the elderly and disabled. It would apply the same asset test to both of them.

Given the special needs of our elderly and disabled citizens, Program eligibility rules are somewhat more generous in this area. For example, these families are allowed to deduct excess medical expenses in the calculation of net income.

With respect to food stamp asset rules, however, the elderly and disabled are subject to different policies. Food stamp eligibility for households with an elderly member allows assets equal to $3,000, but assets for the disabled can't exceed $2,000.

There seems no good reason for such an inconsistency. Both kinds of families face special needs. Further, the distinction for only this policy creates confusion for low-income families and increases the risk of errors for States.

I ask our colleagues to support these improvements to the Food Stamp Program because the total cost of both provisions is $500 million over 10 years. This is a small price to pay to help the neediest families in our Nation.

My amendment is supported by leading nutrition groups such as the Kentucky Task Force on Hunger, the Center on Budget and Policy Priorities, the Food Research and Action Center, and Second Harvest.

The farm bill is an important safety net for our farmers. Likewise, the Food Stamp Program is an important safety net for our country.

I hope the amendment will be subsequently cleared on both sides.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

AMENDMENT NO. 2842

Mr. BINGAMAN. Mr. President, I thank the assistant majority leader for his help in providing me time to explain a very valuable amendment.

Senator REID proposed a second-degree amendment to the farm bill which I supported. The amendment would be a substitute to the water conservation provision contained in section 215 of the underlying bill. I reviewed the amendment that Senator REID offered and that the Senate adopted. I believe it is good law, it is good policy, and it is a substantial improvement over the original proposal. So I did support it. I think it is a constructive proposal.

Section 215, as originally conceived, sought to provide direct Federal assistance to farmers by allowing the Federal Government to lease or acquire water rights on a willing seller basis to use at-purchase prices to help the public and private entities with the need to conserve certain species and certain habitat. That is a worthy goal, but as in all water-related issues—and we know this in New Mexico perhaps better than in most parts of the country—the devil is in the details.

On close review, valid concerns were raised. No. 1 was whether the program would be conducted pursuant to all applicable State law; No. 2, what would be the implications of Federal ownership of water; and No. 3, what was the correct linkage between the Conservation Reserve Program and the Endangered Species Act.

So to address these problems, we agreed—this was before Christmas, before the end of the session last year—to prohibit the application of the section 215 water conservation program in any State in which the Governor had not formally agreed to the program being used.

This change, however, although it was a substantial step forward—I thought, again, it was a constructive way to proceed—it was considered insufficient to address the needs of some States, such as my State—States that wanted to make use of the program but were still concerned about the issues I have mentioned—these concerns about Federal ownership of water, in particular. Fortunately, Senator REID was agreeable to making changes in that language and we were able to adopt a much-improved version of the amendment just in the last few minutes.

The amendment that has now been adopted addresses many of the same conservation goals by utilizing two State-based water conservation programs. The first program, which is a water conservation reserve program, would fund States that submit proposals seeking to enroll land in a conservation reserve or to acquire water rights to advance the goals of Federal, State, and local plans to conserve and protect fish and wildlife.

The second of the two programs that are provided for in Senator REID's new amendment is a water benefits program under which participating States can develop a plan where willing water users are offered assistance or compensation for several different water savings options, such as irrigation efficiency improvements, converting from water-intensive crops, leasing or selling water rights—again, not to the Federal Government, but to the State. Quite simply, the original concept has been converted into two programs that are State based and more controlled.

Under the new amendment, there is no possibility of the Federal Government buying or leasing water rights. That is prohibited. The remaining Federal role is to review the State proposal to ensure that they fulfill certain general purposes and to prioritize funding between competing proposals in order to get a State plan implemented.

I think it is appropriate that the Federal Government try to provide resources and tools to the agricultural community to address these difficult needs that arise when the water needs of farmers compete with the needs of fish and wildlife. This is particularly true where the conflict is exacerbated by Federal laws such as the Endangered Species Act. There are situations all over the West—in the Rio Grande Valley in my State, in the Colorado River, all the way to the Columbia River—where States, local water users, Indian tribes, and other interested parties are sitting down together and jointly working out water allocation issues for the benefit of all involved.

There is no easy solution. In all of those cases where solutions are developed, they cost money. Let me mention a specific situation we have in New Mexico. The Pecos River flows south-east through New Mexico to the Texas border. That major river basin is, unfortunately, close to a number of issues that include endangered species needs, drought, and the interstate compact with Texas that is the subject of existing U.S. Supreme Court orders.

For all these reasons, our State has had in place a limited program to conserve and protect river flows, similar to that contemplated in the amendment Senator REID offered. The situation now, however, is so severe that local water users, with the help of the State of New Mexico, have agreed to new measures, including retiring water rights to ensure compliance with existing legal obligations, and to avoid having water cut off that is being used for municipal and agricultural needs.

Let me emphasize that this is a locally driven process. The Federal Government has not even participated in the discussions. But the reality of the new plan, which has been developed locally, is that it is going to cost an estimated $60 million. It is unclear and unlikely that our State can put together that level of funding. It is quite possible that, through the programs we
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Mr. LUGAR. Mr. President, I rise in support of the McConnell amendment. For a very small reduction in the planned increases to price support and loan guarantee rates, two meaningful improvements to the Food Stamp Program become possible. A savings, of about $500 million, is created by reducing rates less than a cent per bushel or pound across all crops.

The application of this savings to the Food Stamp Program fulfills a bipartisan goal to further expand the standard deduction provision in the current food stamp bill. It is especially important to ensure the amount of family income available for food purchases, all applicant households get the same standard deduction for basic living expenses. As my colleague, Senator MccONNELL, points out, the amount, $194 per month, doesn’t vary by family size and hasn’t changed in value for a number of years. Since the size of the standard deduction affects eligibility and benefit decisions, current policy has resulted in an erosion of benefits.

There is both widespread and bipartisan support for making improvements in this policy area. The administration’s new budget, the Senate Agriculture Committee bill, the House nutrition title, my own farm bill proposal, as well as legislation introduced last year by Senators KENNEDY, SPECKER, LEAHY, JEFFORDS, GRAHAM, CLINTON, DASCHLE, CHAFEE, and CORZINE all propose to tie the standard deduction to a percentage of the Federal poverty line.

Under the Senate farm bill, the standard deduction only reaches 9 percent of the poverty line, even when fully phased in. The Bush, Lugar and Kennedy-Specter proposals, in contrast, take the standard deduction to 10 percent of the poverty line, over 10 years. The result is a small benefit increase. A food stamp family of four would get an additional $5 per month compared to the current Senate bill.

The second food stamp improvement the McConnell amendment makes is to modestly expand benefit access among low-income disabled persons. Specifically, the amendment would raise the asset ceiling for low-income families with a disabled member from $2,000 to $3,500.

Three thousand dollars is the asset limit for families with an elderly member. Since both the elderly and disabled face limited opportunities to replace assets, it is reasonable to have the same ceiling apply. This provision reduces the need for low-income disabled persons to spend down savings before becoming eligible for food stamp benefits.

Voting for this amendment is a small gesture that makes a positive difference for many and takes a modest step towards offsetting the impact of substantial budget cuts sustained by the Food Stamp Program in the mid-1990s.

I yield the floor.
later, I will give a brief explanation of what the bill does.

It is a pilot project to provide lamb to Afghanistan. Wyoming has the Air National Guard that has the capability of moving livestock from the United States to Afghanistan and there are several nonindustrial forest units in the United States. It provides the USDA, from among current funds, to purchase a pilot project in lamb and ship it by way of military transport to Afghanistan.

We also have another way of doing this. We could ship a fish, it will feed them for a day; teach a person to fish, it will feed them for a lifetime. This is in that category. This is the opportunity to build up their herds. They do not have much refrigeration. They can use the herd, grow the herd, and the production from the herd can be used for food, and it can be butchered at the time they need it, so there is no refrigeration problem.

We think it will solve a lot of problems. The amendment is wide open for how much of the pilot project should be. It does call for a report in January of 2004 to explain whether it worked or did not work, whether it was implemented or not, and if it was not implemented, to explain why it was not implemented.

The idea is very simple. We should ship live lamb to Afghanistan not only to assist the numerous tribes in re-building their flocks of sheep, but to provide immediate protein to their diets.

My amendment would authorize the President to study the feasibility of sending live lamb to Afghanistan. My amendment requires the President to report to Congress on the feasibility of a pilot live lamb program. The report would include information on the cost and the logistics of the program. A favorable report could begin a series of shipments to Afghanistan, while an unfavorable report would lead us to re-evaluate the program and try to succeed. Because this program only mandates a report, it is budget neutral.

The continued need for food in Afghanistan is great. We are all well-acquainted with the unique problems facing food aid to Afghanistan. The country’s northern terrain is mountainous. Few roads traverse the area. The number of roads is even smaller when you consider that food, typically, is hauled in large trucks. These trucks run roads. Lastly, we have to consider the high altitude of Afghanistan. Much like my own State, winter in Afghanistan shuts down passage on all mountain roads. The only option is to consider moving food aid through the gentler southern landscape. After a brief glance at the countries on Afghanistan’s southern border, we know that we couldn’t depend on them as ports of entry to ship food aid to Afghanistan.

The idea to ship live lamb to Afghanistan originated when I was considering the great obstacles that prevented trucks from delivering food aid to the interior of Afghanistan. But, if we couldn’t move the food, why couldn’t the food move itself? Live lamb was the natural answer.

Lamb has been a traditional part of the diet for the people of the region for many years and has no religious prohibit- ions. Sheep are native to Afghanistan. They can easily be distributed to the needy area on foot or by truck. Sheep are well known for their agility and ability to adapt to mountainous regions. Once the lambs are distributed, the families, themselves, can use them as their need arises at the edge or in the region. It can be easily used by the people to build up their family stock.

Now here in America, most parents wouldn’t be comfortable slaughtering a lamb in the back yard. Most families in Afghanistan don’t receive their meat on a styrofoam platter in Saran wrap from the grocery store. They are very comfortable slaughtering their own livestock for sustenance in very traditional ways.

In an effort to ensure this program would be handled correctly, I did give USAID, United States Agency for International Development, an opportunity to view an earlier version of the amendment that mandated the program. USAID was very concerned with the amendment. One concern is that lamb would not provide the same cal- oric value per dollar as grain. In response to this and other concerns, I scaled the amendment back to a study. The amendment simply requires the program to be carried out, nor does it put additional burdens on the budget, it simply calls for a study. The study of a program that could have an impact on so many people should be supported.

I hope my colleagues are aware of the amounts of aid we are already sending to Afghanistan. I am aware that there remain some concerns about how we can send live lamb half-way around the world. I hope my colleagues will support this amendment in order to try new strategies of providing a long-term aid to the people of Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 247 TO AMENDMENT NO. 247
Mr. WELLSSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSSTONE) proposes an amendment numbered 247 to amendment No. 247.

Mr. WELLSSTONE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose. To insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and insert a payment limitation.)

Beginning on page 217, strike line 12 and all that follows through page 235, line 6 and insert the following:

(D) Eligible land.—‘‘Eligible land’’ means agriculture land (including cropland, grassland, rangeland, pasture, private nonindustrial forest land and other land on which crops or livestock are produced), including agricultural land that the Secretary determines poses a serious threat to soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

(4) Innovative technology.—The term ‘‘innovative technology’’ means new conservation technology that, as determined by the Secretary—

(A) maximizes environmental benefits;
(B) complements agricultural production; and
(C) may be adopted in a practical manner.

Land management practice.—The term ‘‘land management practice’’ means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resources.
(6) **LIVESTOCK.**—The term ‘‘livel stock’’ means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and other such animals as are determined by the Secretary.

(7) **MANAGED GRAZING.**—The term ‘‘managed grazing’’ means the application of 1 or more practices that involve the frequent rotation of livestock on grazing land to—

(A) enhance plant health;

(B) limit soil erosion;

(C) protect ground and surface water quality; or

(D) benefit wildlife.

**7.** **MAXIMIZE ENVIRONMENTAL BENEFITS PER DOLLAR EXPENDED.**

(A) In General.—The term ‘‘maximize environmental benefits per dollar expended’’ means environment benefits per dollar expended to the extent the Secretary determines is practicable and appropriate, taking into account the amount of funding made available to the Secretary for this chapter.

(B) LIMITATION.—The term ‘‘maximize environmental benefits per dollar expended’’ does not require the Secretary—

(i) to require the adoption of the least cost practice or technical assistance; or

(ii) to require the development of a plan under section 1260E as part of an application for federal assistance.

(C) PRACTICE.—The term ‘‘practice’’ means 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices.

(D) PRODUCER.—

(A) In General.—The term ‘‘producer’’ means an owner, operator, landlord, tenant, or sharecropper that—

(i) shares in the risk of producing any crop or livestock; and

(ii) is entitled to share in the crop or livestock available for marketing from a farm or has shared the crop or livestock produced.

(B) HYBRID SEED GROWERS.—In determining whether a grower of hybrid seed is producer, the Secretary shall not take into consideration the existence of hybrid seed contract.

(E) SIGNIFICANT NEW NONINDUSTRIAL FOREST MANAGEMENT ACTIVITY.—The term ‘‘significant new nonindustrial forest management activity’’ means nonindustrial forest management activity that (A) results in a change in management objectives for the forest; and (B) results in a management strategy that is different from the existing strategy.

(F) SIGNIFICANT NEW NONINDUSTRIAL FOREST MANAGEMENT PLAN.—The term ‘‘significant new nonindustrial forest management plan’’ means a nonindustrial forest management plan that (A) exceeds the area or number of practices of the existing management plan or (B) incorporates practices that are not included in the existing management plan.

**8.** **A PRODUCER THAT PERFORMS A LAND MANAGEMENT PRACTICE SHALL BE ELIGIBLE FOR ANY COMBINATION OF TECHNICAL ASSISTANCE, INCENTIVE PAYMENTS, AND EDUCATION.**
(i) IN GENERAL.—Only persons that have been certified by the Secretary under section 1244(f)(3) shall be eligible to provide technical assistance under this subsection.

(ii) QUALIFIED ASSISTANCE.—The Secretary shall ensure that certified providers are capable of providing technical assistance regarding comprehensive nutrient management plans and that they meet the specifications and guidelines of the Secretary and that meets the needs of producers under the program.

(F) ADVANCE PAYMENT.—On the determination of the Secretary that the proposed comprehensive nutrient management of a producer is eligible for an incentive payment, the producer agrees to receive a partial advancement of the incentive payment in order to procure the services of a certified provider.

(G) FINAL PAYMENT.—The final installment of the incentive payment shall be payable to a producer on presentation to the Secretary of documentation that is satisfactory to the Secretary and that demonstrates—

(i) completion of the technical assistance; and

(ii) the actual cost of the technical assistance.

(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—

(A) the producer agrees to the modification or termination;

(B) the Secretary determines that the modification or termination is in the public interest.

(2) IN VOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

(a) IN GENERAL.—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to assistance and payments that—

(1) maximize environmental benefits per dollar expended; and

(2A) address national conservation priorities, including—

(i) meeting Federal, State, and local environmental goals to be achieved through 1 or more practices that are approved by the Secretary;

(ii) to not conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;

(iii) to the violation of a term or condition of the contract at any time the producer has control of the land.

(b) AVAILABILITY OF DUPLICATION.

(7) to submit a list of all confined livestock feeding operations wholly or partially owned or operated by the applicant.

SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(a) IN GENERAL.—To be eligible to receive technical assistance, cost-share payments, or incentive payments under the program, a producer of a livestock or agricultural operation shall submit to the Secretary for approval a plan of operations that specifies the practices to be implemented and the purpose of the plan; and

(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1240F. DUTIES OF THE SECRETARY.

(a) To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

(1) providing technical assistance in developing and implementing the plan;

(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;

(3) providing a producer with information, education, and training to aid in implementation of the plan; and

(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1240G. LIMITATION ON PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the total amount of cost-share and incentive payments paid to a producer under this chapter shall not exceed—

(1) $30,000 for any fiscal year, regardless of whether the producer has more than 1 contract under this chapter for the fiscal year;

(2) $90,000 for a contract with a term of 3 years; or

(3) $120,000 for a contract with a term of 4 years; or

(b) AVOIDANCE OF DUPLICATION.—An individual or entity shall not receive, directly or indirectly, total payments from a single or multiple contracts to exceed $30,000 for any fiscal year.

(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment to a producer under subsection (a)(1) if the Secretary determines that a larger payment is—

(1) essential to accomplish the land management practices for which the payment is made to the producer; and

(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.

(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible for a payment under the program using social security numbers and taxpayer identification numbers, respectively.

Mr. WELLSTONE. This amendment is a modified version of the amendment I offered last week to reform the EQIP program. The central argument against my amendment last week had to do with a size limitation. What this amendment does is speak to some of the concerns of my colleagues, and it still is very much a reform amendment.

No. 1, it would lower the payment limits from $50,000 per year to $30,000 per year with the EQIP program. Right now, it is only $10,000 a year. This is very consistent with the vote last week on payment limitations.

No. 2, it would prevent producers with an interest in more than one large CAFO from receiving more than one EQIP contract. The idea of conglomerates owning many of these CAFOs and receiving multiple subsidies. Again, we want to try to get support to our midsize producers, our family farmers.

No. 3, it would require producers receiving the EQIP funds to have a comprehensive nutrient management plan, environmental plan.

These are simple measures that I think make the EQIP program fairer. We have the support of, among different organizations, the National Farmers Union, the Environmental Working Group, the Land Stewardship Project, Center for Rural Affairs, the Natural Resources Defense Council, Sustainable Agriculture Coalition, U.S. PIRG, and Campaign for Family Farms and the Environment.
I think this is a good reform amendment, and I will wait for further debate on the amendment, but I wanted to lay it down now. I ask unanimous consent the amendment be temporarily laid aside.

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

AMENDMENT NO. 2816 TO AMENDMENT NO. 2717

Mr. LUGAR. Mr. President, I send an amendment to the desk on behalf of Senator Phil Gramm of Texas. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. Gramm, proposes an amendment numbered 2816 to amendment No. 2717.

The amendment is as follows:

(Purpose: To repeal the Hass Avocado Promotion, Research, and Information Act of 2000)

At the appropriate place insert the following:

(1) The Economic Growth and Tax Relief Reconciliation Act of 2001 provides substantial relief from federal estate and gift taxes

beginning this year and repealed the federal estate tax for one year beginning on January 1, 2010, and

(2) The Economic Growth and Tax Relief Reconciliation Act of 2001 contains a "sunset" provision that reinstates the federal estate tax at its 2001 level beginning on January 1, 2011.

(3) Senate of the Senate.—Therefore, it is the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax.

Mr. LUGAR. Mr. President, I ask the amendment be laid aside, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. 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. HELMS. Mr. President, I further ask unanimous consent that it be in order for me to make my remarks seat, at my desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2822 to amendment No. 2717.

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. Gramm, proposes amendment numbered 2816 to amendment No. 2717.

Mr. LUGAR. I ask unanimous consent that this amendment be set aside so I may offer another amendment on behalf of Senator Phil Gramm of Texas.

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

AMENDMENT NO. 2816 TO AMENDMENT NO. 2717

Mr. LUGAR. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. Gramm, proposes amendment numbered 2816 to amendment No. 2717.

Mr. LUGAR. I ask unanimous consent the reading of the amendment be dispensed with.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. HELMS. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

Mr. HELMS. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To exclude birds, rats of the genus Rattus, and mice of the genus Mus from the definition of animal under the Animal Welfare Act)

On page 945, strike lines 6 and 7 and insert the following:

SEC. 1024. DEFINITION OF ANIMAL UNDER THE ANIMAL WELFARE ACT.

Section 2(9) of the Animal Welfare Act (7 U.S.C. 2132tg) is amended by striking "excludes horses not used for research purposes and" and inserting the following: "excludes birds, rats of the genus Rattus, and mice of the genus Mus bred for use in research, horses not used for research purposes, and".

SEC. 1025. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.

Mr. HELMS. Mr. President, my amendment will clarify once and for all any question about rats, mice and birds used for medical research under the Animal Welfare Act. Approval of this amendment will make sure that none of the important work taking place in the medical research community will be delayed, made more expensive, or be otherwise compromised by regulatory shenanigans on the part of the U.S. Department of Agriculture.

Specifically, this amendment will follow Congressional intent by excluding rats, mice and birds from the definition of "animal" under the Animal Welfare Act.
Breast cancer researchers learned recently that laboratory rats that are fed high-fiber diets develop significantly fewer breast tumors than rats receiving little or no fiber.

Asthma researchers recently used transgenic mice to isolate a specific gene that plays a key role in causing human asthma, and have now developed an animal model to test new asthma treatments.

Scientists are aggressively studying rats to learn more about recovery of motor skills after spinal cord injuries, and are already reporting advances in knowledge about the relationship between motor functions and the nerve cells that send signals to motor neurons.

There are dozens of other such examples of the medical advances made as a result of animal research, and I feel a sense of outrage, personally, that a Federal agency would now try to make it more difficult to accomplish this important work that will benefit humanity.

So, Mr. President, I hope the Senate will resist the extremism of activists and deliver a richly deserved rebuke to the methods of these people who are protesting so inefficiently. It is time to definitively settle this matter, to end the debate, and to approve the pending amendment, thereby allowing scientists to return to the laboratory without the specter of burdensome new Federal regulations to hamstring their research.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? At this time there is not a sufficient second.

Mr. HELMS. Mr. President, thank you very much. I understand that the request for the yeas and nays will be made in my absence by the managers of the bill. I have been assured, I assume, we will have a rollcall vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2851 TO AMENDMENT NO. 317.

Mr. LUGAR. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. DOMENICI, proposes an amendment numbered 2851 to amendment No. 2471.

Mr. LUGAR. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to make payments to producers)

Strike section 302(b)(1) of Public Law 107-76 and insert in its place the following:

SEC. 132. NATIONAL DAIRY PROGRAM.

The Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 72(b) of Public Law 107-76) is amended by inserting after section 141 (7 U.S.C. 7251) the following:

SEC. 142. NATIONAL DAIRY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) DAIRY FARM.—(A) In general.—The term ‘‘dairy farm’’ means a dairy farm that is—

(i) located within the United States;

(ii) permitted under a license issued by State or local agency or the Secretary—

(1) to market milk for human consumption;

and

(2) to process milk into products for human consumption; and

and

(3) operated by producers that commercially market milk during the payment period;

(b) PROGRAM.—The Secretary shall make payments to producers.

(c) AMOUNT.—Subject to subsection (b), payments to producers on a dairy farm under this section shall be calculated by multiplying—

(1) the eligible production during the payment period; by

(2) the payment rate.

(d) PAYMENT RATE.—Subject to paragraph (2), the payment rate for a payment under this subsection shall be equal to $0.315 per hundredweight.

(e) ADJUSTMENTS.—The Secretary may adjust the payment rate under paragraph (1) with respect to the last fiscal year of the payment period if the Secretary determines that there are insufficient funds made available under subsection (h) to carry out this section for that fiscal year.

(f) APPLICATION FOR PAYMENT.—To be eligible for a payment for a payment period under this section, the producers on a dairy farm shall submit an application to the Secretary in such manner as is prescribed by the Secretary.

(g) TIMING OF PAYMENTS.—Payments under this section shall be made on an annual basis.

(h) ADJUSTMENTS.—The Secretary may provide for the adjustment of eligible production of a dairy farm under this section if the production of milk on the dairy farm has been adversely affected by (as determined by the Secretary)—

(1) damaging weather or a related condition;

(2) a criminal act of a person other than the producers on the dairy farm; or

(3) any other act or event beyond the control of the producers on the dairy farm.

(i) FUNDING.—The Secretary shall use not more than $2,000,000,000 of funds of the Commodity Credit Corporation to carry out this section.

Mr. LUGAR. Mr. President, Senator DOMENICI proposes a different formula for dairy payments. I will discuss the issue for a few minutes before laying the amendment aside for further debate.
In the Senate, some have decided to provide $2 billion in payments to dairy farmers over the next 5 years. However, there is considerable disparity in the way these payments will be distributed under the Daschle substitute. The Daschle substitute establishes different payment rates, different target prices, and different payments for a handful of States.

Under the current proposal, New Mexico would receive an average of about 6 cents per pound on milk, while producers in Maine would receive an average of 90 cents. A 1,000-cow herd in New Mexico would receive from zero, in a low market scenario, to $22,000. If this same farm were located in New York, for example, these numbers could be far higher.

Dairy farmers work in a national market. Dairy farmers not only sell products nationally, but they buy supplies and services nationally.

Dairy farmers from all over the country go to an auction in Indiana to buy heifers for their herds. Under the pending bill, a farmer from Pennsylvania will be able to pay more for heifers than a farmer from Indiana because of the Federal Government has given the Pennsylvania farmer a financial advantage in this transaction.

Senator DOMENICI proposes that we distribute this $2 billion in an equitable manner under a program that is national in scope. Under his amendment, every dairy producer, regardless of where they milk, is treated the same.

Under his proposal, producers in 36 States will receive more than what they would receive under the Daschle substitute.

The amendment is relatively simple. It also provide producers with one annual payment over the next 5 years. Defining a target price and payment rate would also be far more difficult under the Daschle procedures. Prices are announced for different classes for different regions using different tests.

To simplify payments, the Domenic amendment proposes to level out the payment with one rate, paid annually on all of a producer's milk. Estimates show 31.5 cents would cover all of the milk nationwide. The $2 billion cap would force the Secretary to adjust in the final year to make sure the amount is not exceeded.

A fixed payment is not only more cost effective to administer, but it would provide predictability in a volatile market. Producers will be able to plan. If it is already a `good year', producers can set their payment aside for future years that may not be as good or pay down debt to better weather future economic storms.

On behalf of Senator DOMENICI, I urge my colleagues to carefully consider the ramifications for dairy farmers in their States and to vote in favor of the Domenic amendment.

Mr. President, I yield the floor and suggest the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I move the quorum call be rescinded.

The PRESIDING OFFICER. The assistant legislative clerk read the amendment as follows:

The amendment, as modified, is as follows:

(Purpose: To end the marketing program and replace it with a loan program)

On page 112, after line 25, insert the following:

(6) LOAN SERVICING AGENT.—If approved by a majority of the representative of the peanut producers in a State voting in a referendum conducted by the Secretary, the Secretary shall include in a marketing association, a marketing plan to serve as an loan servicing agent or to handle or store peanuts for producers that receive any marketing loan benefits in the State, the entity shall agree to provide adequate storage (if available) and handling of peanuts at the commercial rate to other approved loan servicing agents and marketing associations.

On page 116, strike lines 8 through 15 and insert the following:

(a) AREA MARKETING ASSOCIATION COSTS.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, the Secretary shall include in a marketing association made to an association approved in the State at the option of the marketing association, such costs as the area marketing association may reasonably incur in carrying out the responsibilities, operations, and activities of the association and Commodity Credit Corporation under this section.

(1) DEFINITION OF COMMINGLE.—In this section and section 158F, the term `commingle', with respect to peanuts, means—

(1) the mixing of peanuts produced on different farms by the same or different producers; or

(2) the mixing of peanuts pledged for marketing assistance loans with peanuts that are not pledged for marketing assistance loans, to facilitate storage.

SEC. 158H. QUALITY IMPROVEMENT.

(a) OFFICIAL INSPECTION.—

(1) IN GENERAL.—All peanuts stored under a marketing assistance loan under section 158G or otherwise sold or marketed shall be officially inspected and graded by a Federal or State inspector.

(2) ACCOUNTING FOR COMMINGLED PEANUTS.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, all peanuts stored, commingled with peanuts covered by a marketing assistance loan in the State shall be graded and exchanged on a value basis wherein the `Secretary determines that the beneficial interest in the peanuts covered by the marketing assistance loan have been transferred to other parties pursuant to demand for delivery.

Mr. MILLER. Mr. President, I ask unanimous consent that Senator HELMS be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, the cosponsor will be added.

Mr. MILLER. Thank you, Mr. President.

Mr. President, this is an amendment that we believe will help ease the transition from the peanut quota system to the new market-oriented program. This amendment would increase the compensation for quota holders from 10 cents per pound to 11 cents per pound. The two Senators have expended to secure what is needed to help their people.

Senator MILLER, who is a very respected member of the Senate Agriculture Committee, and SenatorCLELAND, who had a distinguished record of service in Washington, before he ever came to the Senate and is respected on both sides of the aisle, have made very clear how important this is to their constituents. I salute them for their vigorous efforts.

Mr. President, I rose to speak on another matter, and that is the fundamental challenge we face with this farm bill.

I see in the press repeated indications that farm assistance is no longer needed. Nothing could be further from the truth. What these media critics seem to fail to realize is that our people are faced with major competitors in the world.

Our major competitors are the Europeans. They are providing over $300 an acre of support per year to their producers. We provide $38. We are being outgunned nearly 10 to 1. On export support, the Europeans account for 84 percent of all the world's export subsidy; we account for 3 percent. They are outrunning us nearly 30 to 1.
The fundamental question before this country is whether or not we are going to fight for our people, whether or not we are going to give them a fair, fighting chance.

I thank the Chair.

The PRESIDING OFFICER. The hour of 2:50 having arrived, debate on the current amendment is suspended to allow other amendments to be called up.

The Senator from Vermont.

Amendment No. 2834 to Amendment No. 2471

Mr. LEAHY. Mr. President, I ask that it be in order to offer amendment No. 2834 which I believe is at the desk.

The PRESIDING OFFICER. (Mr. Miller.) The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) proposes an amendment numbered 2834 to amendment No. 2471.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The text of the amendment is printed in today’s Record under “Amendments submitted”.

Mr. LEAHY. Mr. President, I rise today to offer an amendment to authorize the establishment of a new voluntary organic research and promotion program. Just over a year ago we finalized the National Organic Program Rule as this rule is implemented. It will provide assurance to the American public that the organic food they buy is subject to strict and consistent regulation. In addition, this rule will assist organic producers who want to export their products and will ensure that imported organic agricultural commodities meet standards on par with those of the United States.

In the decade that this rule was under development, the organic industry has experienced tremendous growth rates of more than 20 percent annually—it was estimated that in 2001 sales topped $9 billion.

As this industry continues to develop, it is important to adapt existing programs to support and enhance organic agriculture, as well as provide equitable benefits to organic producers. Currently, organic farmers are required to pay into existing mandatory research and promotion programs for voluntary programs. Many organic farmers object to this because they believe insufficient checkoff program funds are devoted to promoting or assisting in the development of organic agriculture. While they would prefer to be exempt from those assessments entirely, my amendment offers a viable and fair alternative.

My amendment authorizes a new voluntary organic research and promotion checkoff program, which will only be established if it is proposed and approved by a majority of certified organic producers and handlers.

What distinguishes this from existing checkoff programs is that any assessments under the order would be voluntary, not mandatory—individual farmers will have the flexibility to opt-in or opt-out of this research and promotion program.

To avoid double taxation, producers who opt to contribute to the organic order would be entitled to a credit against assessments under another order—which is similar to the credit producers are entitled to under existing checkoff programs if they contribute to both the national order covering the same commodity.

Additional provisions in the amendment address concerns raised about existing checkoff programs—representatives on the board must reflect both the regional distribution and differing scales of organic production and, at least once every four years, a referendum on the continuance of the order must be held.

I urge my colleagues to vote in favor of this amendment which only gives organic farmers the opportunity to choose how their research and promotion dollars are spent.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Leahy amendment.

Amendment No. 2834 to Amendment No. 2471

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the limits on the types of communities in which Rural Business Investment Companies may invest)

At the appropriate place, add the following:

Amendment Section 602 by adding after the word “concern” at the end of subsection 384(c)(3)(C) the words “and not more than 10 percent of the investments shall be made in an area containing a city of over 100,000 in the last decennial Census and the Census Bureau defined urbanized area containing or adjacent to that city”.

Mr. HARKIN. Is it understood the finalization—I will consult with my ranking member—with the hour of 3 rapidly approaching, under the unanimous consent agreement previously entered into, all amendments to the pending S. 1731 have to be offered prior to 3 o’clock this afternoon.

Mr. LEAHY. I respond to my colleague that that is our understanding. Hopefully, this colloquy will serve as an announcement to all of our colleagues who may be listening to the debate wherever they are that they should proceed rapidly to the floor. Three o’clock is the cutoff time for the introduction of amendments. On our side of the aisle, we have attempted to make that known in many ways. I am hopeful that at least no one will be under any further illusion. At 3, we will have an opportunity to survey the amendments that have in fact been placed before us to try to determine, as I understand, either time agreements or the ability to accept on both sides of the aisle some of these.

I see, having said that, the distinguished Senator from Oklahoma has arrived just in time.
Mr. CLELAND. Very well.

AMENDMENT NO. 384 TO AMENDMENT NO. 371

Mr. LUGAR. Mr. President, on behalf of Senator MCCONNELL, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 382 TO AMENDMENT NO. 371

Mr. INHOFE. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

Mr. INHOFE. Mr. President, let me explain the amendment very briefly. I apologize to the Senator from Georgia. All this does is take the peanut program, which is currently a 2-year program, and delay its implementation for a period of 1 year. Here is the problem we have. If we don’t do that, we will have the farmers not knowing, when they go to the bank, what kind of program is going to be adopted right in the middle of their planting season. By doing this, I am sure you will be accommodating the farmers as well as saving some money in this particular year on this bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 3823 to amendment No. 371.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The legislative clerk read as follows:

On page 584, line 2, strike the period at the end and insert the following:

SEC. 10. BEAR PROTECTION.

(1) SHORT TITLE.—This section may be cited as the “Bear Protection Act of 2002”.

(2) FINDINGS.—Congress finds that:

(A) thousands of bears in Asia are cruelly confined in small cages to be milked for their bile; and

(B) the wild Asian bear population has declined significantly in recent years as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(C) thousands of bears in Asia are cruelly confined in small cages to be milked for their bile; and

(D) by 2001, the wild Asian bear population had declined significantly in recent years as a result of a strong demand for bear viscera used in traditional medicines and cosmetics;

(E) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(F) while most black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(G) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the importation of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

(C) PURPOSE.—The purpose of this section is to ensure the long-term viability of the world’s 8 bear species by—

(d) DEFINITIONS.—In this section:

(1) BEAR VISCERA.—The term “bear viscera” means the body fluids or internal organs, including the gallbladder and its contents but not including the blood or brains, of a species of bear.


(3) IMPORT.—The term “import” means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, regardless of whether it is landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) PERSON.—The term “person” means—

(i) an individual, corporation, partnership, trust, association, or other private entity;

(ii) an officer, employee, agent, department, or instrumentality of—

(A) the Federal Government;

(B) any State or political subdivision of a State; or

(C) any foreign government; and

(D) any other entity subject to the jurisdiction of the United States.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(7) TRANSPORT.—The term “transport” means to move, convey, carry, or ship by any means, or to deliver or receive for the purposes of movement, conveyance, carriage, or shipment.

(e) PROHIBITED ACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person shall not—

(A) import into, or export from, the United States bear viscera or any product, item, substance, container, or labeled or advertised as containing, bear viscera;

(B) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera;

(C) receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, transportation, or exportation is for purposes of movement, conveyance, carriage, or shipment.

(D) violate or fail to comply with any of the provisions of subsections (a) through (c) of this section.

(E) PUNITIVE PENALTIES AND ENFORCEMENT.—

(F) PENALTIES AND ENFORCEMENT.—

(1) CRIMINAL PENALTIES.—A person that knowingly violates subsection (e) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

(2) CIVIL PENALTIES.—

(A) AMOUNT.—A person that knowingly violates subsection (e) shall be fined not more than $25,000 for each violation.

(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this section shall be assessed in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed.

[The remainder of the text is not transcribed.]
The proposed peanut program that originated in the House, bases the new program on acres determined by peanut producers, rather than by the landowning quota-holders. This shift in the peanut program, from the landowner to the producer, has caused a split among neighbors in south Georgia not seen in many years. Despite this split, I think we should make note of a fact that Senator MILLER has mentioned more than once on this floor: The anti-peanut program forces have not been bought this year. You may know that in 1996, the peanut program survived in the Senate by only three votes.

I have concerns about small quotaowners, such as widows, veterans, and minority farmers who depend on quotas for their income. They should not be forgotten in the rush for a new farm bill. For that reason, I offer this amendment with Senator MILLER to increase the quota buyout to 12 cents a pound, each year, for 5 years. This is up from the House buyout of 10 cents per pound and will help ease the transition for thousands of retired peanut farmers who invested in peanut quota as, in effect, their pension plan.

I will work to keep the Senate level of support for producers which is $400 million over the House bill for marketing loan rates and countercyclical payments. Also, the Senate farm bill contains language that I have sponsored for years to label the country-of-origin for peanuts. Because consumers should know where their peanuts are grown.

All in all I believe we will pass a strong farm bill that makes sense and substantial progress in meeting the needs of family farmers and our rural communities.

I yield the floor.

Mr. REID. Mr. President, I have spoken to both Senator LUGAR and Senator HARKIN, the two managers of the bill. It has been cleared. I ask unanimous consent that at 3:05 p.m. today, the Senate resume consideration of the Feinstein amendment No. 2652 to the time until 3:35, a half hour, be equally divided and controlled by Senators FEINSTEIN and BREAUXX, or their designees; that at 3:35, Senator BREAUXX be recognized to offer a motion to table, and that no second-degree amendment be in order prior to the vote in relation to the amendment.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

AMENDMENT NO. 2653 TO AMENDMENT NO. 2652

Mr. LUGAR. Mr. President, on behalf of Senator KYL, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

(Purpose: To ensure that the water conservation program is implemented in accordance with all applicable laws)

On page 8, line 19, insert the following:

(12) "IMPLEMENTATION.—In carrying out the program, the Secretary shall—"

(a) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

(b) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

(c) comply with—

(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

(ii) all procedural and substantive State water law.

On page 8, line 19, strike "(12)" and insert "(13)."

On page 9, line 16, strike "(13)" and insert "(14)."

On page 17, line 20, insert the following:

(1) IN GENERAL.—Nothing in this section—

(A) ensures, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

(C) comply with—

(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

(ii) all procedural and substantive State water law.

Mr. HARKIN. Reserving the right to object, Mr. President, I will not object, but there comes a point where we say 3 p.m.—well, is it 3 p.m. or 3:02 or 3:05? I hope we don’t have a rush of amendments on either side coming in.

Mr. LUGAR. Mr. President, I appreciate the comment of my colleague. He is correct, obviously. I hope there may be some dispensation in that this request arrived a few seconds after the 3 p.m. time. We have been attempting to accommodate Senators.

I ask unanimous consent that the Kyl amendment be laid aside.

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

Mr. LUGAR. Mr. President, I suggest the absence of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

C) comply with—

i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

ii) all procedural and substantive State water law.
Mr. REID. Mr. President, because of some confusion, I ask unanimous consent that Senator Feinstein’s time start at 3:10 instead of 3:05.

Mr. President, without objection, it is so ordered.

Mr. President, I will go until 3:40. She gets 15 minutes and Senator Breaux gets 15 minutes.

AMENDMENT NO. 2929

Mrs. FEINSTEIN. I thank Senator Reid, and I thank Senators Harkin and Lugar as well.

On Friday, I offered an amendment to the sugar program, which really is a minor amendment, with one exception. It seems anything that has anything to do with the sugar program is frozen and can’t be changed. As I noted 6 years ago when I came here, the sugar program works to the great detriment of America’s domestic sugar refiners.

The largest of those domestic sugar refiners is C&H Sugar. It is C&H Sugar. C&H got most of its sugar from Hawaii, and they used to have ads as I grew up: C&H pure cane sugar from Hawaii. It is a plant that can employ about 1,300 people. It can refine about 800,000 pounds of sugar. It is a union plant. It is the only source of employment, the major source of employment, in a small town in the East Bay known as Crockett. You drive over the Carquinez Bridge and you see this big old plant, and that is from where this wonderful sugar comes.

The problem has been, year after year, C&H cannot buy enough sugar to refine. Why? Because the allotments in the sugar program are frozen and can’t be changed.

C&H Sugar is from Hawaii, and they used to have ads as I grew up: C&H pure cane sugar from Hawaii. It is a plant that can employ about 1,300 people. It can refine about 800,000 pounds of sugar. It is a union plant. It is the only source of employment, the major source of employment, in a small town in the East Bay known as Crockett. You drive over the Carquinez Bridge and you see this big old plant, and that is from where this wonderful sugar comes.

The problem has been, year after year, C&H cannot buy enough sugar to refine. Why? Because the allotments in the sugar program are frozen and can’t be changed.

The amendment I have offered would simply reallocate the unfilled portion of a country’s quota. If a country does not fulfill its quota, that is all it does. This is less than 3 percent of the sugar. About 3 percent of the sugar on the world market that is provided for in the allocation quota does not get allocated. So on a first-come-first-served basis, if the country that wanted to buy sugar would be able to because the unused allocation of one country would go to another country that is exporting sugar, and on a first-come-first-served basis the refiners of our country would have an opportunity to buy their sugar.

This amendment is supported by C&H Sugar; Colonial Sugar Gramercy, LA; Savannah Foods in Port Wentworth, GA; and Imperial Sugar in Sugar Land, TX.

I ask unanimous consent that two letters be printed in the RECORD in support of the amendment, one from the Coalition for Sugar Reform and the other from Citizens Against Government Waste.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COALITION FOR SUGAR REFORM, DC, February 6, 2002.

Dear Senator: On behalf of the Coalition for Sugar Reform, I urge you to vote for an amendment that Sen. Dianne Feinstein will offer to ensure that when the United States announces an import quota for sugar, we actually import all that quota.

Each year, a few countries fail to fully utilize, or fill, their quotas to sell sugar to the United States. Generally, these amounts go unused: Because of the highly restrictive import policy that maintains the restricted market need represented by the unfilled quota. The Feinstein amendment will require that by June 1 each year, any unused quota be reallocated among qualified supplying countries on a first-come, first-served basis. This amendment does not increase import quotas. It merely says that when we announce an import quota, we will allow the full amount of that quota to be imported.

This amendment honors our multilateral trade commitments by allowing the full import quota to enter the United States. By setting an example of more efficient and transparent TRQ administration, the amendment advances explicit trade policy goals of the United States. Please support and vote for the Feinstein amendment.

Sincerely,

LAURENCE T. GRAHAM, Steering Committee Coordinator.


Hon. DIANNE FEINSTEIN, U.S. Senate, Washington, DC.

Dear Sen. Feinstein: On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I am writing to inform you of our support for your amendment to S. 1731, the Farm Bill, which would ensure that when the United States announces an import quota for sugar, all of that quota will actually be imported.

When countries fail to fully utilize their quotas to sell sugar to the United States, those quotas usually end up being unused. Other sugar-producing countries have no opportunity to satisfy the unmet market need represented by the unfilled quota, as a result of the highly restricted import policy that the United States has for sugar.

It is our understanding that your amendment will require that by June 1 of each year, any unused quota be reallocated among qualified supplying countries on a first-come, first-served basis. While we also understand that your amendment does not increase import quotas, it will at least ensure that the full amount of the quota be imported.

Though CCAGW would still prefer the complete elimination of the archaic sugar program, we believe your amendment will at least provide the partial treatment of one of its glaring deficiencies. Thus, CCAGW will consider a vote on your amendment in the 2002 Congressional Ratings.

Sincerely,

Tom Schatz, President.

Mrs. FEINSTEIN. The fact of the matter is, this has been done. The Secretary can do this. As a matter of fact, in 1995 I implored Secretary Glickman to do just this, and he did it. The problem, I say to those opposed to this amendment, is that every year you have to go and lobby; every year you have to go all over the United States to see that this company and others similar to it are able to get enough sugar. That is not right. Sugar programs should not operate this way.

Awhile ago, we asked GAO to take a look at the sugar program. The GAO came up with exactly what we are proposing today. Let me read a couple of things. Some of the 40 designated countries have been provided an export allocation when they no longer export sugar that they had used allocation for. For example, the Philippines are both allowed to export 14 percent of the total quota, but Brazil exports 21 times more sugar than the Philippines worldwide.

In my view, it is unacceptable that sugar quota allocations have not been revised for two decades, despite dramatic changes in the ability of many countries to produce and export sugar.

Is there a way to update the sugar export amounts allowed into the United States without adversely impacting domestic growers? I believe there is, and the amendment I have offered would provide this change.

Incidentally, I would like the Record to reflect that Senator Greggs is a co-sponsor of this amendment, if I may.

The United States has imported on average, as I said, about three percent less sugar than the quota allowed from 1996 through 1998 because some countries did not fill their allocations.

Now the question was asked in the caucus today by the distinguished Senator from Louisiana, What would happen to price if this amendment were passed?

Let me again quote the GAO:

USTR’s current process for allocating the sugar tariff-rate quota does not ensure that all of the sugar allocated under the quota reaches the U.S. market.

The current allocation has resulted in fewer sugar imports than allowed under the tariff-rate quota. From 1996, U.S. raw sugar imports averaged about 75,000 tons less annually than the amount USDA allowed USTR to allocate under the tariff-rate quota.

The final quote from the GAO is this: Because the shortsfalls in the tariff-rate quota reduced U.S. sugar supplies by less than 1 percent, they had a minimal effect on the domestic price of sugar.

So what I am saying is you can have a system that allows domestic refiners to buy sugar that they need from countries that are not using their allocated quota, and this will have a very slight, if any, mark on the domestic price of sugar. What is dreadfully unfair is to have a situation where domestic refiners, hiring men and women who live in this country, that want to refine sugar are prevented from doing so by a bill where the allocations and the quotas have not been revised in two decades.

So I am asking the Senate to please permit this small change in the sugar program.
I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana for 5 minutes.

Mr. BREAUX. Mr. President, let me assure our colleagues who might be listening to this rather arcane and complicated debate, I have the utmost respect for the Senator from California to the point of disagreeing with her on the fact that this is a minor amendment, nothing my colleague from California does is minor. It is always a major effort, and she is to be commended for what she is attempting to do for one refinery in California.

I point out that over the last 10 years in my home State of Louisiana, we have lost 24 sugar mills. We did not try to change the sugar program to accommodate each one of those mills but, rather, tried to work in a cooperative fashion to have a national program.

The Senator is absolutely correct that about 40 countries around the world have allocations to be able to export approximately 1.25 million tons of sugar into the United States to make sure we have enough sugar for domestic consumption. If a country does not use all of their allocation, it can be reallocated by the Secretary. It does not have to be the only country in the world that is going to be able to bring sugar in to the United States and with an allocation that does not comply with the terms of the sugar program. All of the 40 countries that send sugar to the United States have to come in under the terms of the program, and that is at a price that equals about 18 cents a pound. If there is 50 pounds of unallocated sugar and it is said to any country that they are going to be the only country in the world that is going to be able to bring sugar in to the United States with an allocation that does not comply with the terms of the sugar program. All of the 40 countries that send sugar to the United States have to come in under the terms of the program, and that is at a price that equals about 18 cents a pound.

The amendment if it went into effect, and large amounts of sugar were brought in outside of the program, could ultimately result in a large cost to the taxpayer. If it drives down the average price of sugar below the market loan rate, sugar will be forfeited to the Secretary. The Secretary could then reallocate the sugar below the marketing loan at about 18 cents a pound.

I don’t think I have any problem giving the Secretary the right to reallocate sugar, which they now have when there is a shortfall, but not to do it outside of the program. Not to say to all of the countries that participate, you have to do it one way, but other countries could come in first—do it without having to meet the terms of the loan itself. The Department does not have to reallocate; they do it if there is a need for the sugar.

The amendment of the Senator from California would allow reallocate, although it is not required in order to meet our domestic needs. In addition, she would mandate it allow it to come in outside the program.

We cannot design a national program for one refinery. I point out the refineries that make sugar are very divided on this issue. For those who do support our amendment, there is an equal number or more who do not. The Domino Sugar refinery in New York opposes it; the Domino Sugar refinery in Baltimore, MD, opposes it; the Domino refinery in Baltimore, MD, opposes it; the Domino refinery in Baltimore, MD, opposes it, as well as the refinery in Chalmette, LA.

The problem is there is a national program. The reason one refinery in the States opposes this sugar is because their principal market has been Hawaii. As the Senator has correctly said, Hawaii is moving out of the sugar program. They have reduced their production of sugar, and that refinery has been left with a sufficient amount of sugar. But you cannot redesign the entire national program for one particular refinery and say we are going to let sugar come in to this one refinery outside of the program, with no price protection whatever, and put the entire program in jeopardy, with potential costs to the U.S. taxpayers. If it has the effect of driving the price below the loan level, sugar will be forfeited.

It is very important to note that the program is operated at no cost to the taxpayer. We have no forfeited sugar. We do not want to be in a position of forfeiting sugar. If this amendment were to pass and we mandated that the Secretary reallocate sugar imported into this country outside the program, which is what it does, on a first-come, first-served basis, would not have to meet the terms of the program. So a company could bid and bring in sugar at 5 cents a pound if they wanted to dump it in this market. That is what the amendment allows.

I don’t mind having it come in under the terms of the program, but to allow sugar to come in and be reallocated outside the terms of the program with regard to price potentially destroys the program and would be at a cost to the American taxpayer. At the appropriate time, I will offer a motion to table the amendment. I am happy to yield to the Senator.
Mrs. FEINSTEIN. Mr. President, is it appropriate to set aside this amendment to see if we cannot work out some language with Senator BREAUX? The PRESIDING OFFICER. It will take unanimous consent to vitiate the current amendment. Mrs. FEINSTEIN. Senator BREAUX mentioned two things which were our intent, in any event, that would cause him to withdraw his disapproval of the language. I ask it be set aside for a few moments or we suggest the absence of a quorum to work out the differences and add the necessary words.

Mr. BREAUX. I cannot control this, but I am certainly willing to work with the Senator from California. I have stated the two problems. I am always willing to talk to see if we can work something out.

Mr. REID. The vote is not scheduled for 12 minutes. How about 12 minutes? Mrs. FEINSTEIN. I take it.

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

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

Mr. REID. Mr. President, for the information of Senators, Senators FEINSTEIN and BREAUX are in the process of working on their amendment. It will not, at a later time, require a vote. It will be worked out in some other manner. So Members should be notified there will not be a vote on this amendment. It was scheduled, as you know, for 3:40 this afternoon. We have been in a quorum call since then, anticipating there would be a vote. There will not be a vote on the Breaux motion to table the Feinstein amendment.

I also announce that I have spoken to the two managers, Senator LUGAR and Senator HARKIN.

The PRESIDING OFFICER. Is the Senator asking for unanimous consent to vitiate that agreement?

Mr. REID. You took the words right out of my mouth.

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

Mr. REID. Mr. President, I also indicate that Senators HARKIN and LUGAR are in the process with their staffs of working through these amendments. We have, I think, 18 amendments. There are a number of them. I have been told, that will be accepted. We expect to have a unanimous consent agreement in the immediate future to handle about six of these amendments.

Mr. President, I ask unanimous consent that the Senate consider the amendments proposed to S. 1731 in the order in which they were offered, beginning with the Santorum amendment No. 2542, as modified, and ending with the Wellstone amendment No. 2847; that there be a time limitation of 20 minutes for debate with respect to each amendment, with the time equally divided and controlled in the usual form; that any second-degree amendments be accorded the same time limitations as the first-degree amendment—Mr. President, first of all, I ask unanimous consent the amendment proposal I just made be withdrawn. I will offer another one.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider the amendments proposed to S. 1731 in the order in which they were offered, beginning with the Santorum amendment No. 2542, as modified, and ending with the Wellstone amendment No. 2847; that there be a time limitation of 20 minutes for debate with respect to each amendment, with the time equally divided and controlled in the usual form; that if there is a second-degree amendment offered, the first-degree amendment be laid aside.

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

Mr. REID. Mr. President, I further ask unanimous consent that it be in order for the managers to have a stacked sequence of votes beginning at a time agreed upon by the managers and the leaders or their designees.

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

Mr. REID. I state, Mr. President, as I did earlier, we are trying to work out an agreement to work through the rest of these amendments so that there will be definite times on them. We are in the process of doing that now.

Mr. President, I ask unanimous consent—Senator ESZTI is not in the Chamber—Senator WELLSTONE, who is in the Chamber, be allowed to begin his 20 minutes at this time.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to start speaking on the amendment. We may or may not make one change.

This amendment is a modified version of an amendment I offered last week. It is a reform amendment to the EQIP program.

The argument against the amendment I offered last week—which I think was an important amendment for our entire country and an important amendment for the environment—was that the size limitation meant that mid-sized farmers could not expand. I actually thought that an operation with over 5,000 hogs was a pretty large operation in the first place.

But what I am going to do this time is make some changes, which will, hopefully, give us the vote to go over the top.

What this amendment does is comparable to what we did with crop assistance in the commodity program. Now we have a reasonable payment limit. What we have is a payment limit with the commodity program and, in addition, restrictions on multiple payments and compliance with environmental laws. This amendment would have a reasonable payment limit on EQIP funds. It would restrict producers from receiving multiple EQIP payments and other forms of government assistance to multiple CAFOs and then get government money for each of one. It becomes a subsidy in inverse relation to need. And this amendment would require that producers who receive EQIP funds have an environmental plan.

At the moment, the direction in which this amendment goes is as follows: It would lower the payment limits from $50,000 per year to $30,000 per year. Right now, the limit is $10,000. Some farmers don’t do multiple-year contracts.

My point is, just as we had payment limits on an earlier vote with the Dorasan amendment, it seems to me we ought to also have payment limits with the EQIP program, if this environmental program is to have the policy integrity, and if we are not to be giving these payments to some of the largest operations that dominate these conglomerates own multiple CAFOs and then get government money for each of one. It becomes a subsidy in inverse relation to need. And this amendment would require that producers who receive EQIP funds have an environmental plan.

Finally, it requires the producers receiving the EQIP funds to have a comprehensive nutrient management plan which is an environmental plan.

It is a reform amendment. I think we have done a lot of good work on this bill. The vote earlier today on the packer ownership amendment was extremely important. We passed the payment limitation by a 66-to-31 vote, which was an historic vote.

If my colleagues are in support of payment limitations, they should support this amendment. This amendment provides reasonable limitations back into the Environmental Quality Incentive Program. Current law caps it at $10,000 per year. The underlying legislation increases the cap to $50,000 a year. That is a fivefold increase.

This amendment recognizes the problem we have with the environmental pollution that comes from these large livestock operations, but it places a reasonable payment limit on the program: $30,000 per year up to $150,000 over 5 years.

If we don’t put some reasonable payment limits on the program, the flow of benefits is going to be just as we have seen with the huge payments to huge producers; in this case large livestock conglomerates that over the years have been squeezing independent producers out of existence.

That is what this amendment is all about. Again, let me be crystal clear. This amendment now deals with the argument that some colleagues made...
that it is not going to let the midsize operations expand. This amendment is consistent with what we have done on payment limits. It is a reform amendment. This amendment plugs a big loophole with multiple CAFOs which is a huge problem when these conglomerates buy up a lot of these small operations and then get a subsidy for each one of them.

Finally, this amendment calls for a sound environmental plan, which makes all the sense in world, a comprehensive nutrient management plan. It is a modest amendment. It is a good environmental amendment. Frankly, it is a good environmental amendment. Frankly, it is a good amendment for our independent producers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I don’t know any time on the opposite side. We have examined the amendment on this side and, quite frankly, I think the Senator from Minnesota has made constructive changes to the EQIP program, which I think will inure to the benefit of our livestock stockers all over America. On this side, we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me respond to the distinguished Senator; I personally favor the amendment. I will ask for 3 more minutes for the hotline on our side to ascertain whether all of us are in agreement. I am hopeful that is the case. If I may have the indulgence of Senators, I will ask for a quorum call for about 3 minutes of time. It would be my hope we could accept the amendment at that point.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I wonder if I could say a couple of words while we are waiting. That moves us right along.

Before the Senator from Iowa leaves, let me say this for the record: I hope there will be support. I certainly would be pleased to not have a recorded vote. I know we are trying to move things along. I ask the Senator from Iowa in a bit of a colloquy here for his support in conference committee to keep this in because my experience has been all too often, it controls any time on the opposite side and there is a voice vote, then the amendments get tossed aside. I know my colleague supports this amendment. I certainly ask for his support as the chair in the conference committee. I assume when he nods his head, it means yes.

Mr. HARKIN. I say to my friend from Minnesota, my neighbor to the north, he is a very valuable member of our committee. When this bill is done and I go on to conference, it is my intention to fight for all of the amendments that we in the Senate have adopted on this bill because it will be the Senate’s position.

Certainly in this area on the EQIP program, I believe the Senator’s amendment improves what we have done in the underlying bill, and certainly I will do everything I can to make sure we keep those provisions.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. WELLSTONE. Mr. President, I will stay here and wait patiently for our 9-minute limit, and my colleagues can let me know.

Mr. HARKIN. Mr. President, how much time remains on the Wellstone amendment?

The PRESIDING OFFICER. There are 2½ minutes that remain to the proponents; 8 minutes remain in opposition.

Mr. HARKIN. Mr. President, I ask unanimous consent to reserve the remainder of the time, the 2 minutes and the 8 minutes, and now proceed to recognize Senator Enzi who had two amendments offered which are going to be accepted on this side. I don’t know if the Senate wanted any time at all, but to move the process along, I see the Senator from Wyoming is on the floor. I ask unanimous consent that the remainder of the time be reserved and that we now go to the two Enzi amendments. I ask unanimous consent if we could just take 5 minutes on the Enzi amendment and then return to the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming.

AMENDMENT NO. 2847

Mr. ENZI. Mr. President, I thank everybody who has been working with me on these two very important issues. One of them is an accounting issue. That is to do with an authorization to have some drought assistance for livestock. We have had a livestock assistance program. It has been kind of a last-minute, put-it-on-the-budget effort every year. But the amount of money that gets spent on it every year is a very consistent amount, a good amount. It calls for us to recognize that upfront, provide for it upfront, and give our ranchers some assurance that they are going to have some help.

This morning we passed a very important measure, and that actually provides for last year’s drought assistance for livestock payments. People have been through last year’s drought. They know they were already heard. One of the fascinating things about this is, it doesn’t pay them for their losses. It pays them so they can buy a little feed so they can keep their base stock alive until they can produce again and have a crop. I know that Wyoming’s portion of that turns out to be about $15 million. That comes to about $8,000 per rancher, and $8,000 doesn’t even buy much feed. But it will get those sheep through the winter. So I appreciate the concern of everybody and their willingness to accept it.

AMENDMENT NO. 2846

Mr. President, the other amendment, of course, is a pet pilot project which will put lamb in Afghanistan and will solve some problem there. It calls a project that it can be nonexistent. I know the Department of Agriculture will look at it, and I think it will be one of the things that will solve some problems for people who grow lambs in the West and will build up a herd in Afghanistan so they can be self-sufficient. It is the old story—and I have heard a variation—give a man a fish and feed him for a day; teach a man to fish and he will buy an ugly hat.

I yield the floor.

Mr. HARKIN. Mr. President, we have examined both amendments on this side. They are valuable additions to the farm bill. I think they both have tremendous merit to them. We are pleased to accept them on this side.

AMENDMENT NO. 2846

Mr. LUGAR. Mr. President, let me, first of all, make an announcement before I comment on the amendments of the Senator. There has been an objection on our side to having a voice vote on the Wellstone amendment. Therefore, we will need to have a rollover vote. Because of the thoughtfulness of the Senator from Iowa, there will be some further time to debate the amendment. I believe there are 8 minutes for the opposition. For all those listening to the debate, if there is opposition to the Wellstone amendment, that time remains. At the end of that time, the Wellstone amendment will be in the stack for votes and disposition after the unanimous consent on the other amendments has been run through, which is to say we are not going to have a vote, a rollover, and it will come at the end of the stack that the Senator from Nevada offered a while back.

Mr. WELLSTONE. Will the Senator yield for a question? I missed the first part. There is now a call for a rollover vote.

Mr. LUGAR. That is correct.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

AMENDMENT NOS. 2846 AND 2847

Mr. LUGAR. Mr. President, I will return now to the amendments of the Senator from Wyoming. I had an opportunity to visit with the Senator and to appreciate the depth of his understanding and research with regard to both of these amendments. On our side,
Mr. WELLSTONE. I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Six minutes as in morning business.

Mr. LUGAR. I suggest the absence of a quorum, with the time being charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I suggest the absence of a quorum, with the time being charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that Senator HARKIN be allowed to offer a second-degree amendment to amendment No. 2845; that the time between now and 5 o’clock be equally divided between Senator HARKIN and Senator MCCONNELL or their designees, and that at 5:45 we vote on the Harkin second-degree amendment and that at 5 o’clock this matter be set aside.

I would say for the information of all Senators, there is a leadership meeting at 5 o’clock. I think it is bicameral. I don’t know what it is; I am not attending. We will stay here on the floor and try to work out some other things during that 45-minute period.

The PRESIDING OFFICER. Is there other business? Without objection, it is so ordered.

Mr. HARKIN. To make it clear, we are going to debate now for about 20
minutes on my substitute and the underlying McConnell amendment. That will be set aside. The vote will then occur on my second-degree amendment at 5:45.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. There may be intervening business between now and then, but there will be no votes until 5:45; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2856 TO AMENDMENT NO. 2845

Mr. HARKIN. Mr. President, I have a second-degree amendment. I send it to the desk and ask for its immediate consideration.

The senior assistant bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2856 to amendment No. 2845.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

[The text of the amendment is printed in today's Record under "Amendments Submitted."]

Mr. HARKIN. Mr. President, please clarify, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. HARKIN. Mr. President, what we have in front of us is the McConnell amendment, which reduces loan rates by less than a quarter of a percent. He takes that money and basically puts it into nutrition programs.

Frankly, my history in both the House and Senate in the Agriculture Committee for 27 years is one of very strong support for nutrition programs.

Let's look at the record. The House of Representatives, in their farm bill, has $3.6 billion over baseline for nutrition programs for 10 years—$3.6 billion. The Senate bill, as we reported it from committee, had $6.2 billion, almost twice as much for nutrition programs over the same period of time.

Due to certain amendments that have been offered and agreed to already on the Senate floor, the amount of money for nutrition now in the pending farm bill is $8.4 billion. That is well over twice what the House has. Could it be more? Yes. We could always do more, of course. But we have tried to keep a well-balanced bill. I submit we have done a lot to address the underlying concerns of accessibility, of assets—of a lot of things—for people who need food stamps and other nutrition programs.

The McConnell amendment, if you divide it all up, would put about $49 million a year additional into a program that already is spending $20 billion a year. Now, $49 million is a lot of money, but compared to $20 billion? I submit this will have almost no effect on the overall nutrition programs. Really, the way I see this amendment, it is an attempt to take some more money out of commodity programs by reducing the loan rate, which is important as an income support for farmers in my part of the country and, in fact, all over America.

What my amendment does is it says: OK, if you are going to nick the loan rates by less than a percent, let's then leave it as an income support for farmers—one way or the other.

Last Saturday in Denver, CO, President Bush said one of the things he wanted to see in a farm bill was farm savings accounts. If I think about the distinguished ranking member has proposed this in the past. Senator Grassley, my colleague from Iowa, has supported this proposal in the past. Others have supported farm savings accounts. We plan to propose a pilot program in the underlying manager's amendment. It provides $36 million for a pilot program. It is not very much, but at least it was there to test the idea to see if it was acceptable and see if it would work. Some said that is not enough money.

My second-degree amendment basically says we will take the less than quarter percent cut out of loan rates, but we will take that money, which is about $510 million, and we will put that into a farm savings account as a pilot program in 10 States. With that much money, perhaps we could really find out whether or not this program would work.

The President said he has wanted it. Other people have been supporting it. I have some reservations about the idea, but there are plenty of people on the other side of the aisle, and the President, who have supported this idea. So in the spirit of bipartisanship I would like to include this pilot program so we can all find out exactly how it works and give the USDA some time to work out the details.

Again, the President has requested this program. The pilot program will include 10 States and will run from 2003 to 2006. To make the program viable, we will ramp up funding to $200 million by 2006.

The pilot program allows the farmer to set up a savings account. The Secretary of Agriculture will then match the producer's contribution. A producer's contribution is limited to $5,000 a year. The farmer can then withdraw from the account when his farm income from that year is less than 90 percent of the farm income averaged over the last 5 years.

Again, we have a strong nutrition title here. We have gone from $3.6 billion in the House to $3.4 billion here. But if we want to have the farm savings accounts, then Senators will have a choice. We have already done a lot for nutrition. I take a back seat to no one in my support for strong nutrition programs. But if the will is to nick the loan rates a little bit—and I guess this is what this is all about—let's at least let's leave a little with some income support for farmers. I am willing to give the benefit of the doubt to my friends on the other side of the aisle. Let's try this farm savings account. Let's see how it works. Maybe I will be proven wrong. I don't know that it will work, but it is probably worth a try. And I know the President wants it.

The President keeps saying he wants bipartisanship. The McConnell amendment reduced loan rates, a thirteen-hundredths-of-1-percent reduction in loan rates over 10 years. No farmer is going to notice a thirteen-hundredths-of-1-percent reduction in loan rates over 10 years. No farmer is going to notice that. But a lot of disabled people and working families will recognize the $16-a-month difference that it will make for them.

On this amendment, I speak not only for myself but I speak for the following groups: The Children's Defense Fund, the Kentucky Task Force on Hunger, the Center on Budget and Policy Priorities, the National Council of La Raza, the Food Research and Action Center, America's Second Harvest, Bread for the World, and the Western Regional AntiHunger Coalition, which includes the Food Bank of Alaska, the California Food Policy Advocates, the California Association of Food Banks, the Idaho Community Action Network, the Montana Food Network, Montana Hunger Coalition, the Oregon Hunger Relief Tax Force, the Oregon Food Bank, the Utahs Against Hunger, the Children's Alliance of Washington, the Washington Association of Churches, and the Washington Food Coalition.

All of these groups are interested in helping provide sustenance for the disabled and working families with children. And the only sacrifice that the McConnell amendment envisions farmers making is a thirteen-hundredths-of-
I don’t think there is a need to further explain the underlying amendment. I had hoped Senator HARKIN would accept it. Since he has not chosen to do that, I hope the Harkin second-degree amendment will be rejected and that the underlying amendment supported by all of these groups interested in feeding hungry people and disabled people will be agreed to.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 2 minutes in support of the McConnell amendment.

The distinguished Senator from Kentucky has stated the case well. In earlier debates, both of us pointed out that the McConnell amendment is essential to bringing justice to all Americans who are recipients of food stamps, as well as among those who are most vulnerable in our society. It does so at a minimal change with regard to payments to farmers. I suspect most farmers recognize that and would commend the intent.

In fairness to my distinguished colleague, the chairman of our committee, does not argue about the intent. Indeed, the Senate bill is much more generous than the House bill in regard to nutrition programs and food stamps in particular and is much more generous than administration proposals. At the same time, we have spent the time in committee attempting to explore equity. This seems to me to be an amendment that rounds this out, and that brings completion to our argument in a very satisfying way.

The savings account idea is a good one, but to introduce it at this point seems to me to be inappropriate. I am most hopeful that Senators who support the McConnell amendment will think through, once again, an opportunity that we have in a humane way to help those who are vulnerable in our society through satisfying nutrition programs.

I thank the Chair. I yield the floor.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes twenty-two seconds.

Mr. HARKIN. Mr. President, frankly, I think it is inappropriate. We plan to propose a pilot program in the manager’s amendment. This just expands it.

I am trying to do something that reaches across the aisle in a bipartisan atmosphere, something that friends on the other side of the aisle and the President have called for in doing something about these farm savings accounts. I don’t really know whether they will work or not, but I am willing to let them try to put some money in the pilot program.

On the other hand, on nutrition programs, there is $49 million a year. Every dollar helps. When you are spending $20 billion a year and say we are going to put in another $49 million, you could look at it and say that doesn’t do much. The Senator from Kentucky says we are not taking much out of farmers. You are not taking much out of farmers but you are not doing enough for poor people either.

If you are going to do that—if you are going to nick the farmers a little bit—rather than holding out false hopes to poor people that somehow you are really going to boost nutrition programs when you aren’t with this amendment, then at least try to do something that might be meaningful to help farm income in the future. That could be meaningful. But $49 million, or $50 million, on $20 billion for food stamps is, as I said, holding out false hopes to poor people that somehow you have done something.

I suggest to my friend from Kentucky that perhaps he might want to tell the President not to send the budget down here that has $4.2 billion in increases in nutrition programs when we are already at $8.4 billion. I had hoped the President would have sent down a budget that said, no, we need to put more money in nutrition, and we need $8 billion or $10 billion, as the ranking member was trying to do in committee with $10 billion more for nutrition.

On the other hand, the amount of money going into farm savings accounts could be quite significant to a number of farmers.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 18 seconds.

Mr. MCCONNELL. Mr. President, I will not need to use the whole 18 minutes. Let me restate what this is about. This is about working families with children and disabled people who are eligible for food stamps. It has been suggested by my friend and colleague from Iowa that the amount involved for those people would not be noticed. I would respectfully suggest that $16 a month for a family of four will be noticed and that the loss of thirteen-hundredths of 1 percent on the loan rate will not be noticed by the farmers.

This is an amendment that ought to be approved. As I said earlier, it is supported by a vast array of groups led by the Children’s Defense Fund that believes it is necessary to bring this program up to the level that it ought to achieve when looking into the future.

I hope that the Harkin second-degree amendment will be defeated and that the underlying McConnell amendment, supported by the Children’s Defense Fund and an array of different organizations, which I listed a few moments ago, will be approved.

Again, this is about $16 a month for working families with children and the disabled, paid for by a thirteen-hundredths of 1 percent reduction in loan rates.

I think this is a tradeoff that every farmer in America would understand. I suggest to myself a friend of farmers as well. I will bet there is not a farmer in Kentucky who wouldn’t think this is an appropriate step to take.

Is the Senator from Iowa out of time? The PRESIDING OFFICER. The Senator from Iowa has 18 seconds remaining.

Mr. MCCONNELL. Mr. President, I am happy to yield back my time if the Senator from Iowa wants to yield back his 18 seconds.

Mr. HARKIN. I yield the remainder of my time.

Mr. MCCONNELL. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2822

Mr. LUGAR. Mr. President, let me ask the distinguished chairman of our committee for his attention to the Helms amendment No. 2822 dealing with animal welfare. I wanted to inquire of the Senator with regard to the Helms amendment No. 2822 on animal welfare. It is my understanding that on both sides of the aisle we are prepared to accept that amendment.

Mr. HARKIN. It is a good amendment.

Mr. LUGAR. Will the Chair turn our attention to the Helms amendment No. 2822 and proceed with the regular order with that amendment?

The PRESIDING OFFICER. The amendment is now pending. The question is on agreeing to the amendment. The amendment (No. 2822) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Nevada.

AMENDMENT NO. 2829

Mr. REID. Mr. President, I ask unanimous consent the Senate now turn to amendment No. 2829.

The PRESIDING OFFICER. Without objection, the amendment is now the pending question.

Mr. REID. Mr. President, Senators BREAX and FEINSTEIN have worked on this amendment now for the past hour or thereabouts.

The amendment, as modified, is as follows:

As modified, is as follows:

Strike the period at the end of section 143 and insert a period and the following:

The amendment, as modified, is as follows:

Strike the period at the end of section 143 and insert a period and the following:
SEC. 144. REALLOCATION OF SUGAR QUOTA.
Subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

**PART VIII—REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS**

**SEC. 360. REALLOCATING CERTAIN SUGAR QUOTAS.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, on or after June 1 of each year, the United States Trade Representative, in consultation with the Secretary, shall determine the amount of the quota of cane sugar used by each qualified country, and may reallocate the unused quota for that fiscal year, and may adjust the unused quota for that fiscal year among qualified supplying countries.

“(b) DEFINITIONS.—In this section:

“(1) QUALIFIED SUPPLYING COUNTRY.—The term ‘qualified supplying country’ means one of the following 40 foreign countries that is allowed to export cane sugar to the United States under an agreement or any other agreement with which the United States has an agreement relating to the importation of cane sugar:

- Argentina
- Australia
- Barbados
- Belize
- Bolivia
- Brazil
- Colombia
- Congo
- Costa Rica
- Dominican Republic
- Ecuador
- El Salvador
- Fiji
- Gabon
- Guatemala
- Guyana
- Haiti
- Honduras
- India
- Ivory Coast
- Jamaica
- Madagascar
- Malawi
- Mauritius
- Mexico
- Mozambique
- Nicaragua
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- St. Kitts and Nevis
- South Africa
- Swaziland
- Taiwan
- Trinidad and Tobago
- Uruguay
- Zambia

“(2) CANE SUGAR.—The term ‘cane sugar’ has the same meaning as the term has under part VII.”.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2854

Mr. LUGAR. Mr. President, I ask unanimous consent the Senate now turn to the McConnell amendment No. 2854.

The PRESIDING OFFICER. Without objection, the amendment is now the pending question.

To there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2854.

The amendment (No. 2854) was agreed to.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2855, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent the Senate now turn to amendment No. 2855, Senator KYL’s amendment.

The PRESIDING OFFICER. Without objection, the amendment is now the pending question.

AMENDMENT NO. 2855, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent the Senate now turn to amendment No. 2855, Senator KYL’s amendment.

The PRESIDING OFFICER. Without objection, the amendment is now the pending question.

The amendment, as modified, is as follows:

On page 9, between lines 11 and 12, insert the following:

“(A) all interstate compacts, court decrees, and Federal and State laws (including regulations) that may affect water or water rights; and

(B) all procedural and substantive State water law.

On page 10, line 1, strike “(13)” and insert “(14)”.

On page 11, line 9, strike “(14)” and insert “(15)”.

On page 10, line 14, strike “(15)” and insert “(16)”.

On page 10, line 12, strike “(16)” and insert “(17)”.

On page 20, between lines 10 and 11, insert the following:

“(i) identifies actions that dealers and inspectors shall take to ensure adequate socialization; and

(ii) identifies a set of behavioral measures that inspectors shall use to evaluate adequate socialization; and

(C) for the socialization of dogs intended for sale as pets with other dogs and people, through compliance with a performance standard developed by the Secretary based on the recommendations of veterinarians and animal welfare and behavior experts that—

(i) identifies actions that dealers and inspectors shall take to ensure adequate socialization; and

(ii) identifies a set of behavioral measures that inspectors shall use to evaluate adequate socialization; and

(D) for addressing the initiation and frequency of breeding of female dogs so that a female dog is not—

(i) bred before the female dog has reached at least 1 year of age; and

(ii) whelped more frequently than 3 times in any 24-month period.”.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2855, as modified.

The amendment (No. 2855), as modified, was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2542, AS FURTHER MODIFIED

Mr. LUGAR. Mr. President, I ask that the Chair consider an amendment by the Senator from Pennsylvania, Mr. SANTORUM, No. 2542.

The PRESIDING OFFICER. The amendment is now pending. Is there further debate?

Mr. LUGAR. I ask clarification from the Chair. On the copy of the amendment I am looking at, it identifies it as amendment No. 2639. Can the Chair help illuminate?

The PRESIDING OFFICER. As soon as the Chair has been illuminated, the Chair will illuminate.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The pending amendment No. 2542 was modified with the text of the amendment the Senator has just referenced.

Mr. HARKIN. It has been modified.

The PRESIDING OFFICER. The Senator is correct. It has been modified.

Mr. LUGAR. I thank the Chair for that information. I ask that the Chair proceed to consideration of the amendment.

The PRESIDING OFFICER. The Chair is momentarily in doubt.

The pending question is amendment No. 2542 as previously modified and with the proposed modification that is now at the desk.

Is there objection to the second modification?

Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

Beginning on page 2, strike line 11 and all that follows through page 4, line 21, and insert the following:

“(C) for the socialization of dogs intended for sale as pets with other dogs and people, through compliance with a performance standard developed by the Secretary based on the recommendations of veterinarians and animal welfare and behavior experts that—

(i) identifies actions that dealers and inspectors shall take to ensure adequate socialization; and

(ii) identifies a set of behavioral measures that inspectors shall use to evaluate adequate socialization; and

(D) for addressing the initiation and frequency of breeding of female dogs so that a female dog is not—

(i) bred before the female dog has reached at least 1 year of age; and

(ii) whelped more frequently than 3 times in any 24-month period.”.
Mr. SANTORUM. There are at least 3,000 commercial dog breeding facilities licensed to operate by the United States Department of Agriculture. These facilities are required to comply with the rules and regulations of the Animal Welfare Act, AWA, that sets forth requirements for humane handlings and treatment. Inspections, to oversee compliance with AWA standards, are performed by the USDA.

There are serious inadequacies with the current system that demand our attention. One problem has been insufficient resources for the USDA to perform timely and routine inspections. Second, inspectors have too few tools to make the assessment of proper care that they must. I have worked for several years on strategies to solve these problems through congressional and agency action.

I was very pleased to be joined last year by one-third of my Senate colleagues in seeking an increased appropriation for USDA to enforce the Animal Welfare Act. USDA has approximately 80 inspectors to inspect nearly 3,000 commercial dog breeding facilities in the United States Department of Agriculture. This carefully-crafted provision will help USDA take action against the genuinely bad actors while allowing for the rights of all individuals in the breeding business. I am deeply concerned about small businesses and the protection of private property rights, so I have worked with many interested parties to ensure this provision strikes the right balance.

When families decide to buy or adopt a dog, they are taking in a new family member. When they find, after weeks or months of sharing their home with this dog, that their pet has behavioral problems or some latent disease, they often do everything in their power to help their dog with veterinarian care or behavioral training.

Unfortunately, dogs that are maltreated early in life and that have been denied the early contacts that allow them to form solid bonds with people and other animals, may bite or lash out to defend themselves. These dogs will often go to great lengths, and spare no expense, to find a cure for a problem that could easily have been prevented.

Our legislation should not be controversial. It is about protecting animals from mistreatment. It is about preventing heartbreak and loss to families. And it is about doing what is responsible.

Please support the Santorum-Durbin amendment for puppy protection.

ENDORSEMENT LIST FOR PUPPY PROTECTION ACT

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Humane Society of Etowah County (Gadsden)
Humane Society of Chilton County (Clanton)
Humane Society of Pike County (Troy)
Mobile SPCA (Mobile)
Monroe County Humane Society (Monroeville)
Montgomery Humane Society (Montgomery)
St. Clair Animal Shelter (Pell City)
Tuscaloosa Metro Animal Shelter (Tuscaloosa)
Walker County Humane Society (Jasper)

ARIZONA

Berryville Animal Care and Control (Berryville)
Hot Springs Village Animal Welfare League (HPV)
Paragould Animal Welfare Society (Paragould)
Sherwood Animal Services (Sherwood)

ARIZONA

Animal Defense League of Arizona (Tucson)
Arizona Animal Welfare League (Phoenix)
Coconino Humane Association (Flagstaff)
Hacienda De Los Milagros, Inc. (Chino Valley)
Holbrook Police Department (Holbrook)
Humane Society of Sedona (Sedona)
Humane Society of Southern Arizona (Tucson)

CALIFORNIA

Actors and Others for Animal (North Hollywood)
All for Animals (Santa Barbara)
Animal Friends of the Valley/LEAF (Lake Elsinore)
Animal Protection Institute (Sacramento)
Animal Care Services Division, City of Sacramento (Sacramento)
Animal Place (Valleymont)
Antioch Animal Services (Antioch)
Association of Veterinarians for Animal Rights (Davis)
Benedicto/Vallejo Humane Society (Vallejo)
Berkley Animal Care Services (Berkeley)
California Animal Care (Pam Desert)
California Animal Defense and Anti-Vi
dection League, Inc. (Carson)
City of Perris Animal Control (Perris)
City of Sacramento Animal Care Services Division (Sacramento)
City of Santa Barbara Police Department—Animal Control (Santa Barbara)
Contra Costa Humane Society (Pleasant Hill)
Costa Mesa Animal Control (Costa Mesa)
Desert Hot Springs Animal Control (Desert Hot Springs)
Division (Santa Barbara)
Dog Obedience Club of Torrance, CA (Torrance)
Earth Island Institute (San Francisco)
Eileen Hawthorne Fund Inc. (Fort Bragg)
Escalante Humane Society (Escondido)
Friends for Pets Foundation (Sun Valley)
Friends of the Fairmont Animal Shelter (San Leandro)
Friends of Solano County (Fairfield)
Haven Humane Society, Inc. (Redding)
The Healdsburg Animal Shelter (Healdsburg)
Helen Woodward Animal Center (Rancho Santa Fe)
Hollister Animal Shelter (Hollister)

Humane Education Network (Menlo Park)
Humane Society of Imperial County (El Centro)
Humane Society of Tuolumne County (Jamestown)
Kings SPCA (Hanford)
Lake Tahoe Humane Society/SPCA (South Lake Tahoe)
Lawndale Municipal Services, Animal Control Division (Lawndale)
The Marip Humane Society (Novato)
Orange County People for Animals (Irvine)
Orange County SPCA (Huntington Beach)
Pasadena Humane Society and SPCA (Pasadena)
Pet Adoption League (Grass Valley)
Petaluma Animal Services (Petaluma)
Placer County Animal Services (Auburn)
Placer County Animal Services (Kings Beach/Tahoe Vista)
Pleasanton Police Department—Animal Services (Pleasanton)

COLORADO

Adams County Animal Control (Commerce City)
Barnwater Cats Rescue Organization (Denver)
Cat Care Society (Lakewood)
Cherry Hills Village Animal Control (Cherry Hills Village)
Delta County Humane Society (Delta)
Denver Animal Control and Shelter (Denver)
The Dreampower Foundation/P.A.A.L.S. (Castle Rock)
Dumb Friends League (Denver)
Good Samaritan Pet Center (Denver)
Humane Society of Boulder Valley (Boulder)
Intermountain Humane Society (Conifer)
Larimer Humane Society (Fort Collins)
Lone Rock Veterinary Clinic (Nederland)
Longmont Humane Society (Longmont)
Montrose Animal Protection Agency (Montrose)
Rangely Animal Shelter (Rangely)
Rocky Mountain Animal Defense (Boulder)
Table Mountain Animal Center (Golden)
Thornhill Animal Control (Thornton)

CT

Animal Welfare Associates, Inc. (Stamford)
Connecticut Humane Society (Newington)

DELAWARE

Delaware SPCA (Georgetown)
Delaware SPCA (Stanton)

FLORIDA

Alachua County Humane Society (Gainesville)
Animal Rights Foundation of Florida (Pompano Beach)
Animal Welfare League of Charlotte County (Fort Charlotte)
Arni Foundation (Daytona Beach)
Baker County Animal Control (Macclenny)
Central Brevard Humane Society-Central (Cocoa)
Central Brevard Humane Society-South (Melbourne)
Citizens for Human Animal Treatment (Crawfordville)
Clay County Animal Control (Green Cove Springs)
Coral Springs Humane Unit (Coral Springs)
First Coast Humane Society/Nassau County Animal Control (Yulee)
Flagler County Humane Society (Palm Coast)
Halifax Humane Society (Daytona Beach)
Humane Society of Broward County (Fort Lauderdale)
Humane Society of Collier County, Inc. (Naples)
Humane Society of Lake County (Eustis)
Humane Society of Lee County, Inc. (Fort Myers)
Humane Society of Manatee County (Bradenton)
Humane Society of North Pinellas (Clearwater)
Humane Society of St. Lucie County (Port Pierce)
Humane Society of Tampa Bay (Tampa)
Human Society of the Treasure Coast, Inc. (Palm City)
Jacksonville Humane Society
Jefferson County Humane Society (Monticello)
Lake City Animal Shelter (Lake City)
Leon County Humane Society (Tallahassee)
Marion County Animal Center (Ocala)
Okaloosa County Animal Services (Fort Walton Beach)
Panhandle Animal Welfare Society (Fort Walton Beach)
Play Acres, Inc. (Wildwood)
Prayer Alliance for Animals (Jupiter)
Putnam County Humane Society (Holiday)
Safe Animal Shelter of Orange Park (Orange Park)
Safe Harbor Animal Rescue and Clinic (Jupiter)
Sarasota Lake Animal League, Inc. (Clermont)
Southeast Volusia Humane Society (New Smyrna Beach)
SPCA of Hernando County, Inc. (Brooksville)
SPCA of Pinellas County (Largo)
SPCA of West Pasco (New Port Richey)
Suncoast Basset Rescue, Inc. (Gainesville)
Suwannee County Humane Society (Live Oak)
Volusia County Animal Services (Daytona Beach, FL)
Wings of Mercy Animal Rescue (Panama City, FL)

**GEORGIA**
Animal Rescue Foundation, Inc. (Milledgeville, GA)
Atlanta Humane Society and SPA, Inc. (Atlanta)
Basset Hound Rescue of Georgia, Inc. (Kennesaw)
Big Canoe Animal Rescue (Big Canoe)
Catoosa County Animal Control (Ringgold)
Charles Smith Gall Humane Society, Inc. (Cleveland)
Cherokee County Humane Society (Woodstock)
Clayton County Humane Society (Jonesboro)
Collie Rescue of Metro Atlanta, Inc. (Atlanta)
Coweta County Animal Control Department (Newnan)
Crawfordville Shelter (Crawfordville)
Douglas County Humane Society (Douglasville)
Dublin-Laurens Humane Association (Dublin)
Fayette County Animal Shelter (Fayetteville)
Fitzgerald-Ben Hill Humane Society (Fitzgerald)
Forsyth County Humane Society (Cumming)
Georgia Labrador Rescue (Canton)
Glynn County Animal Services (Brunswick)
Golden Retriever Rescue of Atlanta (Peachtree City)
The Good Shepard Humane Society (Sharsburg)
Homeward Bound Pet Rescue, Inc. (Ellijay)
Humane Services of Middle Georgia (Macon)
Humane Society of Camden County (Kingston)
Humane Society of Griffin-Spalding County (Experiment)
Humane Society’s Mountain Shelter (Blairsville)
Humane Society of Moultrie-Colquitt County (Moultrie)
Humane Society of Northwest Georgia (Dalton)
Lookout Mountain Animal Resources, Inc. (Menlo)
Lowndes County Animal Welfare (Valdosta)
Okefenokee Humane Society (Waycross)
Pet Partners of Habersham, Inc. (Cornelia)
Pound Puppies N Kittens (Oxford)
Rescuing Animals In Need, Inc. (Buford)
Rockdale County Animal Care and Control (Conyers)
Small Dog Rescue/Adoption (Cumming)
Society of Human Friends of Georgia, Inc. (Lawrenceville)
Toccoa-Stephens County Animal Shelter (Toccoa)
Town of Chester (Chester)
Vidalia Animal Control (Vidalia)
Washington-Wilkes Animal Shelter (Washington)

**HAWAII**
Hawaii Island Humane Society (Kailua-Kona)
Hawaii Island Humane Society (Keauau)
Hawaiian Humane Society (Honolulu)
Hualalai Humane Society (Hilo)
The Maui Humane Society (Pauene)
West Hawaii Humane Society (Kailua-Kona)

**IOWA**
Animal Control (Creston)
Animal Lifeline of Iowa, Inc. (Carlisle)
Animal Protection Society of Iowa (Des Moines)

**INDIANA**
Animal Rescue League of Iowa (Des Moines)
Appanoose County Animal Lifeline, Inc. (Centerville)
Boone Area Humane Society (Boone)
Cedar Bend Humane Society (Waterloo)
Cedar Rapids Animal Control (Ely)
Cedar Valley Humane Society (Cedar Rapids)
City of Atlantic Animal Shelter (Atlantic)
Creston Animal Rescue Effort (Creston)
Friends of the Animals of Jasper County (Newton)
Humane Society of Northwest Iowa (Milford)
Humane Society of Scott County (Davenport)
Iowa City Animal Care and Control (Iowa City)
Iowa Federation of Humane Societies (Des Moines)
Jasper County Animal Rescue league and Humane Society (Newton)
Keeuk Humane Society (Keokuk)
Montgomery County Animal Rescue (Red Oak)
Muscatine Humane Society (Muscatine)
Northeast Iowa People for Animal Welfare (Decorah)
Raccoon Valley Humane Society (Adel)
Siouxland Humane Society (Sioux City)
Solution to Over-Population of Pets (Burlington)
Spay Neuter Assistance for Pets (SNAP (Muscatine)
Vinton Animal Shelter (Vinton)

**IDAHO**
Animal Ark (Grangeville)
Animal Shelter of Wood River Valley (Hailey)
Bannock Humane Society (Pocatello)
Ferret haven Shelter/Rescue of Boise, Inc. (Boise)
Humane Society of the Palouse (Moscow)
Idaho Humane Society (Boise)
Kootenai Humane Society (Hayden)
Pocatello Animal Control (Pocatello)
Second Chance Animal Shelter (Payette)
Twin Falls Humane Society (Twin Falls)

**ILLINOIS**
Alton Area Animal Aid Association (Godfrey)
Anderson Animal Shelter (South Elgin)
The Anti-Cruelty Society (Chicago)
Animal Care and Control (Chicag)
Community Animal Rescue Effort (Evansville)
Cook County Department of Animal and Rabies Control (Bridgeview)
Friends Forever Humane Society (Freeport)
Hinsdale Humane Society (Hinsdale)
Homes for Endangered and Lost Pets (St. Charles)
Humane Society of Winnebago County (Rockford)
Illinois Federation of Humane Society (Urbandale)
Illinois Humane Political Action Committee (Mahomet)
Kankakee County Humane Society (Kankakee)
Metro East Humane Society (Edwardsville)
Naperville Animal Control (Naperville)
Peoria Animal Welfare Shelter (Peoria)
Peoria Humane Society (Peoria)
PetEd Humane Education (Hinsdale)
Quincy Humane Society (Quincy)
South Suburban Humane Society (Chicago Heights)
Tinley Park Animal Control (Tinley Park)

**KANSAS**
Animal Heaven (Merriam)
Arma Animal Shelter (Arma)
Caring Hands Humane Society (Newton)
Chanute Animal Control Department (Chanute)
City of Kinsey Animal Shelter (Kinsey)
Piney River Humane Society (Piney River)
Ford County Humane Society (Dodge City)
Heart of America Humane Society (Overland Park)
Hutchinson Humane Society (Hutchinson)
Kansas Humane Society (Hutchinson)
Lawrence Humane Society (Lawrence)
Leavenworth Humane Society (Leavenworth)
Medicine Lodge Animal Shelter (Medicine Lodge)
Neosho County Sheriff’s Office (Erie)
Salina Animal Shelter (Salina)
S.E.K. Humane Society (Pittsburg)
Southeast Kansas Humane Society (Pittsburg)
KENTUCKY
Boone County Animal Control (Burlington)
Friends of the Shelter/SPCA Kentucky (Florence)
Humane Society of Nelson County (Bardstown)
Jefferson County Animal Control and Protection (Louisville)
Kentucky Coalition for Animal Protection, Inc. (Lexington)
Lexington Humane Society (Lexington)
Marion County Humane Society Inc. (London)
McCracken County Humane Society, Inc. (Paducah)
Muhlenberg County Humane Society (Greenup)
Woodford Humane Society (Versailles)

LOUISIANA
Calcasieu Parish Animal Control and Protection Department (Lake Charles)
Humane Society of Southern Louisiana Inc. (Lexington)
Louisiana SPCA (Lake Charles)

MAINE
The Ark Animal Shelter (Cherryfield)
Boothbay Region Humane Society (Boothbay Harbor)
Buskirk Animal Shelter (Bucksport)
Greater Androscoggin Humane Society (Auburn)
Houlton Humane Society (Houlton)
Humane Society-Waterville Area (Waterville)
Kennebec Valley Humane Society (Augusta)
Maine Friends of Animals (Palmouth)
Penobscot Valley Humane Society (Lincoln)

MICHIGAN
Adopt-a-Pet (Allegan)
Animal Placement Bureau (Lansing)
Capital Area Humane Society (Lansing)
The Cat Connection (Berkley)
Concern for Critters (Battle Creek)
Friends for Felines Inc. (Lansing)
Grosse Point Animal Adoption Society (Grosse Pointe Farms)
Humane Society of Bay County, Inc. (Bay City)
Humane Society of Huron Valley (Ann Arbor)
Humane Society of Kent County (Walker)
Humane Society of Southwest Michigan (Benton Harbor)
Inkster Animal Control (Inkster)
Iosco County Animal Control (Tawas City)
Kalamazoo Humane Society
Lenawee Humane Society (Adrian)
Menominee Animal Shelter (Menominee)
Michigan Animal Adoption Network (Livonia)
Michigan Animal Rescue League (Poniac)
Michigan Humane Society (Westland)
Michigan Humane Society (Rochester Hills)
Midland County Animal Control (Midland)
Mid-Michigan Animal Welfare League (Standish)
Ottawa Shores Humane Society (West Olive)
Pet Connection Humane Society (Reed City)
Roscommon County Animal Shelter (Roscommon)
The Safe Harbor Haven Inc./Rottweiler Hope (Grand Ledge)
St. Clair Shores Emergency Dispatchers (St. Clair Shores)
St. Joseph County Animal Control (Centre
town)

WAG Animal Rescue (Wyandotte)
Wonderful Humane Society (Cadillac)

MINNESOTA
Almost Home Shelter (Mora)
Animal Allies Humane Society (Duluth)
Beltrami Humane Society (Bemidji)
Berner Mountain Dog Club of the Greater Twin Cities (St. Paul)
Brown County Humane Society (New Ulm)
Carver-Scott Humane Society (Chaska)
Clearwater County Humane Society (Baxter)
Dobberan Rescue Minnesota (Prior Lake)
Friends of Animal Humane Society of Carlton County, Inc. (Cloquet)
Hibbing Animal Shelter (Hibbing)
Humane Society of Otter Tail County (Fergus Falls)
Humane Society of Polk County, Inc. (Crookston)
The Humane Society of Wright County (Buffalo)

Isanti County Humane Society (Cambridge)
Minnesota Valley Humane Society (Burnsville)
Second Chance Animal Rescue (White Bear Lake)
Waseca County Humane Society (Waseca)

MISSOURI
Atton Veterinary Clinic (St. Louis)
The Alliance for the Welfare of Animals (Springfield)
Animal House Veterinary Hospital (Arnold)
Animal Protective Association of Missouri (St. Louis)
Audrain Humane Society (Mexico)
Boonville Animal Control Shelter (Boonville)
Callaway Hills Animal Shelter (New Bloomfield)
Carthage Humane Society (Carthage)

Columbia Lowndes Humane Society (Columbia)
Jefferson County Animal Welfare Society (Salem)
Dogwood Animal Shelter (Camdenton)
Humane Society of Missouri (St. Louis)
Humane Society of the Ozarks (Farmington)
Humane Society of Southeast Missouri (Cape Girardeau)
Jefferson County Animal Control (Barnhart)
Lamar Humane Society (Lamar)
Lee’s Summit Municipal Animal Shelter (Lee’s Summit)
Marshall Animal Shelter (Marshall)
Northeast Missouri Humane Society (Hannibal)
Olde Towne Fenton Veterinary Hospital (Fenton)
Open Door Animal Sanctuary (House Springs)
Pound Pals (St. Louis)
Saline Animal League (Marshall)
Sikeston Beethoven Humane Society (Sikeston)
St. Charles Humane Society (St. Charles)
St. Joseph Animal Control and rescue (St. Joseph)
St. Louis Animal Rights Team (St. Louis)
St. Peters Animal Control (St. Peters)
Waynesville, Kan.

MISSISSIPPI
Cedarhill Animal Sanctuary, Inc. (Cal
donia)
Forest County Humane Society (Hattiesurg)
Humane Society of South Mississippi (Gulfport)
Mississippi Animal Rescue League (Jackson)

MONTANA
Anaconda Police Department-Animal Control
Animal Welfare League of Montana (Billings)
Bitter Root Humane Association (Hamilton)
Bright Eyes Care and Rehab Center, Inc. (Choteau)
Humane Society of Cascade County (Great Falls)
Humane Society of Park County (Livingston)
Mission Valley Animal Shelter (Polson)
Montana Spay/Neuter Taskforce (Victor)
Missoula Humane Society (Missoula)
PAWHS (Deer Lodge)

NORTH CAROLINA
Animal Protection Society of Orange County (Chapel Hill)
Carolina Animal Protection Society of Onslow County, Inc. (Jacksonville)
Carteret County Humane Society, Inc. (Morehead City)
CONGRESSIONAL RECORD — SENATE

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Charlotte/Mecklenburg Animal Control Bureau (Charlotte)
Forsyth County Animal Control (Winston-Salem)
Henderson County Humane Society (Hendersonville)
Humane Society of Rowan County (Salisbury)
Justice For Animals, Inc. (Raleigh)
Moore Humane Society (Southern Pines)
North Carolina Animal/Rabies Control Association (Raleigh)
SPCA of Wake County ( Garner)
Wake County Animal Control (Raleigh)
Watauga Humane Society (Blowing Rock)
NORTH DAKOTA
Central Dakota Humane Society (Mandan)
James River Humane Society (Jamestown)
Souris Valley Humane Society (Minot)
NEBRASKA
Animal Rescue Society, Inc. (Lincoln)
Capital Humane Society (Lincoln)
Care Seekers (Omaha)
Central Nebraska Humane Society (Grand Island)
Coalition for Animal Protection, Inc. (Omaha)
Dodge County Humane Society (Fremont)
Hearts United for Animals (Auburn)
McCook Humane Society (McCook)
Nebraska Border Collie Rescue (Bellevue)
Nebraska Humane Society (Omaha)
Panhandle Humane Society (Scottsbluff)
White Rose Sanctuary (Gordon)
NEW HAMPSHIRE
Animal Rescue League of New Hampshire (Bedford)
Cochecho Valley Humane Society (Dover)
Collage (Nashua)
Concord-Merrimack County SPCA (Concord)
Conway Area Humane Society (Center Conway)
Greater Derry Humane Society, Inc. (East Derry)
Hume society of Greater Nashua (Nashua)
Manchester Animal Shelter (Manchester)
Monadnock Humane Society (W. Swanzey)
New Hampshire Animal Rights League, Inc. (Concord)
The New Hampshire Doberman Rescue League, Inc. (Rochester)
New Hampshire Humane Society (Laconia)
New Hampshire SPCA (Stratham)
Salem Animal Rescue League (North Salem)
Solutions to Overpopulation of Pets, Inc. (Concord)
Sullivan County Humane Society (Claremont)
White Mountain Animal League (Franconia)
NEW JERSEY
Animal Welfare Federation of New Jersey (Montclair)
Associated Humane Societies (Newark)
Cumberland County SPCA (Vineland)
Humane Society of Atlantic County (Atlantic County)
Hunterdon County SPCA (Mifflin)
Monmouth County SPCA (Eatontown)
Parsippany Animal Shelter (Parsippany)
Paws for a Cause (Brick)
NEW MEXICO
Animal Aid Association of Cibola County (Milan)
Cimarron Police Animal Control (Cimarron)
Deming/Luna County Humane Society (Deming)
Dona Ana County Humane Society (Las Cruces)
Homeless Animal Rescue Team, Inc. (Los Lunas)
Peoples’ Anti-Cruelty Association (Albuquerque)
Rio Grand Animal Humane Association, Inc. (Los Lunas)
Roswell Humane Society (Roswell)
San Juan Animal League (Farmington)
Santa Fe Animal Shelter and Humane Society
NEVADA
Carson/Eagle Valley Humane Society (Carson City)
Nevada Humane Society (Sparks)
NEW YORK
Animal Rights Advocates of Western New York (Amherst)
The Caring Corps, Inc. (New York)
Chautauqua County Humane Society (Jamestown)
Chenango County SPCA (Norwich)
Columbia-Greene Humane Society (Hudson)
Elmore SPCA (Peru)
Finger Lakes SPCA of Central New York (Auburn)
The Fund for Animals (New York)
Humane Society of Rome (Rome)
New York State Animal Control Association (Oswego)
New York State Humane Association (Kingston)
People for Animal Rights, Inc. (Syracuse)
SPCA of Catt County (Olean)
St. Francis Animal Shelter, Inc. (Buffalo)
OHIO
Angles for Animals (Greenford)
Animal Adoption Foundation (Hamilton)
Animal Charity (Youngstown)
Animal Control of Brook Park (Brook Park)
Animal Control-City of Middleburg Heights (Middleburg Heights)
Animal Protection Guild (Canton)
Animal Protective League (Cleveland)
The Animal Shelter Society, Inc. (Zanesville)
Alter Pet Inc. (Sharston Center)
Ashataba County Humane Society (Jefferson)
Athens County Humane Society (Athens)
Belmont County Animal Shelter (St. Clairsville)
Brown County Animal Shelter (Georgetown)
Cahoe Therapy Companions (Wooster)
Capital Area Humane Society (Hilliard)
Carroll County Humane Society (Carrollton)
The City of Cleveland Dog Kennels (Cleveland)
Crawford County Humane Society (Bucyrus)
Darke County Animal Shelter (Greenville)
Erie County Dog Pound (Sandusky)
Euclid Animal Shelter (Euclid)
Gallia County Animal Welfare League (Galipolis)
Harrison County Dog Warden (Codiz)
Hearts and Paws (Cana Fulton)
Henry County Humane Society (Napoleon)
Humane Association of Butler County (Trenton)
Humane Association of Warren County (Lebanon)
Humane Society of Delaware County (Delaware)
Humane Society of Erie County (Sandusky)
Humane Society of Greater Dayton (Dayton)
Humane Society of Guernsey County (Cambridge)
Humane Society of the Ohio Valley (Marietta)
The Humane Society of Ottawa County (Port Clinton)
Humane Society of Preble County (Eaton)
Humane Society of Sandusky County (Fremont)
Lake County Dog Shelter (Painesville)
Lake County Humane Society, Inc. ( Mentor)
Marion County Humane Society (Marion)
Mannesota Valley Save-A-Pet (Waterville)
Medina County Animal Shelter (Medina)
Miami County Animal Shelter (Troy)
Monroe County Humane Society (Woodside)
Montgomery County Animal Shelter (Dayton)
Morrow County Humane Society (Mt. Gilead)
North Central Ohio Nature Preservation League (Manfield)
North Coast Humane Society (Cleveland)
Ohio County Dog Wardens’ Association (Delaware)
Ohioans for Animal Rights (Eastlake)
PAWS (Middletown)
Paws and Prayers Per Rescue (Akron)
Pet Birth Control Clinics (Cleveland)
Pet-Guards Shelter (Cuyahoga Falls)
Humane Society Animal Protective League (Ravenna)
Portage County Dog Warden (Ravenna)
Rescue, Rehabilitation and Release Wildlife Center (New Philadelphia)
Sandusky County Dog Warden (Fremont)
The Scratching Post (Cincinnati)
Society for the Improvement of Conditions for Stray Animals (Kettering)
SPCA Cincinnati (Cincinnati)
Starck County Humane Society (Louisville)
Their Caretakers (DeGraff)
Toldeo Area Humane Society (Maumee)
Tuscarawas County Dog Pound (New Philadelphiah)
Wayne County Humane Society (Wooster)
Wester Reserve Humane Society (Euclid)
Wood County Humane Society (Bowling Green)
Wyandot County Humane Society, Inc. (Sandusky)
OKLAHOMA
Animal Aid of Tulsa, Inc. (Tulsa)
Enid SPCA (Enid)
Home at Last Organization (Tulsa)
Humane Society of Cherokee County (Tahlequah)
Oklahoma Humane Federation (Oklahoma City)
Partners for Animal Welfare Society (McAlester)
PAWS (Muskogee)
Petfinders Animal Welfare Society, Inc. (Moore)
Promoting Animal Welfare Society, Inc. (Muskogee)
Stephens County Humane Society (Duncan)
Volunteers for Animal Welfare, Inc. (Oklahoma City)
OREGON
Hood River County Sheriff’s Department (Hood River)
Humane Society of Allen County (Lima)
Humane Society of Central Oregon (Bend)
Humane Society of Willamette Valley (Salem)
Jackson County Animal Shelter (Phoenix)
Lakeview Police Department (Lakeview)
Multnomah County Animal Control (Tualatin)
Oregon Humane Society (Portland)
South Coast Humane Society (Brookings)
Wallowa County Humane Society (Enterprise)
PENNNSYLVANIA
Antietam Humane Society, Inc. (Waynesboro)
Beaver County Humane Society (Monaca)
Bradford County Humane Society (Ulster)
Chester County SPCA (West Chester)
Cumberland Valley Animal Shelter (Chambersburg)
Humane Society at Lackawanna County (Clarks Summit)
Lehigh Valley Animal Rights Coalition (Allentown)
The Pennsylvania SPCA (Philadelphia)
The Pennsylvania SPCA (Stroudsburg)
Ruth Stein Memorial SPCA (Pottsville)
SPCA of Luzerne County (Wilkes Barre)
Western Pennsylvania Westie Rescue Committee (New Castle)
Women’s Humane Society (Bensalem)
York County SPCA (Thomsonville)

Animal Rescue League of SRI (Wakefield)
Potter League for Animals (Newport)
Providence Animal Control Center (Providence)
Warren Animal Shelter (Warren)

SOUTH CAROLINA
The Animal Mission (Columbia)
Animal Protection League of South Carolina (Hopkins)
Beaufort County Animal Shelter and Control (Beaufort)
Blue Ridge Animal Fund (Travelers Rest)
City of Aiken Animal Control (Aiken)
Columbia Animal Shelter (Columbia)
Concerned Citizens for Animals (Simpsonville)
Grand Strand Humane Society (Myrtle Beach)
The Greenville Humane Society (Greenville)
Hanahan Animal Control Office/Animal Shelter (Hanahan)
Hilton Head Humane Association (Hilton Head Island)
Humane Society of Marion County (Marion)
Humane Society of the Midlands (Columbia)
The Humane Society of North Myrtle Beach (North Myrtle Beach)
Kershaw County Humane Society (Camden)
Lancaster County Animal Control (Kershaw)
Lexington Animal Services (Lexington)
Nutritional Medicine Center (North Charleston)
South Carolina Animal Care and Control Association (Columbia)
The Spay/Neuter Association, Inc. (Columbia)
St. Francis Humane Society (Georgetown)
Walter Crowe Animal Shelter (Columbia)

SOUTH DAKOTA
Aberdeen Area Humane Society (Aberdeen)
Beadle County Humane Society (Huron)
Humane Society of the Black Hills (Rapid City)

TENNESSEE
Animal Protection Association (Memphis)
Companion Animal Support Services (Nashville)
Fayette County Animal Rescue (Rossville)
Greenville-Greene County Humane Society (Greenville)
Hardin County Humane Society (Savannah)
Hickman Humane Society (Centerville)
Humane Society of Cumberland County (Cookeville)
Humane Society of Dickson County (Dickson)
Humane Society of Dover-Stewart County (Dover)
Nashville Humane Association (Nashville)
North Central Tennessee Spay and Neuter (West Lafayette)
Tennessee Humane Association (Knoxville)

TEXAS
Animal Adoption Center (Garland)
Animal Connection of Texas (Dallas)
Animal Defense League (San Antonio)

Animal Shelter and Adoption Center of Galveston Island, Inc. (Galveston)
Affordable Companion Animal Neutering (Austin)
Canyon Lake Animal Shelter Society (Canyon Lake)
Central Texas SPCA (Cedar Park)
Citizens for Animal Protection (Houston)
City of Brownsville-Animal Control (Brownsville)
City of Hurst Animal Services (Hurst)
City Nacogdoches Animal Shelter (Huston)
City of West University Place (Houston)
Doggie Mom Rescue (Dallas)
Find-A-Pet (Dallas)
Guadalupe County Humane Society (Seguin)
Harker Heights Animal Control (Harker Heights)
Homeless Pet Placement League (Houston)
H.O.R.S.E.S. in Texas (Chico)
Houston Dachshund Rescue (Spring)
Houston Humane Society (Houston)
Houston SPCA (Houston)
Humane Society of El Paso (El Paso)
Humane Society of Greater Dallas (Dallas)
Humane Society of Harlingen (Harlingen)
Humane Society of Montgomery County (Conroe)
Humane Society of Navarro County (Corsicana)
Humane Society of North Texas (Fort Worth)
Humane Society of Tom Green County (San Angelo)
Jasper Animal Rescue (Jasper)
Lubbock Animal Services (Lubbock)
Metropot Humane Society (Roanoke)
North Central Texas Animal Shelter Coalition (Fort Worth)
Operation Kindness Animal Shelter (Carrollton)
Paws Shelter for Animals (Kyle)
SPCA of Texas (Dallas)
Texas Federation of Humane Society (Austin)
Waco Humane Society and Animal Shelter (Waco)

VIRGINIA
Animal Assistance League (Chesapeake)
Animal Welfare League of Alexandria (Alexandria)
Caring for Creatures (Palmyra)
Charlottesville-Albemarle SPCA (Charlottesville)
Danville Area Humane Society (Danville)
For the Love of Animals in Goochland (Manakin-Sabot)
Henrico Humane Society (Richmond)
Heritage Humane Society (Williamsburg)
Humane Society of Montgomery County (Blackburg)
Humane Society/SPCA of Nelson County (Glade Spring)
Ivey of Wight County Humane Society (Smithfield)
Lynchburg Humane Society Inc. (Lynchburg)
Madison County Humane Society (Madison)
The National Humane Education Society (Leesburg)
New Kent Sherrif’s Department (New Kent)
Page County Animal Shelter (Stanley)
Penninsula SPCA (Newport News)
Portsmouth Police Animal Control (Portsmouth)
Potomac Animal Allies, Inc. (Woodbridge)
Prevent a Litter Coalition, Inc. (Reston)
Smyth County Humane Society (Marion)
SPCA of Northern Virginia (Arlington)
SPCA of Martinsville-Henry County (Martinsville)
SPCA of Winchester, Frederick and Clarke Counties (Winchester)
Suffolk Animal Control Shelter (Suffolk)

Tazewell County Animal Shelter (Tazewell)
Vinton Police Department—Animal Control (Vinton)
Virginia Beach SPCA (Virginia Beach)
Wildlife Center of Virginia (Waynesboro)
Williamsburg-James City County Animal Control (Williamsburg)

VERMONT
Addison County Humane Society (Middlebury)
California Animal Rescue (St. Johnsbury)
Central Vermont Humane Society (Montpelier)
Colville Rescue League of New England (Bradford)
Elizabeth B. Brown Humane Society, Inc. (St. Johnsbury)
Endtrap (White River Junction)
Green Mountain Animal Defenders (Burlington)
Progressive Society of Chittenden County (South Burlington)
The Nature Network (North Pomfret)
Rutland County Humane Society (Pittsfield)
Rutland Police Department-Animal Control (Rutland)
Second Chance Animal Center (Shaffsbury)
Vermont Volunteer Services for Animals (Woodstock)
Windham County Humane Society (Brattleboro)

WASHINGTON
Animal Protection Society (Friday Harbor)
City of Hoquiam’s Animal Control (Hoquiam)
Ellensburg Animal Shelter (Ellensburg)
Humane Society of Central Washington (Yakima)
The Humane Society of Seattle/King County (Bellevue)
Humane Society of Skagit Valley (Burlington)
Kindred Spirits Animal Sanctuary (Suquamish)
NOAH (Stanwood)
University of Washington Animal Welfare Society (Lynnwood)
SPOKANE Animal C.A.R.E. (SPOKANE)
Wenatchee Valley Humane Society (Wenatchee)
Whatcom Humane Society (Bellingham)

WISCONSIN
Alliance for Animals (Madison)
Bay Area Humane Society and Animal Shelter, Inc. (Green Bay)
Cats International (Cedarburg)
Chippewa County Humane Association (Chippewa Falls)
Clark County Humane Society (Nellieville)
Coulee Region Humane Society, Inc. (LaCrosse)
Dane County Humane Society (Madison)
Eastshore Humane Association (Chilton)
Eau Claire County Humane Association (Eau Claire)
Elm Brook Humane Society (Brookfield)
Fox Valley Humane Association Ltd (Appleton)
Human Society of Marathon County (Wausau)
Lincoln County Humane Society Inc. (Merrill)
Northwoods Humane Society (Hayward)
Ozaukee Humane Society (Grafton)
The Pепин County Humane Society (Duran)
Rock County Humane Society (Janesville)
Rusk County Animal Shelter (Ladysmith)
Shawano County Humane Society (Shawano)
Washington County Area Humane Society (Spooner)
Washington County Humane Society (Slinger)
Wisconsin Humane Society (Milwaukee)
The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, is as follows:

(Purpose: To provide equity and fairness for the promotion of imported Hass avocados)

At the appropriate place insert the following:

Section 1205 of the Hass Avocado Promotion, Research, and Information Act (contained in H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106-387) is amended—

(1) in paragraph (b)(2) strike subparagraph (C) and insert in lieu thereof:

[CURRENT SECTION—Future allocation. After five years, the USDAs discretion to revisit the issue of seat allocation on the board.]

(2) in paragraph (h)(1)(C)(iii) by striking everything in the first sentence following “shall” and inserting in lieu thereof “be paid not less than 30 days after the avocado clears customs, unless deemed not feasible as determined by the Commissioner of Customs in consultation with the Secretary of Agriculture.”

Mr. GRAMM. This is a very simple amendment that tries to bring equity to Mexican producers of avocados by collecting the fee in the same way on imported avocados as we do on domestically grown avocados. It also gives the Department of Agriculture an opportunity in 5 years to look at the representation on the board that spends the money to promote avocados.

I thank the Senator from California, Mrs. Feinstein, for working with me. I commend it to my colleagues.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2849), as modified, was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.
“(A) a designated marketing association of peanut producers that is approved by the Secretary, which may own or construct necessary storage facilities. In the Southwest and South, such designated marketing association shall be operated primarily on behalf of peanut producers. The designated area marketing association shall be allowed to form marketing pools for peanuts by type and quality, including the creation of a separate pool for Valencia peanuts in New Mexico.

(b) a Farm Service Agency; or

(c) a loan servicing agent approved by the Secretary.

On page 112, after line 25, insert the following:

“(A) loan servicing agent.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, as a condition of the Secretary’s approval of an entity to serve as a loan servicing agent or to handle or store peanut marketing loans, that entity shall agree to provide adequate storage (if available) and handling of peanuts at the commercial rate to other approved loan servicing agents and marketing associations.

On page 116, strike lines 6 through 15 and insert the following:

“(h) A REA MARKETING ASSOCIATION

AMENDMENT NO. 2848 WITHDRAWN

Mr. LUGAR. Mr. President, I ask unanimous consent that amendment No. 2848, offered by Senator GRAMM of Texas, be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. Senator from Nevada.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. The amendment.

Mr. REID. 2825, offered by the Senator from Oklahoma. The Senator from Iowa.

AMENDMENT NO. 2853

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that the amendment No. 2853 be called up.

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

Mr. HARKIN. Mr. President, this amendment deals with a change, and that has to do with the equity portion of a part of the farm bill that just changes the mix a little bit to cover cities up to 100,000.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to amendment No. 2853.

The amendment (No. 2853) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2850

Mr. HARKIN. Mr. President, I call for the regular order. Might I inquire exactly what the regular order now is before the Senate?

The PRESIDING OFFICER. The regular order is amendment No. 2850 offered on behalf of Senators KYL and NICKLES.

Mr. HARKIN. Mr. President, I understand that the pending amendment before the Senate is the Kyl amendment No. 2850 that deals with a sense of the Senate on estate taxes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, again, we are getting close to the end here. We only have a few amendments left that I have on my list. Most of them have been worked out. I thank all Senators for helping to work out the amendments. I think we have basically completed my amendment. As I understand it. We have an amendment No. 2851 offered by Senator DOMENICI dealing with dairy. We have the Leahy amendment No. 2834 dealing with organics. We have a Kerry-Snowe amendment No. 2852 dealing with commercial fisheries, and we have an Inhofe amendment No. 2825 dealing with peanuts. That is all I have on my list. I ask Senator LUGAR if he has anything else.

Mr. LUGAR. That is my understanding. I believe, in addition, another amendment will be offered in relation to the Kyl-Nickles amendment on estate taxes.

Mr. HARKIN. A second degree?

Mr. LUGAR. A second-degree amendment. But there will be votes on both of those; that is, they will be side by side in the debate.

Mr. HARKIN. Mr. President, we are now on the Kyl amendment No. 2850. I ask the assistant majority leader if we could enter into a time agreement to bring this to a close.

Mr. REID. If I could respond to the manager of the bill for the majority, I will attempt to get a time agreement. We could not do that. We agreed to having 30 minutes equally divided. This matter has been debated endlessly for the past several weeks. I think we have heard about all there is to hear. I would hope that those on the other side who are in favor of this legislation would speak, and those opposed to it. Senator CONRAD is going to speak. He has an alternative. The proposal is, we would vote on his and, following that vote, on the underlying KYL-NICKLES amendment.

Mr. HARKIN. I ask the leader, could we move to that and debate that?

Mr. REID. Senator CONRAD has been on the floor for more than an hour. He is here someplace. He will be here momentarily. But what he did say is he would appreciate it if those who are proposing this legislation would move forward and then, when they have completed their statement, he would offer the second degree, and we would go from there.

Senator KYL is here.

Mr. HARKIN. Senator KYL is here. Wonderful. Now we can move ahead. Get the Senator a podium.

Mr. REID. I inquire through the Chair to my friend, the Senator from Arizona—he is going to speak—are there others who wish to speak?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in response to the assistant majority leader, the answer is, yes. Senator GRAMM is prepared to speak. I think Senator HUTCHISON was here a moment ago. Senator NICKLES will be back in about a half hour. So until we know exactly how many people want to speak, I am reluctant to enter into a time agreement. I don’t want to take all night, but I don’t want to limit it at this point.

If I could further propound an inquiry, it is my understanding we will have a second-degree amendment and on the Kyl-Nickles amendment. What I am unclear of is the effect of the Conrad
amendment and whether it would obviate the Kyl amendment. It is a little unclear by virtue of the language. I have only seen a handwritten copy of it. It would be helpful if we knew what the effect of that is before we proceed.

Mr. REID. If I may respond to my friend from Arizona, if the Conrad second-degree amendment passes, then his amendment is gone. If it doesn’t pass, then we would come back and vote on his amendment.

Mr. KYL. Mr. President, if I had understood earlier, the idea would be to have a separate up-or-down vote on each. I thought that is what the agreement was. Am I incorrect?

Mr. REID. I think the Senator from Arizona is correct. The Senator from North Dakota has decided he wanted to file a second-degree amendment. I would only say to my friend from Arizona, if you and those who have spoken on behalf of this legislative measure for several weeks now have confidence it has been elaborated upon several times, you should be OK and have a vote on yours.

Mr. KYL. I am sorry. If the suggestion was that we should have a vote, I think there are folks who would like to talk about this.

Mr. REID. I am sorry to interrupt. If we could have some time agreement from the proponents of this legislation, we would work out a side-by-side.

Mr. KYL. Mr. President, I think at 7 o’clock we should revisit this question of a time agreement. We perhaps could enter into it. I want to wait until Senator Conrad responds.

Mr. DORGAN. Will the Senator yield for an inquiry on that issue?

Mr. REID. I am happy to yield.

Mr. DORGAN. I would inquire, for purposes of scheduling this evening, I understand the Senator’s point that someone is now gone for a half an hour and you might want to talk at 7 o’clock about scheduling. Is there any way we might get some notion of whether you are intending to accept the time agreement, so that if we are going to have votes later this evening we could get a sense of when that might be?

Mr. REID. If I could respond to my friend, the majority leader wants to finish this bill tonight. We have indicated that the estate tax debate is going to take a little bit of time. Earlier today, we agreed on half an hour evenly divided.

But let us talk about the amendments, pending, Domenici 2851, Leahy, Kerry-Snowe, and Inhofe, if that is still available, if they are not here, I am going to move to table those amendments. We are not going to wait around for people to come and make their convenience and offer their amendments. That is a very good question. We have been on this bill for weeks. We have made tremendous progress today with the help of the managers of this bill. I see no reason why tonight. I think we should finish it tonight.

Mr. GRAMM. If the Senator will yield, I thought we had something worked out where the Senator from Arizona, Mr. KYL, would have a sense-of-the-Senate resolution on making the repeal of the death tax permanent and that the Senator from North Dakota, Mr. CONRAD, would have a parallel amendment. Once the Senate has decided about the Social Security trust fund, and that we would have an opportunity to vote on each so it would be technically possible that both could go into the bill.

If, on the other hand, the Conrad amendment is a substitute for the Kyl amendment and would, in the process of being adopted, kill it, then what we want is an up-or-down vote on the Kyl amendment. We certainly don’t object to an up-or-down vote on the Conrad amendment. We don’t think it is relevant because 9 years from now, when this would go into effect, we will have a surplus far larger than the repeal of the death tax. But if we could do it where they are parallel, as I understand we were going to do it. I think we can get a time limit and finish our business.

If the Conrad amendment is a substitute so that we are not going to get to vote on a sense of the Senate to repeal the death tax, I don’t think we will get an agreement.

Mr. REID. Mr. President, we had an agreement earlier today that was not effectuated with the consent of the Chair. We thought we had an agreement on 30 minutes equally divided on the first- and second-degree amendments and there would be side-by-side votes. The time agreements have broken down.

We acknowledge that this issue has been debated considerably. We are willing to give you an up-or-down vote. But even though it is not relevant to the farm bill, we believe there should be a vote, it should transpire. But we want a time agreement. Otherwise, we are faced with an all-night session here, and it is not necessary. The Senator from Arizona has told me in 25 minutes he would agree to a time agreement. So I think we should all cool our jets for a few minutes and see if we can work our way through this.

Mr. LUGAR. If I may respond to my colleague, shortly, I will offer a motion that the Inhofe amendment be withdrawn. That means there will be only three amendments other than the debate on the estate tax. I inquire if we might get a time agreement of 30 minutes on each of those three amendments.

Mr. REID. To interrupt my friend—and I hope he accepts this—that would be Domenici, Leahy, and Kerry-Snowe.

Mr. LUGAR. Yes. And then perhaps work out time agreements so that there are up-and-down votes on the two estate tax amendments.

Mr. REID. In fact, we could get one of the amendments out of the way before 7 p.m. I think that is appropriate. 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. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2850, WITHDRAWN

Mr. LUGAR. Mr. President, I move that the Inhofe amendment No. 2825 be withdrawn.

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

Mr. LUGAR. I thank the Chair. 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. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2850

Mr. KYL. Mr. President, I anticipate a unanimous-consent request to be delivered momentarily which will set the stage for the debate on the Nickles amendment which I believe is the pending business. But we do not need to waste time prior to that. We can actually begin this discussion and lock that in and proceed. With that understood—and I have spoken to Senator CONRAD about this—I propose we begin the discussion on this amendment, and when the agreement is ready, we can propound it to the body. Let me say by way of introduction, and then I will yield to the Senator from Texas for some remarks, that the Kyl-Nickles amendment is a sense of the Senate. We should finish the job we started last year and make the repeal of the death tax permanent.

As my colleagues will recall, because the tax bill was considered under the reconciliation procedure, it could only last 10 years. That means that even though we repealed the death tax in the last 10 years, after our Kyl bill sunsets and we go right back to the position of the death tax as it existed last year, with a 60-percent higher rate and a $675,000 exemption. That is very unfair, it is very poor tax policy, and if we really meant to repeal the death tax, as we voted to do, then we should finish the job we started.

This amendment simply puts us on record as committing to that proposition so that when the appropriate bill comes along, we can accomplish the result. Clearly, this farm bill is an appropriate vehicle for us to discuss this issue as a sense-of-the-Senate issue because there are an awful lot of owners of family farms who would like to see the death tax repealed so they do not have to worry about being on it.

To further discuss this proposition, I yield now to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate very much what Senator KYL and Senator NICKLES are doing because most people think we are on a
glidepath to eliminating the death tax. We have taken that vote.

The worst situation we could possibly have is not knowing. Can you imagine how debilitating it would be to plan for a family business or a family farm? If the bill were to pass, we would have 9 years at lower inheritance taxes and then in the 10th year, unless you happen to die in the one year we have repealed, you would end up going back to 3 years ago? That just does not make sense.

The best tax policy is one that is stable, that people can count on; that when it is passed, people can plan according to that tax law or policy. What we have now is the absolute opposite. We have a situation where people cannot plan. They do not know when they are going to die, so they do not know what the inheritance tax is going to be, and they do not know if it really will be repealed because Congress keeps talking back and forth about whether they have something they want to do. They sell the family business or family farm to pay the taxes.

This is not money that has never been taxed. No, it is money that was taxed when it was earned, and taxed every year that it has been invested. The money has already had its fair share of taxes taken out.

We have to make a decision in this Congress if we want small businesses to survive. I do. Small family-owned businesses are the basis of our country. Sometimes they grow and prosper and become big businesses. Sometimes they are passed to their children and create livelihoods for children.

Lost in a lot of this debate are the employees of these small businesses and family-owned farms, the people who own nothing but work for these small businesses. What happens when a business has to be sold to pay taxes? All the people relying on that business lose their jobs. Some have heard story after story of a small family business that was the most important business in town and had to be sold. The people working there were out of jobs, in a very small community where one does not just walk across the street and get another job. We have heard that time and again.

I will never forget the letter I saw written by a man who happened to have a farm that his parents had worked and saved so hard to buy, about 10 acres in a beautiful part of Texas, but it was a part of Texas in the old days that was just a farming area. It was not very expensive, not very well known. It was pretty and nice but not that big a deal. Today it is called the hill country, and it is the most expensive land in rural Texas.

When the parents died, the children inherited that farm, but they had to pay the world’s highest taxes on that farm because it had escalated to such a great value. They sold their homes and moved into an apartment to keep the family farm.

The bottom line is, going into the third generation, the man said: My children could not possibly get enough cash to pay the taxes for us to pass this farm to them in the third generation. The land is going for $6,000, $7,000 an acre, and the farm will eventually have to be sold.

Mr. President, who gains? Who gains from selling that farm? Who gains from a small business having to be sold to pay taxes? The employees who work for that business lose. They lose their jobs and their livelihoods in the community in which they want to live. Certainly not the family, not the patriarch and the matriarch who worked hard to put that business together. Certainly not the children who may have worked or wanted to be in the family business, who wanted to continue the tradition.

They lose.

One might say Uncle Sam gains. But is it really a gain when you tear something out of our economy that is a thriving small business? Is it a minus after paying the tax? Is it an amount that has already had taxes paid on it. In fact, the only reason one would ever want to tax an inheritance is to level society, and America was not built on society leveling. America was built on the concept that one could come to this country, work hard, and make as good a living as they could make by the sweat of their brow, and pass on what they have to their children, if that is what they decide to do.

We are not a country that is entrepreneurial, that has a spirit that is looking at society leveling. What good does it do for us to tax at death and disrupt family businesses, family farms, family ranches, families? It does not make sense.

I hope we will pass the amendment offered by Senator Kyl and Senator Nickles that puts the Senate on record we are going to make permanent this tax cut. We have done it once. The Congress and the President has signed the bill, but because of a process, it goes out of existence in 10 years and that is not stabilizing, it is destabilizing, and we need to correct it and do the right thing.

So I applaud Senator Kyl and Senator Nickles. I support them fully, and I hope Congress will speak once again. We passed it once; we can do it again. This time let us do it right, and let us do it within a process that says we are doing this and we really mean it; not because of a process that nobody cares about it is going out of existence in 10 years. Let us do it right so people can count on it, so they can plan and so these small businesses can continue to create jobs and be a part of our economy.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, at the appropriate time, I would like to offer a second-degree amendment that says this: Since both political parties have pledged not to use Social Security surplus funds by spending them for other purposes, and since under the administration’s 2003 budget, the government is projected to spend the Social Security surplus for other purposes in each of the next 10 years, and since permanent extension of the inheritance tax repeal would cost, according to the administration’s own estimate, approximately $194 billion over the next 10 years and $800 billion in the next 10 years, all of which would further reduce the Social Security surplus, therefore it is the sense of the Senate that no Social Security surplus funds be used for other purposes.

The situation we face as a nation is last year when we were addressing the budget, the President and the Congress have voted for it and the President has signed the bill, but because of a process, it goes out of existence in 10 years. Let us do it right, and let us do it right, and let us do it right.

The chart shows it very clearly. This chart shows from 1992 until 2012 the fiscal condition of the country. We were in deep deficit in 1992. Then we started to pull out of it with the 1993 plan that we passed, I might add, without a single vote on the other side of the aisle, not a single vote, and we started moving out of deficit.

In 1997, we passed an additional plan. That one was on a bipartisan basis, and it finished the job. We moved into budget surpluses. We stopped using Social Security trust funds. This chart shows in specific detail what has happened since 1996. In 1996, we were using 100 percent of the Social Security trust funds for other purposes. The same was true in 1997. In 1998, we reduced it so we were only using 30 percent of Social Security money for other purposes.

In 1999 and 2000, we stopped using Social Security money entirely. These were the good days. These were the responsible days. In 2001, we started backsliding. Under the President’s budget, President Bush’s budget, every dollar we do not get is a dime that is no longer available to the Federal Government. It is Social Security money, every dime. There are no surpluses left.

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The cost in this decade of the Senator’s proposal is $104 billion. The cost in the next decade is $800 billion. At the time the baby boomers start to retire, they will take it all out of Social Security funds. That is from where it is coming from.

Here is what we confront at the very time they are talking about adding $300 billion of additional tax cuts: Social Security and Medicare trust funds go cash negative at the very time they are talking about another $800 billion of tax cuts, all of it out of Social Security.

The Director of the Office of Management and Budget came before the Senate Budget Committee and said:

Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We’ll have to increase borrowing by very large, likely, unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; we are at 19 percent of GDP now in taxes.

Anybody think we will go to 30 percent of GDP? If we do not, they will have to be massive cuts or eliminate most of the rest of government as we know it. That’s the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

I cannot think of an amendment that is more fiscally irresponsible than the one before this body now. The President last year in his State of the Union promised not to use Social Security trust funds for any other purpose. That is the pledge that he would not break.

To make sure the retirement savings of America’s seniors are not diverted to any other program, my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.

That is what he said last year. Now, in reading his budget, we see he will take $2.2 trillion of Social Security and Medicare trust fund money and use it for tax cuts and other expenses of Government.

The Senator from Arizona says that is not enough, let’s take even more money from Social Security—let’s take it all and not protect any of Social Security.

I don’t think so. Those who vote to take it are going to be mighty surprised by the reaction of the American people when they find out we are already on course to eliminate taxes for a couple that would not pay any taxes—not a dime—on $7 million. Now the Senator has gone for the $32 million here and there, and taken every dime out of the Social Security trust fund.

This reversal in our financial fortune has meant that over the next decade, instead of being virtually debt free by 2008, which is what they told us last year, we now find by 2008 there will be $3 trillion of debt. The result of that is we will be paying as a country $1 trillion more in interest over the next decade. Instead of $600 billion in interest, we will pay $1.6 trillion in interest payments. We ought to quit digging the hole deeper.

This amendment takes more money out of the trust funds to have a tax cut that goes to a fraction of 1 percent of the American people.

The Senator from Arizona and the Senator from Texas earlier argued this is a question of fairness. I agree. It is a question of fairness. Where should the money come from to restore the integrity of the trust funds? Where should it come from? One of the first places we would look is the wealthiest among us, for us to say, if you die and have an estate of over $7 million, maybe you ought to be part of solving this extraordinary problem we now face. I don’t think that is unreasonable.

We have had some of the wealthiest people in America before the Finance Committee saying they did not think it was unreasonable for them to make some contribution to restoring the integrity of the trust funds of Social Security and Medicare.

For those who say this money has already been taxed over and over, it is not true. Much of this money has never been taxed. It has been locked up in long-term capital gains and people never paid taxes at all.

This is a fundamental question before the Senate, the most basic of questions about priorities, about responsibility, about paying our bills, about keeping the promise that this President and Members of this Chamber made on the question of not looting or raiding the Social Security trust fund to pay for other things. Now before the Senate is an amendment that says we will take Social Security money and use it to give a tax reduction to the very wealthiest. What a perversion of fairness. Those are not the values of the people I represent. I don’t believe those are the values of the American people. I hope when the vote is called tomorrow we will have a chance to vote for the substitute amendment and to defeat the amendment of the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Texas.

Mr. GRAMM. Mr. President, I agree with every word Senator CONRAD said. Senator CONRAD laments that we are not keeping our promises of not raiding the Social Security trust fund. In fact, in his resolution he talks about not using it for tax cuts or spending.

I remind my colleagues, only a few hours ago on rollcall vote No. 25, we waived the Budget Act to steal $2.4 billion out of the Social Security trust fund. If people look at that vote—I voted against it, the Senator from Arizona voted against it—the Senator from North Dakota voted for the budget waiver that did exactly what he laments today. In the same day we talk about not spending the Social Security trust fund on making the death tax repeal permanent, we waive the Budget Act to take $2.4 billion of it to pay subsidies while we continue to tax the poor versus the rich. Where did the subsidies go? A select group of people, generally very high income people.
It is very instructive to note that while the assault on making the repeal of the death tax permanent is an assault that is claimed to be protecting Social Security, this very day those who have launched the assault voted to raid the Social Security trust fund when there was still deficit when we were spending Social Security trust fund money and borrowing money. That did not prevent the Senate from spending another $2.4 billion this very single day. That shows how this whole amendment flows.

It does not end there. Let me read this language of the Conrad amendment:

"Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay for making currently scheduled tax cuts permanent or for wasteful spending.

Who gets to define "wasteful"? Does that mean every effort to make the death tax repeal permanent is equivalent to wasteful spending? In fact, was adding $2.4 billion to an already bloated farm bill less or more wasteful than making the death tax repeal permanent so that farmers and ranchers will not lose their farms and ranches when they die?

A final point before I turn to the amendment I am for. Senator CONRAD acts as if the passage of the Kyl amendment—and we are just doing a sense of the Senate—would spend Social Security trust fund money. Not so. In fact, the Kyl amendment goes into effect 9 years from now. Nine years from now, in the year 2011—in fact, CONRAD refers to the administration's estimate. Let me tell you what that estimate is.

Nine years from now, when the Kyl amendment would go into effect, by making the tax cut that would be fully implemented permanent, we will have a surplus, according to OMB, of $350 billion. The Social Security surplus will be $290 billion, which is $60 billion less than the surplus we are projected to have.

The repeal of the death tax costs $4 billion. So, in fact, if the death tax repeal were made permanent, if we were voting on, not a sense-of-the-Senate resolution but law today—and we are going to get an opportunity to do that, probably on the so-called energy bill—but if we were voting on it today, this permanency goes into effect in 9 years, in 2011, the projected surplus from the administration—contrary to what the sense-of-the-Senate resolution that Senator CONRAD is offering says—is $350 billion, the Social Security surplus is $290 billion, giving us an on-budget surplus of $60 billion. Repealing the death tax costs $4 billion. So even if we went ahead and made the death tax and making that repeal permanent, we will not spend a penny of Social Security surplus in the year 2011.

Let me also say something about the idea that we are going to have social unrest because we don't make people pay 55 cents out of every dollar they earned in their life to the Government when they die; I think it is stretching someone's conception of social unrest beyond the breaking point. I am opposed to the death tax. None of my people have ever paid a death tax. The only thing I have ever been bequeathed in my life is a cardboard suitcase that I talk about not making people sell their business or sell their farm, people we always applaud—whether they expect to pay the tax or not.

I think if we view things politically as to who gains and who loses, we often lose in terms of not understanding our own country. This is a question of right and wrong. The death tax is wrong. And the final absurdity is that on the floor of the Senate we claim to be repealing the death tax. Democrats and Republicans voted to repeal it, and yet because of a quirk in the Budget Act we are phasing down the death tax to zero, 9 years from now. So if you die 9 years from now, your children can keep what you have earned, but if you die 10 years from now they have to pay 55 cents out of every dollar of your life's work to the Government.

I think that is wrong. I urge my colleagues to vote for this resolution. We should be making the repeal of the death tax permanent.

I don't have any concern about committing ourselves to not spend the Social Security surplus in repealing the death tax. The repeal doesn't go into effect until 2011, at which point we do not have a surplus at that point. By 2011 we are going to have a surplus that far exceeds the Social Security surplus, unless we do what we did today, which is waive the Budget Act to spend it. I am hopeful that those who vote for the Conrad amendment, tomorrow when we vote on another budget waiver, will vote not to waive the Budget Act. But I hope people will not say to us, "We are really worried, we are worried that we are going to use the Social Security surplus to make tax cuts permanent and to make the repeal of the death tax permanent," and at the same time in the same day to take $2.4 billion out of the Social Security trust fund.

I do not understand. If you are concerned about the trust fund for repealing the death tax, how come you are not concerned about it when you are spending money on a bloated agriculture program? Maybe that sells where you are from. That doesn't sell where I am from. I am for repealing the death tax. I am for making it permanent. The good news is that everyone should know that by doing that, we are raiding the Social Security trust fund. We raided it today when we waived the budget point of order on $2.4 billion. We stole that money right out of the Social Security trust fund, and everybody who voted for that, we voted not to repeal the death tax permanent, and then the first time we have a vote on busting the budget and spending more Social Security trust fund, they will vote for it.

Maybe that sells where you are from. That doesn't sell where I am from. I am for repealing the death tax. I am for making it permanent. The good news is that everyone should know that by doing that, we are raiding the Social Security trust fund. We raided it today when we waived the budget point of order on $2.4 billion. We stole that money right out of the Social Security trust fund, and everybody who voted for that, we voted not to repeal the death tax permanent, and then the first time we have a vote on busting the budget and spending more Social Security trust fund, they will vote for it.

I bet that many people will vote for this sense-of-the-Senate resolution, then vote not to make the repeal of the death tax permanent, and then the first time we have a vote on busting the budget and spending more Social Security trust fund, they will vote for it.

But when we make the death tax repeal permanent, it costs $4 billion in the year 2011, which is when the permanency would kick in. At that point we will have a $60 billion non-Social Security surplus, according to the administration's numbers, if we quit spending money. I urge my colleagues, however you vote on the Conrad amendment, just be sure you read it before you vote and you are ready to live up to it. I am ready to live up to the sense of the Senate on the Conrad amendment.

I would strike out "wasteful" because, as we all know, every program you are for is not wasteful. So I thank our dear colleague from Arizona for his leadership. I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate those remarks of the Senator from Texas. The Senator from Arizona, I know, and the Senator from Oklahoma, as well, want to speak. I just wanted to make a couple of points.

No. 1, President Bush wants us to do this. His budget for this next fiscal year has in it the permanent repeal of the death tax. He wants us to go forward with it. As the Senator from Texas said, we will have a Social Security surplus at the time when we make
this death tax repeal permanent. So we are not raiding the Social Security trust fund, as the Conrad amendment would suggest. In fact, because we are injecting more money into our economy, one could expect there will be additional Federal revenues, not less Federal revenues.

One of the experts on this subject, Dr. William Steger, has estimated that immediate repeal of the death tax would provide a $40 billion automatic stimulus to the economy. He is president of Consad Research Corporation and an adjunct professor of policy sciences at Carnegie Mellon University. So it is a $40 billion automatic stimulus to the economy—not taking the Social Security trust fund.

I will have a lot more to say about this after we enter into our unanimous consent agreement, but I think both the Senator from Alabama and the Senator from Oklahoma would like to speak, and I will yield the floor to them at this point.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his hard work and leadership on this. I appreciate the folks of the Senator from Texas. He is eloquent, as always, and is effective in the points he makes.

First of all, I would like to say why I think it is appropriate that we have this sense-of-the-Senate amendment on the farm bill. It is because it is one of the most significant issues for farmers in America. I speak to farmers frequently. When I first began to campaign for the Senate, they told me right up front that one of their top priorities was the elimination of the death tax. It threatens everything they do.

I was shocked and really surprised to hear the Senator from North Dakota say he is not worried about people passing their farms to their children. I thought that was what the farm bill was all about. I thought it was all about trying to preserve a family farm.

What good does it do to preserve the farm, have a living wage for farmers, and then make them pay 50 or 55 percent of the value of the farm to the Government every generation?

Eliminating the death tax is about preservation of the farm. I think it is appropriate that we are considering it. It is one of the highest priorities of every agricultural organization of which I know.

Second, let me say why I think this thing is bad economics for America, why it is hurting our economy, and why we need to eliminate it.

First of all, the death tax is extraordinarily difficult to compute and collect by the Federal Government. It produces a lower return based on how much money the taxpayer has to pay than almost any other tax we pay. It is an extraordinarily complex thing. It causes individuals to go through the most intricate gyrations and causes them to make financial decisions they would never make otherwise except to attempt to avoid being decimated or having their heirs decimated by the death tax.

Let me tell you what I am really concerned about. This is an issue that I am pretty well have been enough. There are a lot of different ideas that people have about why this tax is bad. I would like to talk about a purely economic argument that strikes me as a great unfairness about the death tax.

Mr. DEMPSEY. Let us say International Paper Company, or the Weyerhaeuser Company, owns 1,000 acres of land, and an individual owns 1,000 acres of land and saves some money and manages it well. Then the individual dies, they have to pay an estate tax. But Weyerhaeuser or International Paper, which owns 600,000 acres of land, or maybe multimillion acres of land, never pays a death tax. Big corporations, large stock-hold corporations, never have their corporate work—Mr. President, I believe there is a little noise here. Even I can’t think very well when it is going on.

The PRESIDING OFFICER. The Senator will be in order.

Mr. SESSIONS. I thank the Chair.

So these corporations are never impacted by estate taxes, but they are competing with smaller farmers, smaller timber producers, and smaller landowners. Whenever a family member in one of those privately held companies dies, they have to pay the Federal Government with a tax. It makes them less competitive.

In my State of Alabama, we have seen an extraordinary number of banks go out of business by selling out to larger banks. Small, closely held banks no longer exist today. One of the main reasons is that the family sits around the table and wrestles with what they are going to do about the future. They get an offer from a big holding company to buy them out. They consider how much in taxes they are going to have to pay and how they are going to keep the bank going while paying 55 percent tax on it. They end up selling out, and then we get bigger and larger corporations with more and more concentrations of wealth and less competitiveness in the American economy.

We need desire more smaller motel companies. We need more small entrepreneurs. We need more small businesses like Home Depot or Wal-Mart. But those stores, if they are closely held, end up getting whacked in each generation by an estate tax.

I talked to a young man and his father. They had four motels. He told me they were paying $5,000 a month for insurance on the father’s life, trying to make sure that if he were to die, they wouldn’t lose their investment.

That is the reality of America. This tax is favoring large corporations in their competitiveness against small corporations and companies and closely held companies. It is not fair. It is not healthy for the economy. We can do better.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to compliment my friend from Alabama, Senator Sessions, for his speech, as well as the Senator from Arizona, Mr. Kyl, and the Senator from Texas, Mr. Gramm, because they have laid it out very plainly and very clearly to the American people.

When we repealed this tax, it was temporary. Some people asked, Why? We did it under a reconciliation instruction. Most Americans don’t have a clue what that means. Basically, that instruction was given to Congress, saying you can pass a bill for 10 years. In other words, it had a sunset. We passed the bill that increased the exemption basically from about $750,000 up to about $4 million. It took 9 years to do that. On the 10 years, we said we will pass it. But, Mr. President, it is unfair. It is unfair to have a tax on death. It is unfair for the Federal Government to say: When somebody dies, we want half of their estate. We don’t care if they built up a big business. Maybe they built up Microsoft, or maybe they built up a series of restaurants, or maybe they built up a manufacturing facility, or maybe they have a large ranch or a large farm which they have had in their family for two or three generations.

We said even if you are fairly large, we don’t think the Federal Government should come in and take half of it because you happen to pass away. So we changed it. What we said was an irrevocable event will not be death; it will be when the property is sold. That is what we passed.

So the taxable rate, when and if that property is sold, will be at the capital gains rate. It will be, let’s say, 20 percent, which is plenty of tax, and the taxable event will be figured when the property is sold, when there is money available to pay that tax. That made good, eminent sense.

The bad news is it will be sunset. Presently, we take the exemption of last year. This year, because of the tax change we made last year, the exemption is $1 million. There is no death tax by the Federal Government if you pass away this year and the taxable estate is less than $1 million. That is an improvement.

We gradually increased that over a period of time. For 2009, we go up to a $3.5 million exemption. Eventually, we will reduce the rate, which is presently 50 percent—last year it was 55 to 45 percent by the year 2009, and there is a $3.5 million exception. For the year 2010, we said we are going to eliminate it. There will be no, or taxable event on death. The taxable event will be when the property is sold. The tax rate will be at the capital gains rate, which is 20 percent, instead of the rate of 45 percent. It makes good sense. It is good sense.

Unfortunately, because of the sunset in the year 2011, bingo, nothing happens. So we revert back to last year’s
law. Instead of having a $3.5 million exemption, we have an exemption of about $1 million. Instead of having the rate at 45 percent, we are going to go back to the rate of 55 or 60 percent. But there was a little 5-percent kicker rate for estates between $10 million and $17 million. We go back to a maximum rate in the year 2011 of 60 percent. That is absurd.

A lot of us said we should make the death tax repeal permanent. That is what the Senate is doing. Somebody asked, Why isn’t this real? We tried to do it on the tax bill we had pending before the Senate—the so-called stimulus package. Senator DASCHLE pulled that bill down. He didn’t want a vote on the amendment of my colleague from Arizona and me. Maybe it is because we are going to win. Maybe it is because we are going to change the tax law and do some real good so people can count on it. We didn’t get a vote on it.

That is the reason we are here today. We are on the farm bill. We voted on a lot of amendments dealing with agriculture, none of which as strongly supported as the amendment we are going to vote on tomorrow.

I have spoken to my fair share of agricultural groups—one that want very little Government involvement and ones that want a lot more than I want. But they are unanimous. When you ask them if they want to repeal the tax, they are in support because they realize that the so-called death tax is one of the most punitive things you can do to American agriculture.

That is the reason somebody who in many cases is asset rich and cash poor: We want half your assets. So they may be trying to pass their farm or ranch on to their kids or to their grandkids, but Uncle Sam says: No, you can’t have a very big farm or ranch for that reason where the Federal Government wants half.

The Federal Government is entitled to take half? That is going to be the law unless we make repeal permanent. So that is why this is important to agriculture. That is why it is important that the amendment be adopted.

What about the underlying amendment or the ‘‘let’s confuse the American public’’ amendment that was offered by our friends on the Democratic side? It is a sense-of-the-Senate amendment. I don’t have a problem with the concept, but I do have a problem with the way it is put.

Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending. I don’t want them to be used for wasteful spending.

And “permanent tax cuts,” let’s see, do we do that in our amendment? The answer is no. So I guess I could support the “therefore,” which is the only thing people really read in these resolutions.

If you read the sentence above that, it is just factually incorrect. It says:

Since permanent extension of the inheritance tax repeal would cost, according to the Administration’s estimate, approximately $104 billion over the next 10 years, all of which would further reduce the Social Security surplus. . .

That is factually incorrect. I am a stickler for facts. I think people are entitled to their own opinion. They are not entitled to their own facts.

If you use the administration’s estimate, they estimate the surplus will exceed Social Security by about $51 billion in the year 2010, $99 billion in the year 2011—the first year this would have real impact—$199 billion in the year 2012, and $395 billion—these are surpluses over and above Social Security. In other words, they are enormous surpluses in the outyears.

You may say this does not really have an impact until the years 2011, 2012, and 2013 because that is when the death tax is repealed, and those are years we have enormous surpluses, including Social Security.

So the amendment is trying to confuse people and bring in Social Security, and so on. Maybe it is confusing, but it is not accurate. It is factually incorrect. I would like people to know that I do not care how you vote on it. It doesn’t mean anything. The sense of Senate says we are not going to use Social Security to pay for permanent tax cuts.

This amendment that Senator KYL and I and Senator GRAMM and Senator SESSIONS have offered does not do that. Are we for wasteful spending? No.

It is interesting to note that people start drawing out Social Security every time we have a tax cut that is real or a tax cut that is proposed as real. But they couldn’t care less about money—Social Security money—on anything and everything, and, oh, we will want the money. We will do so, but, oh, in the outyears, when we have enormous surpluses far exceeding Social Security, don’t you dare do it. We are going to waive the Social Security flag. It is a false flag. It is false cover. Maybe it makes people feel good. I can care less how people vote on that amendment.

I hope people will vote in favor of the sense of the Senate that says we should make the repeal of the death tax permanent. We should do it. We can afford it. We must do it.

It makes no sense, whatsoever, to have a death tax where the Federal Government is coming in and taking a significant portion of somebody’s farm or ranch or business, saying: Oh, we want to take it and use it to pay for other programs, and so on. That does not make sense.

So I compliment my colleagues from Arizona and Texas and Alabama for their work on this amendment. I am happy to cosponsor this amendment.

This morning, to vote in favor of this sense-of-the-Senate amendment to permanently repeal the death tax. Probably the best thing we can do for agriculture in this entire bill is to make repeal of the death tax permanent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, the proposal before us today to repeal the estate taxes rests on a misunderstanding of this tax, and particularly on who pays this tax.

We have been hearing our colleagues talk about the death tax and that it is stalking every American. It turns out that in 1999, 2.6 million died; 49,870 estates incurred a tax liability. A very small fraction of Americans face the estate tax, but I point out, they are the wealthiest Americans. They are not the Social Security recipients. They are not individuals who have worked all their lives and are now with a small pension facing their last days. These are the wealthiest Americans.

It turns out that with the unified credits, with the ability to gift funds to individuals, there is an opportunity—in fact, that is taken by many Americans—to avoid the estate tax. So this is not a death tax; this is a tax on the very wealthiest Americans. And this is a tax that was really, in many respects, copied from the example of our British brethren across the sea, who saw the corrosive power of wealth that is passed on from generation to generation to generation.

I have heard some of my colleagues on the Republican side talk about how the death tax is an insidious weapon of large corporations to beat down the small workers and farmers in this country. Nothing is further from the truth.

This whole estate tax not only is designed to raise revenue, it is also designed to ensure that great fortunes are not passed down, becoming great and powerful without any check whatsoever.

There is another issue with respect to estate taxes. People talk about it as so unfair because it is a double tax: You get taxed when you earn the money and you get taxed again when you pass away. It turns out that a significant amount of estates consist of unrealized capital gains.

Economists have estimated that 36 percent of the wealth in all taxpayable estates is in the form of unrealized capital gains: someone purchases a home, someone purchases stock, they hold that stock for years, and at the time of their death, the estate tax is imposed. But also at the time of death, these assets are passed on to their heirs on a stepped-up basis. So without an estate tax, much of this gain would never be taxed.

There is also another myth that we have heard time and time again; that is, really what happens is that this one tax takes in the family farms and the small businesses of America; that they have to liquidate their assets; that they cannot pass
them on; that they have to pay everything they have earned just to satisfy this tax.

First of all, recognize this tax applies to very few Americans at all. And second, recognize that, despite all the discussion about the family farms being forced into sales because of this tax, no one can produce any real evidence.

The New York Times did a report, talking about an Iowa State University economist who searched out and tried to find any concrete examples of a farm that was forced to be sold to pay for estate taxes. So the myth of the family farm being eliminated—the sons and daughters standing there being denied their inheritance because of the estate tax—is a myth.

There is also the suggestion that if we repeal the estate tax there will be no estate taxes payable at all. That, too, is a misnomer. There have been studies on this question. One study was by David Joulfaian, a Treasury Department economist, who estimated that eliminating the estate tax would result in charitable bequests by about 12 percent, or about $1.3 billion in 1998 dollars. This would have a deleterious effect on something that we all want to encourage; that is, contributions to charities.

So for these reasons, and many more, I do not think repeal of the estate tax is something that should become permanent.

It will also have an impact on State budgets because there is a portion of the estate tax which is credited to local States for their purposes. This would have adverse effects on the finances of States and the finances of the Federal Government. Ultimately, we would be trading off estate taxes for the rich, a relief for those individual estates that we would be paying for it with Social Security funds. I believe this is not the right way to proceed.

Much of what is talked about today as the inequity of the estate tax is more myth than reality. The reality is that if we make this permanent, it will be a huge windfall, most of it the result of unrealized capital gains for the very wealthiest Americans, and we will be taking away the resources we need to provide support for seniors, for children, for on the educational system, for those things that will make us strong as a nation.

I hope we will reject the proposal offered by the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I, too, rise in strong support of the second-degree amendment offered by our distinguished chairman of the Budget Committee, Mr. Wyden, about protecting Social Security and the promotion of fiscal responsibility and basic fairness in our economy are compelling, particularly when we consider it relative to the permanent extension of the inheritance tax.

This amendment stands for a very simple proposition, a principle that no Social Security surplus funds should be used for fiscal irresponsibility. This, Mr. President, is a second-degree amendment, the Senate would go on record opposing the use of Social Security funds for making currently scheduled tax cuts permanent or for wasteful spending.

Social Security is a sacred compact between the American people and their Government. We have promised all Americans if they work hard and pay by the rules, they retire they will not have to live in the fear of poverty. We have promised them a safety net that will provide baseline payments for their retirement years. That is what Social Security is all about, that safety net.

The Kyl amendment and those who would make permanent the estate tax make a 12 percent hit to that promise of Social Security. In this decade alone, we will spend $104 billion, if this is made permanent, of Social Security revenues and reserves to fund this new accelerated tax cut. And probably as serious as is the $800 billion that we will spend over $800 billion in the following decade just at the time our baby boom generation, those in the demographic bubble, come into play, and when the stresses on Social Security and Medicare and all other Federal Government expenditures will be under most pressure.

This is a bad idea. It is a mistake. The Senator from Rhode Island was speaking in the context of fairness. I wonder why we think 2,800 farm estates out of over 2½ million in 1999 leads us to believe that we need to change this tax policy, particularly when we put it in conjunction with undermining our Social Security payments, and only 48,000 estates a year? Then, you add in the fact that taxes have not been paid on unrealized capital gains. I don’t understand why we want to make the tradeoff of undermining our fiscal position as a nation, undermining our ability to continue to fund Social Security appropriately for such a narrow slice.

We are all asked to sacrifice in a world where we are under constraints because of national defense, homeland security, expenditures we need to make, but we also need to protect our seniors, our Social Security. It seems to me this is a priority that does not match the time nor the place nor the needs of our Nation.

It is true Social Security is an extraordinarily generous benefit for our seniors. It provides a little more than $10,000 per person per year on average. In New Jersey, that doesn’t go a long way toward paying for retirement.

I don’t know why we should put at any more risk today than we would at other times; particularly since we are talking about such a narrow slice of the American landscape.

This is a time when making some adjustments to our estate taxes are perfectly reasonable. We have accomplished that. We continue to do that as we go forward. But why we want to make this permanent, undermine our fiscal integrity and Social Security, and do it with an eye that forgets about the fairness of who is getting the benefit relative to what is going to be charged to the American people as we go forward makes no sense.

I hope my colleagues in the Senate will stand with the distinguished Senator from North Dakota and make sure that we have a true expression of the sense of the Senate that stands with the American people.

When the American people are asked a question, do we want to make permanent these tax cuts or do we want to have a raid on Social Security and an undermining of our retirement benefits? If 95 percent of Americans say: Let’s stand with Social Security, and let’s forgo these tax cuts.

I hope we take that into consideration when we are thinking about what are priorities in this debate. About an estate tax cut acceleration relative to our priorities on fiscal responsibility and protecting our seniors through Social Security.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the Senator from Minnesota will withhold briefly, we are at a point now where we could have a finality to this bill. At the present time, it is my understanding on this estate tax debate, Senator Kyl and Senator Dayton are the only two people still left to speak on this. That is my understanding.

I ask unanimous consent that Senator Kyl be allowed to speak for up to 15 minutes and Senator Dayton for up to 15 minutes regarding amendment No. 2850 and that there be no second-degree amendments in order to either amendment; that is, the Conrad amendment or the Kyl amendment: that upon the use or yielding back of the time of the two Senators I have just mentioned, the amendments be set aside to recur Wednesday, tomorrow, February 13, at 9:45 a.m.; that there be a total of 5 minutes for debate on both amendments with the time equally divided and controlled; that at 9:45 a.m., the first vote occur on the Conrad amendment, to be followed immediately by a vote on the Kyl amendment without further intervening action or debate.

Has Senator Conrad offered his amendment?

The PRESIDING OFFICER. He has not.

Mr. Reid. Mr. President, I will offer his amendment. These will be the two amendments that have been talked about here this evening.

The PRESIDING OFFICER. Is there objection? The Senator from Arizona.

Mr. Kyl. Reserving the right to object, I would like to suggest one change
in the proposal. I know Senator DOMENICI would like to speak tomorrow. He is not here this evening. Since there are no other Senators in the Chamber to listen to this debate except for the four who are here, might I inquire of the assistant majority leader whether he would be agreeable to a total of 10 minutes, with 5 minutes per side, and then adjusting it, the 9:40 or total of 10 minutes, with 5 minutes per side? Mr. KYL. We accept that suggestion. The vote will be at 9:50.

Mr. REID. Mr. President, I have no objection to that point. Since there were two previous Democratic speakers, I wonder if the Senator from Minnesota would allow me to proceed. The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified? Without objection, it is so ordered.

AMENDMENT NO. 287
The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. Reid), for Mr. CONRAD, proposes an amendment numbered 2857.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

Since both political parties have pledged not to misuse Social Security surplus funds by spending them for other purposes; and

Since under the Administration’s fiscal year 2003 budget, the federal government is projected to spend the Social Security surplus for other purposes in each of the next 10 years;

Since permanent extension of the inheritance tax repeal would cost, according to the Administration’s estimate, approximately $104 billion over the next 10 years, all of which would further reduce the Social Security surplus;

Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

Mr. REID. Mr. President, I ask unanimous consent that there be 20 minutes each for debate prior to a vote in relation to the following remaining amendments:

Domenici 2851, as modified; Kerry-Snowe 2852, with the time equally divided and controlled in the usual form; that the amendments must be debated tonight; that no second-degree amendments be in order to the amendments; that if the amendment is not disposed of, then it remains debatable and amendable; that the vote in relation to these amendments occur on Wednesday in a stacked sequence in the order in which they were offered; that there be 2 minutes for explanation between each vote; that upon disposition of this and the amendments, the remaining provisions of the previous unanimous consent agreement remain in effect; provided further that a managers’ amendment still be in order on Wednesday and that Senator MCCAIN be recognized to speak for up to 15 minutes prior to final disposition of this bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2854, AS MODIFIED
Mr. REID. Mr. President, I send a modification to the desk and state that Senators LEAHY and STEVENS and the two managers have agreed to this amendment in relation to the Leahy amendment No. 2834.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

(The amendment will be printed in the Record of February 13, 2002.)

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

The question is on agreeing to the amendment.

The amendment (No. 2834), as modified, was agreed to.

Mr. LUGAR. I move to reconsider the vote.

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

AMENDMENT NO. 2851, AS MODIFIED
Mr. LUGAR. I call up amendment No. 2851, which I offered on behalf of Senator DOMENICI earlier today, and I send a modification of the amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Strike section 132 and insert the following:

SEC. 132 NATIONAL DAIRY PROGRAM.
The Federal Agriculture Improvement and Reform Act of 1996 amends section 132(b) of the Food, Agriculture and Consumer Protection Act of 1990 to provide for the adjustment of eligible production prior to final disposition of this bill.

The PRESIDING OFFICER. Without objection, the amendment is so ordered.

AMENDMENT NO. 2859
The PRESIDING OFFICER. The Senator from Arizona is recognized for 15 minutes.

Mr. KYL. Mr. President, let me explain where we are. We have two competing sense-of-the-Senate amendments. The first is the Kyl-Nickles amendment. Incidentally, I ask unanimous consent that Senator HUTCHINSON of Arkansas be added as a cosponsor.

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

Mr. KYL. This sense-of-the-Senate amendment says we should make permanent the repeal of the death tax that the majority of us voted for last year and the President signed into law. It is kind of a cruel hoax to repeal the death tax after a 10-year period, only to have that sunset the very next year. So if you are lucky enough to die in the year 2010, your heirs don’t have to pay any tax. But if you are unlucky enough to live to the year 2011, you go right back to the death tax as it existed last year, with a 60-percent rate, with only a $675,000 exemption. That will be a huge tax increase in that year unless we are able to make the death tax repeal permanent.

I submit that all of us who voted for that—the vast majority of the Members of this body—certainly intended that we weren’t playing a trick on the American people. We intended the repeal of the death tax to be permanent rather than just for 1 year. The competing amendment is Senator CONRAD’S. The bottom line is that we

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not spend Social Security money either for tax cuts or wasteful spending. That is a proposition with which I suspect we can all agree.

The only problem with his proposal is in the text of it, an assertion that the proposal in the event that the death tax actually would spend Social Security money. That is incorrect, as has been pointed out by Senators GRAMM and NICKLES.

Let me talk about the reasons we need to make the death tax repeal permanent and why the arguments of those who oppose that are simply incorrect. One of the arguments the Senator from Rhode Island had was that there is the myth that lots of people pay the death tax. Actually, I didn’t assert that. I don’t think most people would say lots of people pay it. Too many estates pay it. I guess his point was that people don’t pay it, estates pay it. Who owns estates? People do—the heirs, the children, usually, of the person who has died. It is not a very happy circumstance that the death of their father or mother causes them to have to pay a tax. All of the other taxes, with two minor exceptions that we have in our Tax Code, are a result of something we take, voluntary action. If you want to earn money, you have to pay income tax. The death tax is the only one where you don’t choose the event that triggers the tax. You die; you pay a tax. That is something you voluntarily do any way.

That is why everyone who has voted for it has agreed it is an unfair tax and it should not be paid. The fact that not that many people pay it is beside the point. It affects millions and millions of people. Whom does it affect? First of all, all the people in the families of the estates that are being taxed. Secondly, it affects all of the people who tried to plan against the eventuality of paying a death tax. There are literally millions of those people.

In 1999, the estimate is that we collected $23 billion in estate tax and, in addition to that, Americans paid an additional $23 billion in estate planning, in insurance, to accountants and lawyers and estate planners. So, in effect, it is a double tax.

Another point the Senator from Rhode Island made was that there is really a demonstrable effect on charitable contributions. He cited a study that asserted that there might be few charitable contributions to charity if we repeal the death tax. First, it should not be Federal Government policy to force people to give money to charity. That should be from the heart, not because you have a gun at your head. We can have incentives and we can have a tax credit if you contribute to charity. But we should not say unless you contribute that money to charity, the Government is going to confiscate it from your heirs. That is unfair and not something Federal tax policy should do.

Secondly, to summarize a story of a friend of mine, Jerry Witosky, who started a small printing company. He eventually hired 200 people. He was one of the most generous people in our community of Phoenix, AZ. He just could not say no. He had Boys and Girls Clubs named after him. He was a very generous person. When he died, his family hired out the business to pay the estate taxes. They sold it to a big corporation. So much for preventing the accumulation of wealth. Has that big corporation ever contributed to charities in my community? Not that I am aware of.

The bottom line is these private, family-owned businesses are pillars of their community. When they have to be sold off to some big corporation, don’t tell me you are going to have enhanced contributions to charity as a result.

The Senator from New Jersey had a couple of arguments—I wish he were still here. He is absolutely wrong in both of the arguments he made. I don’t think the Senator from Oklahoma pointed out in the bill that if we repealed the death tax last year or he would not have made the statement that taxes are not paid on unrealized capital gains under the law that exists today, under the bill we passed last year. That is not correct. The capital gains tax is the estate tax for the estate tax. So for the first time there will be a tax on unrealized capital gains. The only amount we carve out from that is essentially equal to the exemption we have in the law today, nobody who is exempt from paying the tax today would have to pay the tax 10 years from now. But except for that carve-out, there is going to be a capital gains tax substituted for the estate tax. So that argument of the Senator from New Jersey is simply incorrect.

The second argument is also incorrect, that no Social Security surplus funds should ever be used and that is what would happen if we made permanentizing the death tax. But that is not correct either. As the Senator from New Jersey had a point in time that the repeal of the death tax is going to support the resolution that says we should make it permanent. Otherwise, they intended something different certainly than I did and, I think, the vast majority of the Americans who support this. That is why everyone who voted for it said that is what we are doing.

Mr. President, what are the reasons for making the repeal of the death tax permanent? That is the fairness. But the secondary reason is the confusion that exists in the code if we don’t do that. Think about it. We graduatedly phase down the amount of death tax until the ninth year, when it finally goes out of existence, and 1 year later it is all back again in its worst form—the form that existed last year. How do you plan against that? Unless you are absolutely certain you are going to die in the year 2010, you are going to have to pay the same lawyers, accountants, buy the same insurance, and do the same estate planning that you do today that you will have to do tomorrow. You will be paying all of those things, and the net result is a very inefficient and wasteful situation—money that is unproductively going to these people who could be putting it back into the economy to create jobs, stimulate the economy and, to be fair, to our families.

That money is wasted unless you consider money going to lawyers as not being wasted. As a recovering lawyer, I did the best I could. We repealed the estate tax within that 10-year frame. Right after the 10 years expire, the whole provision sunsets, and we go right back to the Tax Code as it existed last year.

Is that what we intended when the vast majority of us voted to repeal the estate tax we call the death tax? No. Were we playing a cruel hoax on our constituents, claiming with great fanfare that we repealed the death tax, but knowing all along we really only repealed it for 1 year? Did we really intend for it to be repealed for 1 year? I daresay everyone who voted for repeal of the death tax is going to support the amendment and the Senate resolution that says we should make it permanent. Otherwise, they intended something different certainly than I did and, I think, the vast majority of the Americans who support this. That is why we should reject the calls for the “permanentizing” of the repeal of the death tax. That is calculated in his budget, and OMB makes crystal clear that budget is not taking one dime from the Social Security surplus to do it. That is why we should reject the proposal of the Senator from North Dakota which has in it a statement that that is what we are doing.
If he is willing to drop that one clause of his sense-of-the-Senate resolution, then I will be the first to vote for his sense-of-the-Senate resolution and urge my colleagues to do so because I agree we should not take Social Security surplus money. But that is not what we are doing. If we take the death tax, we will need to come up with the $938 billion over a decade to effect a permanent repeal of the death tax.

At the end of the day, this is all about fairness. Is it fair to tax people who are members of a family and who did not choose that the breadwinner in the family die? Is it fair to tax them up to 60 percent of the value of that estate, especially since many of the assets of small businesses and farms are tied up not in cash or liquid assets but in the business itself, so that the net result is they cannot just write a check for that obligation, they literally have to sell the business, as my friend Jerry Witsok’s family had to do? Is that fair?

Is that the policy the U.S. Government should be setting? I submit the answer is no. That is what the vast majority of Senators said last year. The House of Representatives concurred, and the President signed the repeal of the death tax. It is not. It is only for 1 year.

The only problem with that is, as I have said, it sunsets after the 10th year. That is what we need to correct. We need to find the right vehicle to do that. It has been said the farm bill is not the right bill to do that. Though the tax has a very perverse effect on family farms. That is why we bring this sense-of-the-Senate resolution to our colleagues—if you agree with us that we make the repeal of the death tax permanent, that we intend to do that, and we intend to do as soon as we have the right opportunity and reject the competing sense-of-the-Senate resolution that claims that doing this would take money from the Social Security surplus. Something which none of us have pointed out is absolutely totally false.

If the author of the competing sense-of-the-Senate resolution will drop that claim and will simply say it is the sense of the Senate we not spend the Social Security surplus to "permanently" tax cuts or on wasteful spending, then we will be happy to support that. We can support both of them. Otherwise, we are going to have to vote on a sense-of-the-Senate resolution that the three of us have pointed out is absolutely totally false.

I conclude by submitting for the Record this list of organizations that support the permanent repeal of the estate tax, what I have been referring to as the death tax, and I ask unanimous consent this list be printed in the Record.

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

THE FAMILY BUSINESS ESTATE TAX COALITION
Air Conditioning Contractors of America; American Bankers Association; American Consulting Engineers Council; American Council for Capital Formation; American Family Business Institute; American Farm Bureau Federation; American Floral Council; American Hotel & Lodging Association; American International Automobile Dealers Association; American Wholesale Marketers Association; American Vintners Association; Americans for Fair Taxation; Associated Builders & Contractors; Associated Equipment Distributors; Associated General Contractors; Association for Manufacturing Technology.

Citizens Against Government Waste; Citizens for a Sound Economy; Communicating For Agriculture; Construction Industry Manufacturers Association; Farm Credit Council; Fierce and Isakowitz; Food Distributors Institute; Guest & Associates; Independent Community Bankers of America; Independent Insurance Agents National Council of Shopping Centers, Keesler & Associates; National Association of Beverage Retailers; National Association of Convenience Stores; National Association of Home Builders; National Association of Manufacturers; National Association of Plumbing-Heating-Cooling Contractors; National Association of Realtors; National Association of Whole-saler-Distributors; National Automobile Dealers Association; National Beer Wholesalers Association; National Cattlemen’s Beef Association; National Grocery Manufacturers Association; National Cotton Council; National Electrical Contractors Association.

National Federation of Independent Business; National Grocers Association; National Licensed Beverage Association; National Lumber and Building Material Dealers Association; National Marine Manufacturers Association; National Newspaper Association; National Restaurant Association; National Roofing Contractors Association; National Small Business United; National Telephone Cooperative Association; National Tooling & Machining Association; National Utility Contractors Association; Newspaper Association of America; Ocean Spray Cranberries, Inc.; Organization & Advancement of Small Telecommunications Companies (OPASTCO); Painting & Decorating Contractors of America; Petroleum Marketers Association of America; Printing Industries of America; Rock Hill Telephone Company; Safeguard America’s Family Enterprises; Society of American Florists; Southwest Baby Growers; Texas Cattlemen’s Association; and Southwestern Cattle Raisers Association; Textile Rental Services Association; Tire Association of North America; United States Telecommunications Association; U.S. Business Industry Council; U.S. Chamber of Commerce; Wine and Spirits Wholesalers of America; and the Wine Institute.

MEMBERSHIP BY THE BUSINESS LEGISLATIVE COUNCIL
Air Conditioning Contractors of America; Alliance of Independent Store Owners and Professionals; Alliance of Affordable Serv- vices; American Bankers Association; American Consulting Engineers Council; American Council of Independent Laboratories; American Machine Tool Distributors Association; American Metal Market Association; American Nursery and Landscape Association; American Road & Transportation Builders Association; American Society of Interior Designers; American Society of Travel Agents, Inc.; American Subcontractors Association; Associated Landscape Contractors of America; Small Business Development Centers; Association of Sales and Marketing Companies; Automotive Recyclers Association; Bowling Professionals Association of America; Building Service Contractors Association International; Business Advertising Council; CBA; Council of Fleet Specialists; Council of Growing Companies; and the Cremation Association of North America.

Direct Selling Association; Electronics Representatives Association; Health Industries Council; Independent Pet Dealers Association International; Independent Community Bankers of America; Independent Electrical Contractors, Inc.; Independent Medical Distributors Association; International Association of Refrigerated Warehouses; International Association of Used Equipment Dealers; International Business Brokers Association; International Franchise Association; Machinery Dealers National Association; Mail Advertising Service Association; Manufacturers Agents National Association; Manufacturers Representatives of America, Inc.; National Association for the Self-Employed; National Association of Roofing Contractors; and the National Association of Realtors.

National Association of RV Parks and Campgrounds; National Association of Small Business Investment, Companies; National Community Pharmacists Association; National Electrical Contractors Association; National General Contractors Association; National Lumber & Building Material Dealers Association; National Ornamental & Miscellaneous Metals Association; National Retail Federation; National Private Truck Council; National Retail Hardware Association; National Tooling and Machining Association; National Wood Flooring Association; Painting and Decorating Contractors of America; Petroleum Marketers Association of America; Printing Industries of America, Inc.; Professional Snow Care America; Promotional Products Association International; The Retailer’s Bakery Association; Saturnation Malls Coalition; Small Business Council of America; Small Business Exporters Association; SMC Business Councils; Society of American Florists; Specialty Equipment Market Association; Tire Association of the North American Tractor Implement Producers Association; United Motorcoach Association; Washington Area New Auto mobile Dealers Association.

Mr. KYL. Mr. President, I hope my colleagues are joined in making permanent the repeal of the death tax, and we can express that is our intention when we vote on this tomorrow morning.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Minnesota is recognized for 15 minutes.

Mr. LEYTON. Mr. President, I want to take a different tack from some of my Democratic colleagues and say to the Senator from Arizona and others who have expressed his point of view that I understand and respect his sentiment as one which reflects what has been heard from a lot of Minnesota farmers, a lot of Minnesota business owners throughout the State.
I am convinced, regardless of what my particular view might be and regardless of what the facts of the situation might be, that any farmer or business person or probably anybody who has accumulated some estate who even believes that his or her interest will ultimately be affected by this tax considers it onerous. I can see for those it does impact, they consider it onerous.

I agree with the Senator from Arizona that the tax imposed a year ago by the Congress, signed into law, to finally repeal the estate tax entirely in the year 2010 and then reverse that repeal and go back to the pre-2001 tax level is nonsensical, absurd, and should have been recognized last year for what it was, which was an attempt—in fact, a successful effort—to compress 10 years of tax cuts permitted by the budget resolution into the first years of the budget so we would face exactly this predicament and there would be, as the Senator and properly, no logical explanation to the American people for why these tax cuts which occurred over those years are suddenly all going to disappear in the 10th year.

In fact, I think that argument can equally be made a year ago for why the Congress made a tax cut which would be repealed at the end of the 10th year, and then revolve back to the pre-2001 tax level if no change is made. The child tax credit, which will go up to $1,000 per child, reverts back down to its pre-2001 $500 level.

I assume Senator Kyl was making that point last year which, for the first time, my first year—I understand the tactic, but I think it is fundamentally wrong no matter who perpetrates it, to have tax changes phasing in, phasing out, and the like. These are the kinds of games and manipulations we all realize occur. No wonder the American people do not think we have a Tax Code they can depend upon, trust, that makes sense. They are right to be disgusted.

In my experience, just about any tax that is imposed upon people is considered onerous. As a policymaker, I guess I am left wondering which of those taxes, from the standpoint of perceived burden and actual burden, would be the prime candidate to be reduced if we had the resources to do so.

I certainly note that competing with the estate tax elimination, in terms of what taxes impact most Americans, the payroll tax would certainly be my first candidate, especially as it affects the employee. Seventy-five percent of working Americans pay more out of their payroll taxes than they do out of their income taxes. And certainly for employers, for businesses, it is perceived as a cost and as an impediment to hiring additional people.

Another inequity we will face over this next decade as it stands today is that some of those who will be bumped up against the alternative minimum tax by the year 2011 under current law.

We should remedy all of those inequities. The bottom line is, and what Senator Conrad was asking his colleagues to recognize tonight, and what the American people need to understand about the course that we are about to head down, is we cannot afford to make all of these tax cuts and all of the spending increases which the President’s budget proposes without seriously weakening the financial strength of this country so that in a decade, at the end of this 10-year budget period, we are likely to be unable to meet the increased demands of Social Security and medical benefits of an aging population.

If we take the President’s budget, assume that the Congress does not change one thing about it, and then apply the Office of Management and Budget’s own fiscal expert, consequences of that budget, as Senator Conrad said, and it bears repeating, for those next 10 years every dollar in the Federal Government’s operating budget, the surpluses, will be eliminated. All of the surpluses in the Medicare trust fund for every 1 of those 10 years will be eliminated. Sixty percent of the Social Security trust fund surpluses, totaling $1.5 trillion during that time, will have to be spent to pay the operating deficits which will result, leaving at the end of those 10 years in the fiscal year 2012, $1 trillion of surpluses in the Social Security trust fund, and $1.9 trillion of debt that has not been paid because of this addiction to one-time solutions. On top of that, I might add, was projected originally a year ago to have been eliminated by the end of those 10 years.

So I repeat, if we, today, were to adopt the budget which the President has sent to the Congress, without change, if the economy of this country over the next decade performs according to OMB’s assumptions, which are that we will come out of the recession quickly, we will boost up above average GDP, and maintain this country at a rate for the rest of the decade that will result in a decade average of 3.1 percent real growth in GDP; in other words a reasonably optimistic economic assumption sustained over 10 years—low inflation, 2.1 percent, unemployment staying at a manageable level, good economic conditions—we will still face $849 billion in deficits in our operating budgets which have to be made up by Social Security and Medicare trust fund dollars.

At that point, we end up facing the proposal of Senator Kyl and others that we should eliminate the estate tax permanently during that following decade, which the Congressional Budget Office predicts would cost $4 trillion. If we look at the numbers, we will see we cannot afford to sacrifice another $4 trillion in tax revenues during that time.

And Social Security payments are going to increase. The national debt has not been eliminated. Frankly, I am not even as concerned about that decade, at least not tonight, as I am about the decisions we will be making over the next 5 years and months that will affect what precedes that decade.

I assume Senator Kyl’s amendment will pass tomorrow. It is a sense-of-the-Senate resolution. It has no force of law. It does not start to take effect until the year 2011. That is about as easy a tax cut vote as anybody can ever hope for.

I implore my Republican colleagues, I implore all of my Senate colleagues, to review the President’s budget proposals and to review Senator Conrad’s predictions because they essentially agree. They say if that budget is adopted, we are heading into another decade-long spree of cutting taxes. We did last year. Now some want to accelerate those tax cuts. We want to make some of those tax cuts permanent in the following decades—popular decisions, one of every one of them not in context.

We are proposing to embark on a major military spending spree, $451 billion of additional defense spending in the next 5 years alone, going through the next 5 years, spending that we are not paying for with the tax cuts; that we are paying for with the Medicare and Social Security trust funds. Those are the unavoidable realities, the unpleasant realities that we would prefer to avoid. If we do that, we will jeopardize the long-term financial security of this Nation.

If we repeat what occurred in the 1980s and send this country down the path of ongoing budget deficits, we will bequeath to our children and those who follow a fiscal nightmare of unprecedented proportions. Regardless of what we do tomorrow with the sense-of-the-Senate resolution, the real decisions we are going to face in the months ahead will not be those kinds of cosmetics. They will be real commitments to tax cuts and to spending increases that will be sweet and appealing at the time, but the reality is they will jeopardize this country’s financial strength and stability.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.
CONGRESSIONAL RECORD — SENATE  

Mr. LUGAR. I continue reading: I also propose the elimination of caps on payments to producers based upon production. This is a fairness issue. Since 1983, dairy producers have paid assessments for their programs. These assessments have always been without limitation. Now there are payments, these producers should benefit from the same policy—payments without limitations.

Mr. LUGAR. I continue reading: A well known dairy economist with Penn State University, using recent historical prices, estimated that payments for the Northeast farmers would be from four cents to 91 cents per hundredweight with an average of 57 cents. At the same time producers elsewhere would receive from nothing to 35 cents with a mid-point of 20 cents.

Producers in the same marketing orders who share the same blend prices and the same markets, could be treated vastly differently under S. 173. These producers are members of the same cooperatives, use the same trucking companies and otherwise participate in a single market. Yet, some in the Northeast do not receive much as their neighbors, while market prices in the rest of the country are significantly reduced as a result of the disparity.

Again, I urge you to join me in making the dairy title equitable to all producers. If you
February 12, 2002

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The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, I will ask again that a quorum call be instituted with the time evenly divided between the two sides.

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

Mr. LUGAR. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. LEAHY. Mr. President, I would like to engage in a colloquy with my distinguished colleague from Georgia, Mr. MILLER, regarding the peanut title of the proposed farm bill.

My colleague represents the largest peanut growing State and I represent one of the largest peanut product manufacturing States. I compliment him for his leadership and I am pleased by the efforts of the Agriculture Committee in moving to a market-oriented peanut program. My foremost concern is for elimination of the peanut quota system, which has restricted peanut production in the United States. Do the provisions of this farm bill terminate the peanut quota program?

Mr. MILLER. Yes, the legislative language of this farm bill explicitly terminates the peanut quota system effective with the 2002 crop. The bill also provides that the Secretary of Agriculture is to enter into contracts that will compensate quota owners for the loss of their quota.

Mr. SANTORUM. I believe such provisions are useful, but I would like to have the compensation to quota owners terminated 1 year before the end of this 5-year farm bill. I have no problem with the House bill, which buys out quota owners over a 5-year period in the context of a 10-year farm bill.

Mr. MILLER. If we end up with a 5-year farm bill as a result of the House-Senate conference, my quota owners would have no problem in having their quotas bought out in 5 years. Therefore, I commit to the Senator to work with the House-Senate conferees to ensure that we end the quota owner buy-out contract 1 year shy of any farm bill reauthorization.

Mr. SANTORUM. I thank my colleague for this unquestioned commitment to finding an agreeable resolution. I understand that these reforms...
may be difficult for some of his peanut quota growers. However, if we fail to provide real reform of the peanut program we will have done a great disservice to the entire U.S. peanut sector.

Mr. MILLER. Ever-expanding peanut imports are threatening the current and future viability of the peanut industry in Georgia and other peanut-producing and manufacturing states. Peanut growers, shellers, and manufacturers now face under increasing pressure as peanut production and peanut processing infrastructure moves offshore. I am pleased to say that this new peanut program offers a positive resolution for the entire peanut industry, and the new program ensures that the U.S. peanut sector is competitive in the world marketplace.

Mr. SANTORUM. I applaud the leadership and foresight of the Senator from Georgia in developing a peanut program that truly brings needed reform to the program while presenting new opportunities for young peanut farmers.

Mrs. CARNAHAN. Mr. President, I wish to enter a short colloquy with the Senator from Iowa, Chairman of the Agriculture Committee and the floor manager of this bill. As you know, the manager’s amendment contains a provision designed to remedy problems that transpired last year in the program. Perhaps more importantly, my amendment addresses the importance of achieving balance in a farm bill. To ensure broad, bipartisan and bicameral support, a farm bill must have a strong nutrition title that benefits urban and suburban areas that feel less of a direct stake in the agricultural provisions of the bill. I think the pending legislation has that. Unfortunately, the bill passed by the other body earlier this fall does not. A mere $3.6 billion out of a $73.5 billion farm bill does not come close to providing nutrition benefits for many of the urgent nutritional needs of low-income families in urban, suburban, and rural areas alike.

Mr. KENNEDY. This farm bill makes important progress in ensuring the nutritional health of our children. The nutrition title of this legislation is its largest and most important child nutrition program. Over half of all food stamp recipients are children. Four-fifths of all food stamp benefits go to families with children. Despite its important mission, however, this program has been in trouble. Fully half of the savings in the 1996 welfare law came from budget-driven cuts in food stamp benefits. Since then, sharp reductions in the participation rate among eligible households have produced huge additional problems. As a result, significant unmet need exists among low-income children in our country. This legislation takes important steps to address these problems. It recognizes that the very poor and near-poor consequences of welfare reform is that children have been hurt. It was never the intention of the 1996 law to cut off these children. This legislation restores benefits to all children to eliminate confusion, and to encourage parents to apply for benefits on behalf of their children. In addition, this legislation recognizes that families with children have greater living expenses than single individuals, and it adjusts the food stamp standard deduction accordingly. It relies on the fundamental concept, similar to the concept in legislation I introduced last year with Senator SPECTER, that food stamp benefits should not start to phase down until a family’s income is nine percent above the poverty line. Providing more adequate food assistance benefits to children, we can help ensure that they reach a time limit.

Mr. LEAHY. I fully concur with and support the comments of all four of my distinguished colleagues that have just spoken on the nutrition title of the farm bill. In addition to the many important features of the bill highlighted in their remarks, I would like to add that this legislation also takes major steps to simplify the program. Households would be permitted to report on changes in their circumstances by filling out a simple form every six months rather than having to take time off from work to visit the food stamp office, as often happens today. The cumbersome recertification process would be replaced by the same kind of redetermination process long used in the SSI and Medicaid programs. The crucial process that should be retained. This is essential to protect families in cold weather states like Vermont from facing the cruel choice...
between heating and eating. Nonetheless, legislation would greatly simplify the calculation of households' utility costs. States would be given the option to conform their definitions of income and resources in the food stamp programs to those they use in other programs. This should allow states to eliminate unnecessary questions from their application forms. In simplifying the program, this legislation strives to protect families in need from experiencing hardship. Simplification should be a means of helping the program serve families better, not an end unto itself. I believe the simplification provisions in this legislation meet that test. As a result, this legislation makes important progress toward simplifying the program in ways that the benefit of State administrators and needy families alike.

**MARKET ACCESS PROGRAM FUNDING**

Mrs. MURRAY. Mr. President, I rise today to speak on an amendment I filed to the farm bill that would enhance funding for the U.S. Department of Agriculture's Market Access Program. I appreciate the support and sponsorship of Senators FEINSTEIN, CAIN, BOXER, and Wyden on this amendment.

Last year, the House of Representatives passed Trade Promotion authority by one vote, and the World Trade Organization's meetings in Geneva wrapped up with an agreement to begin a new round of trade negotiations. In Washington, D.C., and in the capitals of nation's around the world, it appears that momentum is building to expand trade.

But in rural areas in my home State, the support for new trade agreements is declining. Apple growers in Omak, WA and asparagus growers in the Yakima Valley are asking tough questions about our trade agreements. Washington State is the most trade-dependent State in the nation. I have supported opening new markets for our products, whether it's airplanes or apples. I have been a strong supporter of giving our farmers and businesses and tools they need to compete.

The global marketplace is tough, extremely competitive, and not always based on free market principles. Foreign governments have taken an aggressive posture in promoting their products. We need to be aggressive too.

One way we can be aggressive is to fully fund the Market Access Program. MAP helps nonprofit industry groups and other qualifying entities to conduct market promotion in foreign markets. MAP funds can be used for advertising and other consumer promotions, market research, and technical assistance.

In my home State of Washington, I have seen how MAP can help farmers, cooperatives, and small businesses. For example, each year, the apple industry receives roughly $3 million in export development funds from the USDA Market Access Program. These funds, matched by grower funds, are used to promote U.S. apples in more than 20 countries throughout the world. Since 1987, when the apple industry first used MAP funds, apple exports have increased by 88 percent. Nearly one-quarter of fresh U.S. apple production is exported each year, with an estimated value of nearly $400 million.

If we are not aggressive, we will not gain market share.

My amendment would have modified the Senate Farm Bill to fund MAP at $200 million. I had brought the Senate bill more in line with the House-passed Farm Bill, which funds MAP at $200 million beginning in fiscal year 2002. While it may not be possible to fully fund MAP at $200 million in fiscal year 2002, I strongly support funding MAP at this level beginning in fiscal year 2003.

Mrs. MURRAY. I want to begin by thanking Senator FEINSTEIN for her strong advocacy for additional Market Access Program funding. I also want to mention that the Senate Agriculture Committee, Senator HARKIN, for writing a strong trade title in this Farm Bill. It is clear to me that Senator HARKIN understands how critical USDA trade programs are to our farmers and consumers, and to hungry nations around the world.

I am concerned, however, about the level of funding for the Market Access Program in the early years of this Farm Bill. I was prepared to offer an amendment to the Farm Bill to add $145 million to the Market Access Program, so that we would fund MAP at $200 million sooner than in the underlying bill. Unfortunately, some controversy arose over the offset for my amendment.

I would ask Senator FEINSTEIN if she believes we need to fund the Market Access Program at $200 million as soon as possible in the final Farm Bill.

Mrs. FEINSTEIN. I agree very strongly. I've also talked to the Senator from Washington that we need to fund the Market Access Program at $200 million.

If American agriculture is to remain competitive, we must ensure that our farmers are the same support that their foreign competitors receive. Heavily subsidized foreign citrus entering the U.S. has quadrupled over the last five years, significantly lowering prices domestically for California growers. In the European Union alone, government subsidization of the fresh produce sector reaches upwards of $15 billion each year.

The Market Access Program provides new jobs—jobs for longshoremen, jobs in processing, jobs in transportation, and of course, jobs for growers.

The Market Access Program is an important tool in expanding markets for U.S. agricultural products.

The U.S. Department of Agriculture estimates that each dollar spent on the Market Access Program results in an increase in agricultural exports of between $2 and $7.

Small farmers especially benefit from this program because they would not be able to break into these foreign markets on their own.

The Market Access Program helps create and protect U.S. jobs, combat inequitable trade practices, improve the U.S. balance of trade, and improve farm income.

I thank the Senator from Washington for her leadership on this issue. I look forward to continuing our work together on increasing funding for this valuable program. To the distinguished Chair of the Agriculture Committee, thank you for your continued help and support.

Mrs. MURRAY. I thank the Senator from California for her remarks. I would ask the Senator from Iowa if he supports raising MAP funding to $200 million as soon as possible in the final Farm Bill that is sent to President Bush.

Mr. HARKIN. I want to thank the Senators from Washington and California for their strong advocacy for the Market Access Program. I believe this is an indispensable program, particularly for specialty crop producers around the country.

To answer the question raised by the Senators from Washington and California, I agree with the Senator from Iowa to fund MAP at $200 million. The conference committee will have to address many difficult issues, however I believe it is a reasonable goal to try to fund MAP at $200 million as soon as possible, recognizing that it may take some time for USDA to ramp up the program effectively.

Mrs. MURRAY. I thank the Senator from Iowa for his strong support for the Market Access Program and the specialty crop growers in my state.

**MILK PROTEIN CONCENTRATE**

Mr. DAYTON. Mr. President, today I planned to offer an amendment to the Senate farm bill that would close the milk protein concentrate loophole.

During the Uruguay Round multilateral trade negotiations, the United States agreed to allow a substantial increase in dairy product imports into this country. Tariff-rate quotas were established to allow imports of most dairy products to rise from an average of 2 percent of domestic consumption to as much as 5 percent.

Until recently, these controls have been effective, but foreign exporters now have found ways to circumvent these quotas. Importers are adjusting the protein content of nonfat dry milk so that it is classified as Customs Service milk protein concentrate, or MPC, a product that is not limited by a tariff-rate quota.

There is no tariff-rate quota on MPC because it was a relatively new product when the Uruguay Round WTO agreement was negotiated.

In March 2001, a General Accounting Office study requested by Congress determined that MPC imports have surged by more than 100 percent in just the past 6 years. MPC imports doubled between 1998 and 1999 alone. According to the GAO study, it appears that some foreign exporters are blending previously
processed dairy proteins, such as casein and whey, into nonfat dry milk to boost its protein content. This is being done solely for the purpose of avoiding the U.S. tariff-rate quota for nonfat dry milk. This practice, specifically cited in the GAO report, circumvents statutory regulations designed to restrict imports of nonfat dry milk powder.

I have introduced legislation, S. 847, that would close this loophole by regulating MPC imports in the same manner all other product imports are regulated, by establishing new tariff-rate quotas on MPC. It also would close a similar loophole that exists for casein used in the production of food or feed, while continuing to allow unrestricted access for imports of casein used in the manufacture of glues and for other industrial purposes.

The Minnesota Farmers Union, the Minnesota Milk Producers, the National Milk Producers Federation, and the American Dairy Association strongly support this bill. I have worked closely with these organizations over the past year to find an appropriate legislative vehicle for my bill, and that is why I am now offering this legislation to the Senate Farm Bill.

Mr. BAUCUS. Mr. President, I commend the Senator from Minnesota for his hard work on behalf of U.S. dairy farmers. This bill, however, properly falls under the jurisdiction of the Senate Finance Committee. As chair of the Finance Committee, I will work with the Senator from Minnesota to bring the issue to the attention of the Finance Committee members and to find an appropriate legislative vehicle for his proposal this session.

Mr. DAYTON. Mr. President, I thank the Senator from Montana for his strong support for U.S. dairy farmers. I respectfully withdraw my plans to offer this amendment.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 5 minutes each.

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

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATIONS AND THE BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, Division A of Public Law 107-117, the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act of 2002, increased the statutory limits on discretionary spending for fiscal year 2002. Specifically, it raised the cap on general purpose discretionary budget authority to $681.441 billion and the cap on general purpose discretionary outlays to $670.206 billion. The legislation also increased the cap on outlays for conservation programs to $1.473 billion. Accordingly, I am adjusting the Appropriations Committee’s allocation and the budget aggregates to reflect the revised statutory caps.

In addition, Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairmen of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Public Law 107-38, the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, authorized $40 billion in emergency funding. Public Law 107-38 made the first $20 billion immediately available in fiscal year 2001 and the second $20 billion contingent on the enactment of a subsequent appropriation.

Mr. President, I previously adjusted the committee’s allocation and the budget aggregates for the 2002 impact on outlays from the first $20 billion provided in 2001. Public Law 107-117, which was signed into law on January 10, 2002, made available the second $20 billion in emergency spending. That budget authority will result in new outlays in 2002 of $3.232 billion. Consequently, I am making further adjustments to the committee’s allocation and to the budget aggregates.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts:

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<th>TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002</th>
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<td>[In millions of dollars]</td>
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Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts:

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<th>TABLE 2.—REVISED BUDGET AGGREGATES, 2002</th>
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<td>[In millions of dollars]</td>
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<td>Adjustments: Emergency and cap increases</td>
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<td>Revised allocation: Budget resolution</td>
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LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 31, 1994 in Pensacola, FL. A gay man was struck by a car driven by a man who shouted anti-gay slurs. The driver, James Griffen, 18, was charged with aggravated battery in connection with the incident.

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 of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ASIAN NEW YEAR

Mr. CORZINE. Mr. President, today, February 12, 2002, is the first day of the new lunar year. Americans of Asian heritage are celebrating the beginning of the Year of the Horse. This is an occasion for Asian Americans to gather with their families, think of those who have passed away, enjoy symbolic foods, and usher in good luck and health for the year to come.

As a Nation of immigrants, we all share in this time of celebration and salute the rich customs and energy that people of Asian descent have contributed to America. I am proud that the State of New Jersey is home to over 480,000 Asians and Asian Americans, representing the fifth largest community in the United States. Asian American New Jerseyans are an important and valued part of our diverse and vital community. In these troubled times, I hope you will join me in sharing in celebration and remembrance and help to reaffirm the importance of mutual respect and diversity in our Nation.

ECO-TERRORISM—DOMESTIC TERRORISM HURTS OUR NATION

Mr. CRAIG. Mr. President, I rise today to address the subject of eco-terrorism and the assault on our public lands. Eco-terrorism is described as any crime committed in the name of saving nature. And these “crimes” range from civil disobedience to crimes...
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Mr. BIDEN. Mr. President, last week the Washington Post ran an opinion piece authored by Michael McFaul, a professor of political science at Stanford University, entitled "The Other Half of the Job.

Professor McFaul's thesis is that while the budget presented by the President last week contained a significant, and needed, increase in resources for the Department of Defense, it failed to provide a significant, and needed, increase for "the other means for winning the war on terrorism," the budget. Professor McFaul writes, "builds[ ] greater American capacity to destroy bad states, but it adds hardly any new capacity to construct good states."

I share Professor McFaul's concerns about the inadequacy of the interagency budget that is, the funds for the State Department and foreign assistance. The President's budget request for foreign affairs for Fiscal Year 2003 is actually less than the amount provided in Fiscal Year 2002, if the funds provided in the emergency supplemental after September 11 are included in the calculation. America's armed forces are doing a brilliant job in the military campaign in Afghanistan. But it will take American diplomats, and our assistance agencies, working with other partners, to win the peace. We cannot win the peace there, or prevent other failed states from becoming havens for terrorism, without giving our people the tools they need.

I commend Professor McFaul's article to my colleagues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
The United States is at war. President Bush therefore has correctly asked for Congress to appropriate additional resources to fight this war. The new sums requested—$48 billion for next year alone—are appropriately large. Bush and his administration have at least occasionally campaigned for civilization itself, and have wisely cautioned that the battle lines will be multifaceted and untraditional.

So why supplemental funds earmarked to fight this new war largely conventional and single-faceted—i.e., money for the answer without question the Department of Defense needs and deserves new resources to conduct the next phase of the war on terrorism. The Department of Defense may even need $48 billion for next year.

What is disturbing about President Bush’s new budget, though, is how little creative attention or new resources have been devoted to the other means for waging this war on terrorism. The Bush budget is building greater American capacity to destroy bad states, but it adds hardly any new capacity to construct new good states.

We should have learned the importance of following state destruction with state construction after World War II. This was the objective (or should have been the mission) during the Cold War. This was the task during World War II. This was the (or should have been the) mission during the Cold War. It must be our mission again.

The process of defeating the enemies of liberty is twofold: Crush their regimes that harbor them and then build new democratic, pro-Western regimes in the vacuum.

In the first half of the last century, imperialist nations commonly used the destruction of their central powers to increase their control, both positive and negative lessons. Many have commented that our current war is new and unprecedented, but it is not. Throughout the 20th century, possession of American power was to defend against and, when possible, destroy tyranny.

American presidents have been at their best when they have embraced the mission of defending liberty at home and spreading liberty abroad. This was the task during World War II. This was the objective (or should have been the mission) during the Cold War. It must be our mission again.

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excellent, thought provoking, relevant, entertaining and presented from an African-American perspective.” That is how Lou Bellamy, Penumbra’s founder and artistic director, runs this nationally recognized theatre. Under Bellamy’s leadership, the Penumbra and received numerous honors, including the Jujamcyn Theaters Award for the development of artistic talent.

As the Dean of the University of Minnesota General College, David Taylor does what he loves, assisting educationally disadvantaged students. He is also a scholar of African-American Studies whose greatest influences have been his mother and Dr. Martin Luther King Jr., who grew up in the Summit-University neighborhood of St. Paul, is often called upon to provide an historical perspective on Minnesota’s African-American community.

These are just a few of the Minnesotans, past and present, who exemplify the struggle for attainment of human dignity, justice, and self-determination. As we celebrate Black History Month, we can look to them as models of leadership and compassion and attempt to nourish this country all that it should be for all our citizens.

VERMONTERS TAKE FIRST GOLD AT 2002 WINTER OLYMPICS

Mr. LEAHY. Mr. President, my colleagues sometimes may wonder whether we Vermonters will ever run out of examples to illustrate the pride we take in our beautiful State and its people. Not today, we won’t.

Today I rise to describe two of Vermont’s finest athletes representing all Americans at the 2002 Winter Olympics in Salt Lake City

Vermont’s cold winters and plentiful snow breed true winter athletes. We need not look any further than this year’s Olympic roster to see this. At least two of our competitors can claim ties to Vermont. Some of them have lived in the Green Mountain State for their entire lives, while others have come to our mountains to attend one of our schools or universities.

During the last two days, two of these Vermonters swept the Olympic snowboarding halfpipe competitions, winning America’s first two gold medals of the 2002 Winter Olympics. Vermont is famous for its firsts. Many of snowboarding’s newly formed roots reach deep into the Green Mountains of our State. It is fitting that two Vermont snowboarders have shown the world how this is done.

On Sunday, February 10th, 18-year-old Kelly Clark of West Dover, VT, became the first American to win a gold medal in the 2002 Winter Olympics, scoring a 91 out of 50 points in the women’s halfpipe competition. Then on Monday, Ross Powers, 23, of South Londonderry, Vermont, took gold in the men’s halfpipe competition, winning America’s second gold medal of this Olympic Games.

Since the fourth grade, Kelly Clark has been riding the slopes of Vermont. Her parents own a small restaurant near the beautiful resort of Mountain Snow. It was on our Green Mountains that Kelly exerted herself beyond belief, pushing the limit, jumping higher and attempting new moves. She succeeded because she refused to let danger, fear, and exhaustion keep her down.

Kelly is no stranger to winning. Only two short months ago she won the gold medal at the Winter X-Games in Aspen, CO. On Sunday, she not only did she win the gold medal, but she managed to do it under great pressure. As the last competitor of the event, she only had one last chance to show the world what she could do, and she rose to the challenge.

The day after Kelly introduced herself to the world, Ross Powers won his second Olympic medal adding to a collection of medals he began during the 1998 Nagano Games when snowboarding made its Olympic debut. All the more remarkable is the fact that Ross led America in a medal sweep of a winter event for the first time in nearly half a century. He impressed the judges and spectators by shooting off the snow 15 feet into the air, landing flawlessly and performing trick after trick.

His family and friends back at Vermont’s Bromley Mountain and Stratton Mountain resorts watched Ross, as a child snowboard prodigy, work hard and push himself from the time he first strapped a snowboard to his feet at age five. Three years later he began competing.

Recognizing the hard work, determination and financial backing it takes to become a world-class athlete, Ross formed the Ross Powers Foundation. This non-profit program gives talented and hard-working children the financial support they need to follow their winter sports dreams.

I am sure many more of my fellow Vermonters will have their way onto our sports pages before the Olympics leave Salt Lake City. I know that the country shares our pride in the accomplishments of these courageous Olympic athletes. We Vermonters join all Americans in congratulating Kelly and Ross, and all Olympic athletes, for their hard work and devotion to competition and to their country.

ADDITIONAL STATEMENTS

RECOGNIZING ROY LEWIS

Mr. BUNNING. Mr. President, I rise today in order to respectfully recognize the selfless actions of Roy Lewis, a long-time resident of Ashland, KY.

For the last 10 years, Mr. Lewis, 91 years-young, has been the man who every Monday evening hands out tickets at the Community Kitchen in Ashland, KY. Mr. Lewis has been a dedicated and loyal member of the First Baptist Church in Ashland since 1936 and fulfills his ticket duties at the kitchen only after honoring his commitments to the church teller committee, which counts and prepares the church’s Sunday offering to be deposited in the bank. He also regularly teaches Sunday School and serves as the church clerk.

I ask my fellow Members of the Senate to furthermore join me in congratulating Mr. Lewis for being named Deacon Emeritus and Trustee Emeritus last year, and for his 53 years of diligent and undaunted service to the church and the community.

Instead of enjoying his retirement from Ashland Oil by playing golf or traveling, Roy Lewis has chosen to give back to the community and people he has so dearly loved for 91 years. I praise Mr. Lewis for his willingness to put other’s needs ahead of his own and thank him for having such a strong character and heart.

IN RECOGNITION OF THE 90TH ANNIVERSARY OF HADASSAH

Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating Hadassah upon its 90th anniversary. Originally founded in 1912 by Henrietta Szold as a woman’s study circle, Hadassah has grown into an organization with over 300,000 members involved with 1,500 chapters across the country. Today, Hadassah is not only the largest woman’s group in the country, but also the largest Jewish membership organization in the United States.

Since its inception, Hadassah has been an advocate on behalf of women, Israel and the Jewish diaspora. However, Hadassah has done more than advocate on behalf of these issues; it has taken concrete steps to help people throughout the world. In particular, Hadassah is to be lauded for its provision of world class health care to the people of the Middle East, irrespective of race, religion or nationality. Every year, more than 600,000 patients are treated at the centers operated by the Hadassah Medical Organization, HMO, which includes two hospitals, 90 outpatient clinics, and numerous community health centers. Under the auspices of the HMO, Hadassah also provides medical training during international health crises, including the current events in Bosnia-Herzegovina and Rawanda.

Though Hadassah’s medical efforts are primarily in the Middle East, the organization also has other important initiatives. One of the most notable is a nationwide breast cancer education and awareness campaign conducted by the Women’s Health Department. This campaign includes the Check it Out high school program which strives to educate teens about the dangers of cancer and how to screen oneself for early signs. In addition, Hadassah produces quality educational programs that help Jewish families learn about and celebrate their Jewish culture and heritage.

Hadassah is also affiliated with numerous other programs which provide such services as technical and vocational training and environmental
HONORING THE CITY OF MOORHEAD FOR ITS COMMITMENT TO RENEWABLE SOURCES OF ENERGY

Mr. DAYTON. Mr. President, this week, the U.S. Senate will begin consideration of a historic National Energy Policy, which will guarantee our citizens access to affordable, reliable, and renewable sources of energy far into the future. As we begin this historic debate, we can learn much from the efforts of many organizations that have demonstrated beyond a doubt their commitment to renewable energy sources.

Moorhead, MN, is an exceptional example of a city that has demonstrated its commitment to renewable sources of energy. Moorhead city officials, and the citizens themselves, are to be applauded for their vision of a city that will continue to reduce its dependence on fossil fuels for their future electricity needs.

The city of Moorhead initiated its “Capture the Wind” program in 1998—offering its municipal electric customers the opportunity to purchase wind energy from a turbine that would be owned and operated by the city. The success of this program has been nothing short of phenomenal.

Three weeks after the announcement of the Capture the Wind program, over 400 Moorhead Public Service customers signed up to purchase electricity from the proposed wind turbine. Because these 400 customers would consume the entire capacity of the proposed turbine, the city began placing additional residents on a Capture the Wind program waiting list.

While all other Moorhead Public Service customers would receive two-thirds of their electricity from hydro-power and one-third from a coal-fired electric generation plant, the 400 Capture the Wind charter members would replace their coal-generated electricity with electricity generated by the 750 kilowatt wind turbine to be constructed on the edge of town. The Capture the Wind customers agreed to pay the additional cost of wind-generated electricity, one-half cent more for each kilowatt-hour of electricity consumed. The additional cost amounts to approximately $5 more per month for the average residential customer. This additional cost is among the lowest in the Nation for wind-generated electricity.

Due to the overwhelming success of the Capture the Wind Program, the city of Moorhead appealed to its utility customers to help Moorhead “catch its second wind” in the fall of 2000. Once again, over 400 new customers signed up for the program—enabling the city to build a second wind turbine alongside its first.

As of last fall, the twin turbines have generated over 3.5 million kilowatt-hours of electricity. Thanks to the customers who have embraced the Capture the Wind program, these turbines have already prevented the emission of over 7.7 million pounds of greenhouse gases into our atmosphere. That has the same impact on our environment that would be achieved if we were to remove 770 cars from the road for one year.

At this time, over 925 Moorhead Public Service customers have become Capture the Wind members, accounting for 7.3 percent of all Moorhead utility customers. The National Renewable Energy Laboratory has recognized Moorhead Public Service as the utility with the highest percentage of its customers participating in a renewable energy program in the nation. Moorhead’s Capture the Wind program has also earned it the 2001 Energy Innovation Award from the American Public Power Association.

Moorhead City officials are to be commended for the phenomenal success of the city’s Capture the Wind program. While many officials staked their reputations on the program’s outcome, I would be remiss if I did not mention several leaders who especially contributed to its success. First and foremost, Moorhead’s former mayor, Morris Lanning—a man who served his city as mayor for over 22 years before retiring last December—is to be applauded for his solid support and advocacy for the Capture the Wind program. Moreover, the program would not have been possible without the thousands of hours of work invested by Bill Schwandt, General Manager of Moorhead Public Service, and Christopher Reed, Manager of Energy Services and Marketing.

But most important, the 925 members of the Capture the Wind program deserve special recognition for their commitment to renewable energy. The rest of the Nation can learn much from Moorhead’s example. We can learn that when citizens are informed about the importance of reducing our reliance on fossil fuels for our energy needs, many are willing to pay a little bit more to help secure our energy future. The citizens of Moorhead can lead the way to a brighter future for all of us.

HONORING THE WASHINGTON STATE LABOR COUNCIL

Mrs. MURRAY. Mr. President, on behalf of all the citizens of Washington State, I am delighted to congratulate the Washington State Labor Council on the 100th anniversary of its original formation. Washington State has a rich labor tradition.

On January 17, 1902, 120 delegates representing 114 local unions and five central labor councils from around Washington State gathered in Tacoma and voted to affiliate with the American Federation of Labor. This local organization eventually merged with the Washington State Congress of Industrial Organizations in 1957, the same time the national AFL and CIO merged. Today the Washington State Labor Council, AFL-CIO, represents over 280,000 working men and women.

There have been many challenges faced during their first one hundred years, yet each challenge was faced with dignity and courage, knowing that the struggles faced would build a better life for working men and women. Union members throughout Washington State have risked their own...
livelhoods to stand up for decent wages, safe working conditions, and job security.

I have enormous respect for the past and present leadership of the Washington State Labor Council. We stand together in the ongoing battle to give working families the strongest possible voice.

For the past 100 years, Washington State’s labor community has been a powerful force for progress. Their tireless efforts are indispensable in the daily battles for worker’s rights. Countless families across Washington State are better off today because of their commitment.

The Washington State Labor Council has also been at the forefront of the effort to pass fair increases in the state minimum wage, setting standards for the rest of the country to follow. Simply put, the Washington State Labor Council has been there in the trenches, making progress happen.

I look forward to working closely with the Washington State Labor Council on all the great causes we share. Washington State has made real progress because of their work, and will continue to do so with their help now and in all the years ahead.

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**PRESIDENTIAL MESSAGES**

The following presidential messages were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

FMI-70. A message from the President of the United States, transmitting, pursuant to law, the National Drug Control Strategy for 2002; to the Committee on the Judiciary.

To the Congress of the United States:


Illegal drug use threatens everything that is good about our country. It can break the bonds between parents and children. It can turn productive citizens into addicts, and it can transform schools into places of violence and despair. The President finances the work of terrorists who use drug profits to fund their murderous work. Our fight against illegal drug use is a fight for our children’s future, for struggling democracies, and against terrorism.

We have made progress in the past. From 1985 to 1992, drug use among high school seniors dropped each year. Progress was steady and, over time, dramatic. However, in recent years we have lost ground. This Strategy represents the first step in the return of the fight against drugs to the center of our national agenda. We must do this for one great moral reason: over time, drugs rob men, women, and children of their dignity and of their character.

We acknowledge that drug use among our young people is at unacceptably high levels. As a Nation, we know how to teach character, and how to dissuade children from ever using illegal drugs. We need to act on that knowledge.

This Strategy also seeks to expand the drug treatment system, while recognizing that even the best treatment program cannot help a drug user who does not seek its assistance. The Strategy also recognizes the vital role of law enforcement and interdiction programs, while focusing on the importance of attacking the drug trade’s key vulnerabilities.

Previous Strategies have enjoyed bipartisan political and funding support in the Congress. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH


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**MESSAGE FROM THE HOUSE**

**ENROLLED BILLS AND JOINT RESOLUTION SIGNED**

At 3:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 737. An act to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the “Joseph E. Dini, Jr. Post Office.”

S. 976. An act to designate the facility of the United States Postal Service located at 947 Horatio King Post Office Building.

S. 1026. An act to designate the United States Post Office located at 69 Third Avenue in Long Branch, New Jersey, as the “Fat King Post Office Building.”

The bills and joint resolution were signed subsequently by the President pro tempore (Mr. BYRD).

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**ENROLLED BILLS PRESENTED**

The Secretary of the Senate reported that on today, February 12, 2002, she had presented to the President of the United States the following enrolled bills:

S. 737. An act to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the “Joseph E. Dini, Jr. Post Office.”

S. 976. An act to designate the facility of the United States Postal Service located at 947 Horatio King Post Office Building.

S. 1026. An act to designate the United States Post Office located at 69 Third Avenue in Long Branch, New Jersey, as the “Fat King Post Office Building.”

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**EXECUTIVE AND OTHER COMMUNICATIONS**

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5346. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Final Sequestration Report to the President and Congress for Fiscal Year 2002; to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; and Veterans’ Affairs.

EC-5347. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Clean Coal Regulation Program” (EC-5347) received on February 3, 2002; to the Committee on Energy and Natural Resources.

EC-5348. A communication from the Director of the Foreign Terrorist Tracking Task Force, Department of Justice, transmitting,


EC–5381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–241, “Closing, Dedication and Designation of Certain Public Streets and Alleys in the area of South 236, S.O. 01-2398 Act of 2002”; to the Committee on Governmental Affairs.


EC–5383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–252, “Uniform Consultation Referral Forms Act of 2002”; to the Committee on Governmental Affairs.


EC–5392. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–261, “Punitive Damages in Medical Malpractice Cases Act of 2002”; to the Committee on Governmental Affairs.


EC–5394. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–263, “Health Insurers and Credentialing Intermediaries Uniform Credentialing Form Act of 2002”; to the Committee on Governmental Affairs.


EC–5397. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report on D.C. Act 14–266, “Uniform Consultation Referral Forms Act of 2002”; to the Committee on Governmental Affairs.


The following executive reports of committees were submitted:

**By Mr. LIEBERMAN for the Committee on Governmental Affairs.**

- **John L. BINKAMAN, of Illinois,** to be Chairman of the Special Panel on Appeals for a term of six years.

- **Nancy Dorn, of Texas,** to be Deputy Director of the Office of Management and Budget.

- **Dan Gregory Blair, of the District of Columbia,** to be Deputy Director of the Office of Personnel Management.

- **Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.**

**Nomination Discharged.**

The following nomination was discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the unanimous consent agreement of February 12, 2002:

**DEPARTMENT OF EDUCATION.**

William Leibinger, to be Assistant Secretary for Management, Department of Education, Department of Education.

**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:

- By Mr. TORRICELLI:
  - **S. 1932.** A bill to amend the Securities Exchange Act of 1934 and the Securities Act of 1933, to address liability standards in connection with violations of the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.
  - **By Ms. MIKULSKI (for herself and Mrs. CLINTON):**
  - **S. 1934.** A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuities of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuities would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Governmental Affairs.
  - **By Ms. MIKULSKI (for herself, Mr. LEAHY, Mr. BINKAMAN, and Mrs. CLINTON):**
  - **S. 1935.** A bill to amend chapters 83 and 84 of title 5, United States Code, to include inspectors of the Immigration and Naturalization Service and law enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers; to the Committee on Governmental Affairs.
  - **By Mr. DURBIN:**
  - **S. 1936.** A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

**SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS.**

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

- **By Mr. BINKAMAN (for himself, Mr. LUGAR, Mrs. CARNAHAN, Mr. BOND, Mr. TORRICELLI, and Mr. DWINE):**
  - **S. Res. 207.** A resolution designating March 31, 2002, and March 31, 2003, as “National Civilian Conservation Corps Day”; to the Committee on the Judiciary.
  - **By Mr. BROWNBACK (for himself and Mr. WELLSTONE):**
  - **S. Con. Res. 96.** A concurrent resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States; considered and agreed to.

**ADDITIONAL COSPONSORS.**

**S. 129.** At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 129, a bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as “Gold Star Parents”) of members of the Armed Forces who die during a period of war.

**S. 145.** At the request of Mr. THURMOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 145, a bill to amend title 38, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

**S. 170.** At the request of Mr. BUNNING, his name was added as a cosponsor of S. 170, a bill to amend the Economic Growth and Tax Relief Reconciliation Act of 2001 to permanently extend the Tax Expenditure Budgeting Act of 2001 and other provisions; to the Committee on Finance.
methyl tertiary butyl ether, and for other purposes.

At the request of Mr. Bunning, his name was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Support Program. The bill was issued on behalf of the Armed Forces who participated in operations in Korea after the end of the Korean War.

At the request of Mrs. Hutchinson, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

At the request of Mr. McConnell, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

At the request of Mr. Bingham, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1209, a bill to amend the Trade Adjustment Assistance Act of 1986 to provide community-based economic development assistance for trade-affected communities, and for other purposes.

At the request of Mr. Voinovich, the name of the Senator from Ohio (Mr. Allard) was added as a cosponsor of S. 683, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

At the request of Mr. Santorum, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 806, a bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment.

At the request of Mr. Chafee, the name of the Senator from Ohio (Mr. Domenici) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environment factors that may be related to the etiology of breast cancer.

At the request of Mrs. Hutchinson, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

At the request of Mr. Jeffords, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 950, a bill to amend the Clean Air Act to address problems concerning the etiology of breast cancer.

At the request of Mr. Bunning, his name was added as a cosponsor of S. 1765, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

At the request of Mr. Bond, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 1909, a bill to amend title 10, United States Code, to require the establishment of a unified combatant command for homeland security of the United States, and for other purposes.

At the request of Mrs. Smith of New Hampshire, the name of the Senator from Arizona (Mr. Kyl) and the Senator from Wyoming (Mr. Enzi) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mrs. Clinton, her name was added as a cosponsor of S.Con.Res. 56, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

At the request of Mr. Miller, the names of the Senator from North Carolina (Mr. Helms), the Senator from North Carolina (Mr. Edwards), the Senator from Virginia (Mr. Warner), the Senator from Virginia (Mr. Allen); and the Senator from Alabama (Mr. Sessions) were added as cosponsors of amendment No. 2832 supra.

STMTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Shelby:
S. 193. A bill to amend the Securities Exchange Act of 1934 and the Securities Act of 1933, to address liability standards in connection with violations of the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. Shelby. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

Whereupon, the bill was ordered to be printed in the Record, as follows:

S. 193
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Investor Protection Act of 2002”.

S. 193
SEC. 2. LIABILITY STANDARDS IN PRIVATE SECURITIES LITIGATION.

(a) In General.--Section 21D(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-4(f)) is amended as follows:

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(i) CIVIL LIABILITY.--

(ii) Joint and several liability for damages.--Any covered person against whom a final judgment is rendered in a private action arising under this title shall be liable for damages jointly and severally.

(b) Settlement discharge.--

(A) In General.--A covered person who settles any private action arising under this title at any time before final verdict or judgment shall be discharged from all claims for contribution by any other person.

(B) Bar order.--Upon entry of a settlement described in subparagraph (A) by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling covered person arising out of the action, which order shall bar all future claims for contribution arising out of the action.--

(i) by any person against the settling covered person; and

(ii) by the settling covered person against any person whose liability has been extinguished by the settlement of the settling covered person.

(c) Reduction.--If a covered person enters into a settlement with the plaintiff prior to final verdict or judgment, the verdict or judgment shall be reduced by the greater of--

(i) an amount that corresponds to

(ii) the amount paid to the plaintiff by that covered person.

(d) Contribution.--

(A) In General.--A covered person who is jointly and severally liable for damages in any private action arising under this title may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made by the court.

(B) Statute of limitations for contribution.--In any private action arising out of this title determining liability, an action for contribution shall be brought not later than 6 months after the date of entry of a final, nonappealable judgment in the action.

(e) Applicability.--Nothing in this subsection shall be construed to create, affect, or in any manner modify, the standard for liability associated with any action arising under the securities laws.

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SEC. 3. PERSONS WHO AID AND ABET VIOLATIONS.

(a) Commission Authority.--Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended by striking "knowingly" and inserting "recklessly".

(b)Penalty.--Section 21D of the Securities Exchange Act of 1934 (15 U.S.C. 78u-4) is amended by adding at the end the following:

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(g) Persons that aid or abet violations.--Any person that recklessly provides substantial assistance to another person in violation of a provision of this title, or of any rule or regulation adopted under this title, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.
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S5. STATUTE OF LIMITATIONS.

Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

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SEC. 27. STATUTE OF LIMITATIONS.


(1) in subsection (a) by striking Except as provided in subsection (b) and inserting The claims

(2) by striking subsection (b).
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SEC. 6. REPEAL OF CERTAIN CLASS ACTION LIMITATIONS.

(a) Securities Exchange Act of 1934.--Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 77p) is amended as read to follow:

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SEC. 16. REMEDIES ADDITIONAL.

The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.
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By Ms. MIKULSKI (for herself and Mrs. CLINTON):

S. 934. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits provided for in that act; to provide for the retirement benefits of retired police officers who served in the line of duty before the passage of the act, and for other purposes.

S. 935. A bill to amend chapters 83 and 84 of title 5, United States Code, to include Inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Federal Law Enforcement Pay Equity Act of 2000. I am proud to be joined on this bill by my colleagues, Senator LEAHY, Mr. BINGAMAN, and Mrs. CLINTON.

S. 935. A bill to amend chapters 83 and 84 of title 5, United States Code, to include Inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Law Enforcement Officers Retirement Equity Act of 2002. I am proud to be joined on this bill by my colleagues, Senators LEAHY, CLINTON, and BINGAMAN. This legislation will ensure that revenue officers of the park police receive the same Cost of Living Adjustment, COLA, as active officers.
the Internal Revenue Service, customs inspectors of the U.S. Customs Service, and immigration inspectors of the Immigration and Naturalization Service have the same retirement options as most Federal law enforcement officers and conforms with the Federal law enforcement retirement systems.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. Most people would not learn to perform their current duties. A 20-year retirement benefit for these employees is very clear. These employees face the same risks and are exposed to similar situations. The Internal Revenue Service currently provides it employees with a manual entitled: Assaults and Threats To Your Personal Safety to help employees respond to hostile situations. The document advises IRS employees how to handle on-the-job assaults, abuse, threatening telephone calls, and other menacing situations.

This legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees would, however, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced workforce. These federal employees bear the same risks and work under similar conditions to other law enforcement officials and deserve to receive the same level of benefits.

I urge my colleagues to join me again in this Congress in expressing support for this bill. By supporting its enactment, this bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.

Mr. LEAHY. Mr. President, I rise to join my good friend Senator Mikulski in introducing the Law Enforcement Officers Retirement Equity Act of 2002. This bill would correct an inequity that exists under current law whereby U.S. Customs Service and INS inspectors as well as revenue agents from the IRS are denied the same retirement benefits provided to other law enforcement officers. I have introduced a similar bill, S. 1828, with the support of Senator Bayh and Senator Mikulski, which would provide similar benefits to the Nation’s Federal prosecutors, who are now more than ever facing the imminent danger and challenges of the war on terrorism. Both measures are in recognition of the importance of corrections in the Federal law.

This bill would increase the retirement benefits given to federal INS and Customs inspectors and IRS Revenue agents by including them as “law enforcement officers,” LEOs, under the Federal Employees Retirement System and the Civil Service Retirement System. The relevant provisions of the United States Code dealing with retirement benefits define an LEO as an employee whose duties are “primarily the investigation, apprehension, or detention of individuals suspected or convicted of violating Federal law. See 5 U.S.C. §§8332(20) & 8401(17). Under that definition, it is inconceivable that Customs and INS inspectors and IRS Revenue Agents would not be included, yet they are not. Customs and INS Inspectors spend their entire days searching, questioning, and investigating potential violations of Federal law by those who either cross our borders or those who send goods and freight into and out of the United States. In many instances, they are our first and last defense against smugglers and those who seek to enter the United States unlawfully. IRS Revenue Agents have a long history of tax enforcement, sometime in dangerous circumstances involving corrupt and criminal material.

This bill would make these agents and inspectors eligible for immediate, unreduced retirement benefits at age 50 with 20 years of service. For example, those who are covered by the Civil Service Retirement System would receive 50 percent of the average of their three highest years’ salary. That is the retirement package that is currently afforded to nearly every other Federal law enforcement employee. Like the Federal prosecutors covered by S. 1828, there is no good justification for not including these Customs, INS and IRS law enforcement employees with their peers in terms of their retirement benefits, and a plenty of good reasons supporting their inclusion.

First and foremost, the danger faced by these men and women supports their inclusion as LEOs. The primary reason for granting retirement benefits to LEOs is the often dangerous work of law enforcement, and at no time in our Nation’s history has both the danger and importance of protecting our Nation’s borders been more clear. As the September 11 attacks on our nation amply demonstrated, the tools of terrorism and the terrorists themselves are often imported to the United States from abroad—and often times illegally. The people who are involved in this bill are the men and women who literally stand their posts to make sure that, among other things, illegal weapons and terrorists are not allowed into the United States. What could possibly be more dangerous? The holders of this bill have firsthand experience as a former prosecutor in Vermont that the men and women who stand watch at our Northern border put themselves in harm’s way each and every day that they put on their uniforms and go to work. In Vermont, I know that these men and women have a proud history of confronting and apprehending those who seek to enter the
By Mr. DURBIN:

S. 1936. A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise to introduce the Global Coordination of HIV/AIDS Response Act, known as the Global CARE Act. HIV/AIDS is a national security issue, an economic issue, a health and safety issue, and most importantly a moral issue. It is for these reasons I am proposing comprehensive legislation to address the global HIV/AIDS pandemic. This bill will not solve all these problems. But it does set the bar where the need is, and it does offer innovative ideas to address the epidemic in a strategic, coordinated, accountable manner.

Since the tragedy of September 11, we have all been focused on combating the war on terrorism, and rightfully so. But as we all know, perhaps even more clearly since September, fighting and preventing terrorism, preparing for and preventing bioterrorist attacks, maintaining international stability, and promoting global economic cooperation and growth require not only a military and political response but also a social and humanitarian effort.

Today's reality is a world in which geographical borders seem to hold less and less significance. As we work to maintain economic prosperity and safety in our own Nation, we must face the fact that globalization is upon us. This has never been more true than in the case of disease. The HIV/AIDS pandemic, tuberculosis and other life threatening diseases know no borders. They cannot be prevented by a missile defense system. We cannot halt the spread of AIDS with bombing raids.

Whether deliberately spread as a man made bioterrorist threats or a naturally occurring, infectious diseases are a pressing national security issue. A CIA report last year noted the link between disease and political chaos, saying that rampant AIDS, tuberculosis and other infectious illnesses were "likely to aggravate, and in some cases, may even provoke, economic decay, social fragmentation and political destabilization in the hardest hit countries."

The epidemic is not confined to Africa. HIV has reached epidemic proportions in India. The World Bank estimates that if effective prevention efforts are not implemented immediately and sustained, India could have more than 37 million people infected with HIV by the year 2010. This is roughly equal to the total number of HIV infections in the world today. The AIDS epidemic is sweeping across Eastern Europe, where HIV infection rates are rising faster in the former Soviet Union than anywhere in the world, according to a U.N. Report on AIDS. The Baltic nation of Estonia reported 10 times as many new infections last year as it did in 1999. In China, the number of people living with AIDS now tops one million. This is a moral issue that cannot be ignored.

The rising rates of infection and the rising death toll are draining national budgets and depriving local economies of their workforce. Last November United Nations officials predicted that some of the most affected African nations could lose more than 20 percent of their Gross Domestic Product, GDP, by 2020 because of AIDS. Recent studies by the World Health Organization's Commission on Macroeconomics and Health show that infections and disease are not only the product of poverty; they also create poverty. By investing in health in developing countries we can save lives and produce gains in social and economic returns.

For example, the Commission reported that well-targeted spending of shared among nations in the amount of $66 billion a year by 2015 could save as many as 8 million lives a year and generate six-fold economic benefits, more than $360 billion a year by 2020.

HIV/AIDS is also the single largest contributor to a worldwide resurgence in Tuberculosis, TB. The spread of TB in the developing world has a direct effect on the health and safety of Americans. Last month, forty-eight people in Mobile, Alabama, tested positive for exposure to tuberculosis, three weeks after a graduate student at Spring Hill College died of the disease. The Student, from Nairobi, Kenya, is thought to havecontracted TB before coming to the U.S. Also last month, health officials in Mecklenburg County, North Carolina, announced they were treating five people for drug-resistant TB. All were immigrants from countries where TB flourishes. Just last week, the Centers for Disease Control and Prevention indicated that the number of new cases of TB in this country decreased in 2001, but the number of cases occurring in the foreign-born U.S. population increased. The point is clear: we cannot maintain our own safety if we neglect the health needs of the developing world.

For all these reasons—national security, economic stability, public health, and our moral obligation, I have introduced the Global CARE Act. It is critically important that we demonstrate the political will to act on this issue. I think it would be productive for Congress to establish clear policy goals and funding targets that represent the real need. It is also our job to ensure that there is accountability for the money that we allocate so that what we allocate is what we are able to articulate the results of our U.S. investment. It is my hope that by doing this we will secure a serious, effective financial commitment that to date has been woefully inadequate.

The Global Coordination of HIV/AIDS Response Act is grounded in the principles of leadership and accountability. The policy goals I have set forth in this bill are the following: better coordination among the myriad of U.S. agencies active in the global AIDS fight; a more focused strategic planning initiative that makes the best use of U.S. bilateral assistance; increased accountability for the health and policy objectives we seek to achieve; and aligning our financial and human investment in AIDS-ravaged countries; the ability to mobilize the most effective human and capacity-building tools to provide some of the building blocks that are needed; and a clear articulation of broader issues that need to be addressed to have a real impact on HIV/AIDS, including not just prevention but treatment and care, and not just health initiatives but also economic investments.

The Global CARE Act provides specific funding authorizations for the key agencies working on global AIDS, as well as for the Global Fund. Both bilateral and multilateral funding is needed to address this problem. Before the Leadership and Investment in Fighting and Epidemic, LIFE, initiative authorized USAID to conduct activities specifically focused on global HIV/AIDS, the Global CARE Act was directed toward Congress on this issue. And up until the United Nations and President Bush specifically requested money for the Global Fund, there was little agreement about what was needed. It is now time for Congress to step up to the plate and provide some direction.

The authorized funding levels in the Global CARE Act represent a need that
has been well documented. The World Health Organization’s Maroeconomics and Health Commission has determined that by 2007, the international community—donor and affected countries—should be spending $14 billion in response to the pandemic. Last year, the United Nations called for roughly $10 billion annually.

America has by far the greatest giving capacity, yet we devote the smallest percentage of our overall wealth to efforts aimed at alleviating global poverty and disease. Last year the United States gave one-tenth of 1 percent of its GNP to foreign aid—or $1 for every thousand dollars of its wealth, the lowest giving rate of any rich nation. By comparison, Canada, Japan, Austria, Australia and Germany each gave about one-quarter of 1 percent, of $2.50 for every thousand dollars of wealth. Many other countries give even more, at rates 8 to 10 times higher than the United States. Based on its share of global wealth, the United States should contribute at least 25 percent of the total AIDS response cost in 2003. Twenty-five percent of the estimated $10 billion needed next year would be $2.5 billion. Hundreds of civic groups and religious organizations joined together, calling on Congress to provide at least $2.5 billion to combat the pandemic.

The Global CARE Act establishes broad policy goals and activities that are carried out in an international HIV/AIDS Prevention and Care Framework, including the Imitative and an International Care and Treatment Access Initiative. These goals and activities, which range from education, voluntary testing and counseling, to helping preserve families and ameliorate the orphan crisis, are not parcelled out to the various agencies we know are actively engaged in this issue such as the U.S. AGENCY for International Development (USAID) and the Centers for Disease Control and Prevention (CDC). Rather, this legislation generally relies on the existing authorities of the agencies to carry out these broad activities with the requirement that they coordinate their activities with each other and with host country needs and host country plans.

The development of a coordinated, effective, and sustained plan for U.S. bilateral aid in relation to multilateral aid and other nation’s bilateral aid is paramount. The United States has the opportunity to provide the requisite leadership in this global effort though operating strategically, and in an accountable and transparent manner.

To provide an incentive for such coordination, the bill establishes an interagency working group charged with ensuring that global HIV/AIDS activities are conducted in a coordinated, strategic fashion. Members of this working group include agencies within the Department of State, specifically USAID; the Department of Health and Human Services, including the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the National Institutes of Health; the Department of Defense, Labor, Commerce, Agriculture and the Peace Corps.

This is policy working group with representatives from the agency programs doing the real work. It is my intention that the working group help to ensure that the various agencies we fund to provide bi-lateral assistance are making the most of the money we have available and are not duplicating efforts; that they are learning from each others’ programmatic experience and research in order to implement the best practices; and that they are accountable to Congress and the American people for achieving measurable goals and objectives. In fact, the function of this group is very similar to the interagency working group established in H.R. 2099—legislation that passed the House of Representatives last year.

The Global CARE Act very specifically directs the working group to report back to the Senate Committee on Foreign Relations, the Senate Committee on Health, Education, Labor and Pensions, and the Senate Appropriations Committee, the corresponding Committees in the House of Representatives, with the following information: 1. The actions being taken to coordinate multiple roles and policies, and foster collaboration among Federal agencies in relation to the global HIV/AIDS activities; 2. A description of the respective roles and activities of each of the working group member agencies; 3. A description of actions taken to carry out the goals and activities authorized in the International AIDS Prevention and Capacity Building Initiative and the International AIDS CARE and Treatment Access Initiative set out in the legislation; 4. Recommendation to specific Committees of Congress regarding legislative and funding actions that are needed carry out the activities articulated in the bill; and 5. The results of the HIV/AIDS goals and outcomes as established by the working group. In my view, only by requiring very specific reporting requirements will the working group actually work.

The Global CARE Act includes a number of other provisions. Some have been discussed on the Hill, others have been left for the administration’s report. The bill authorizes a small amount of USAID to work on development and implementing initiatives to improve injection safety. According to the World Health Organization (WHO), each year the overuse of injections and unsafe injections combine to cause an estimated 3.2 million hepatitis B virus infections, 2.3 million to 4.7 million hepatitis C infections and 80,000 to 160,000 HIV infections. Together, these chronic infections are responsible for an estimated 10 million new infections, more than 1.8 million deaths, 26 million years of life lost, and more than $335 million in direct medical costs.

It includes a new pilot program to provide a limited procurement of antiretroviral drugs and medical assistance to programs in host countries. And it includes a very important orphan relief and microcredit component that acknowledges that addressing the AIDS problem requires both an economic and social investment in women and families.

I hope my colleagues will consider the framework and policy I have developed as we work to introduce a unified proposal to address the HIV/AIDS problem. Tackling this pandemic will take more than one good bill—it will take a concerted effort to combine the best ideas and realistic initiatives to get the job done.

STATEMENTS ON SUBMITTED RESOLUTIONS


Mr. BINGAMAN (for himself, Mr. LEAHY, Mrs. CARNABY, Mr. BOND, Mr. TORGERSEN, Mr. DeWINE) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 207

Whereas the Civilian Conservation Corps, commonly known as the CCC, was an independent Federal agency that deserves recognition for its lasting contribution to natural resources conservation and infrastructure improvements on public lands in the United States and for its outstanding success in providing employment and training to thousands of Americans;

Whereas March 31, 2002, is the 69th anniversary, and March 31, 2003, is the 70th anniversary, of the signing by President Franklin D. Roosevelt of the Emergency Conservation Work Act, a precursor to the Civilian Conservation Corps Act that established the CCC;

Whereas, between 1933 and 1942, the CCC provided employment and vocational training for more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish American War and World War I, and more than 80,000 Native Americans in conservation and natural resources development work, defense work on military reservations, and forest protection;

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

Whereas the CCC managed more than 4,500 camps in every State and the then-territories of Hawaii, Alaska, Puerto Rico, and the Virgin Islands;

Whereas the CCC left a legacy of national resources and infrastructure improvements that included planting more than 3,000,000,000 trees, building 46,864 bridges, restoring 1,980 historic sites and buildings, developing more than 800 state parks, improving 3,462 beaches, creating 405,037 signed, markers,
and monuments, and building 61,256 structures and 8,045 wells and pump houses.

Whereas the benefits of many CCC projects are still enjoyed by Americans today in national forests and other lands, including the National Arboretum in Washington, DC; Bandelier National Monument in New Mexico; Great Smoky Mountains National Park in North Carolina and Tennessee; Yosemite National Park in California; Acadia National Park in Maine; Rocky Mountain National Park in Colorado; and the Washington National Military Park in Mississippi;

Whereas the CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, leadership, and hard work for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC;

Whereas the CCC demonstrated the commitment of the United States to the conservation of land, water, and natural resources on a national level and to leadership in the world on public conservation efforts; and

Whereas the conservation of the Nation’s land, water, and natural resources is still an important goal of the American people: Now, therefore, be it

Resolved, That the Senate—

(1) designates both March 31, 2002, and March 31, 2003, as “National Civilian Conservation Corps Day”;

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities;

Mr. BINGAMAN. Mr. President, I am pleased to submit a resolution today with Senators LUGAR, CARNahan, BOND, TORNEHOLM, and MoSOWE, designating March 31, 2002 and March 31, 2003 as “National Civilian Conservation Corps Day.” March 31, 2002 is the 69th anniversary and March 31, 2003 is the 70th anniversary of the signing by President Roosevelt of the Emergency Conservation Work Act, the precursor to the Civilian Conservation Corps Act.

The Civilian Conservation Corps, commonly known as the CCC, was a Depression-era public works program started by Franklin D. Roosevelt. The CCC put over 3 million young men to work on natural resources conservation and public lands infrastructure improvements. Many of the physical accomplishments of the CCC are still visible, but even more importantly, the CCC also provided its participants with education, lasting friendships, a cooperative spirit, and a foundation of self-confidence and discipline.

Americans still enjoy the benefits of the work done by the CCC in the 1930s and 1940s at national and state parks across the U.S. CCC participants planted more than 3 billion trees, developed more than 800 state parks, improved more than 3,000 beaches and are responsible for countless monuments, signs, wells, and other improvements. CCC camps were located in every State, including the then-territories of Hawaii and Alaska.

CCC camps across the country still share the bonds of friendship and hard work. The National Association of Civilian Conservation Corps Alumni has thousands of active members from all 50 States whose lives were often dramatically changed for the better by their enrollment years ago. Many traveled for the first time, learned new trades and developed self-confidence, while sending much-needed money home to their families during the Depression.

This resolution would pay tribute to the lasting contribution of the CCC to natural resources conservation and infrastructure improvements and to its outstanding success in providing employment and training to millions of Americans.

SENATE CONCURRENT RESOLUTION 96—COMMENDING PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN FOR HIS LEADERSHIP AND FRIENDSHIP AND WELCOMING HIM TO THE UNITED STATES

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to.

SEC. 1. WHEREAS President Pervez Musharraf of Pakistan has demonstrated leadership in cooperating with the United States in the campaign in Afghanistan; Whereas President Musharraf has shown great fortitude in confronting domestic extremists; Whereas the efforts of President Musharraf in promoting moderation are both in the national interest of Pakistan and of great importance to Pakistani-American relations; Whereas the war against terrorism underscores the importance of strengthening the historic bilateral relationship between the United States and Pakistan; Whereas President Musharraf has worked to improve the political representation of minorities in Pakistan; and Whereas the Pakistani-American community in the United States makes important contributions to the United States and plays a vital role in fostering a closer relationship between the peoples of the United States and Pakistan: Now, therefore, be it

Resolved by the House of Representatives (Concurring).

Mr. STRICKLAND moved to adopt the resolution, and it was adopted by the Yeas and Nays: The resolution agreed to by the Yeas 93, Nays 0.

ANNOUNCEMENTS SUBMITTED AND PROPOSED

SA 2845. Mr. MCCONNELL proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2846. Mr. ENZI proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

TEXT OF AMENDMENTS

SA 2845. Mr. MCCONNELL proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

SEC. 1. REDUCTION OF COMMODITY BENEFITS—IMPROVE NUTRITION ASSISTANCE.

(a) INCOME PROTECTION PRICES FOR COUNTER-CYCLICAL PAYMENTS—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraphs (G), (H), (I), and (J) and substituting the following for paragraphs (G), (H), (I), and (J):

(1) IN GENERAL .

(a) INCOME PROTECTION PRICES FOR COUNTER-CYCLICAL PAYMENTS. Section 114 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (B) and substituting the following for paragraph (B):

(b) LOAN RATES.

(1) IN GENERAL—Mr. MCCONNELL proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SEC. 2. LOAN RATES FOR MARKETING ASSISTANCE LOANS.

(1) IN GENERAL.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 122(a)) is amended to read as follows:

SEC. 132. LOAN RATES.
"(1) in the case of wheat, $2.9960 per bushel;
"(2) in the case of corn, $2.0772 per bushel;
"(3) in the case of grain sorghum, $2.0772 per bushel;
"(4) in the case of barley, $1.9793 per bushel;
"(5) in the case of oats, $1.4980 per bushel;
"(6) in the case of upland cotton, $0.5493 per pound;
"(7) in the case of extra long staple cotton, $0.7965 per pound;
"(8) in the case of rice, $6.4914 per hundredweight;
"(9) in the case of soybeans, $5.1931 per bushel;
"(10) in the case of oilseeds (other than soybeans), $9.00 per ton;
"(11) in the case of graded wool, $1.00 per pound;
"(12) in the case of nongraded wool, $.50 per pound;
"(13) in the case of mohair, $2.00 per pound;
"(14) in the case of honey, $6.60 per pound;
"(15) in the case of dry peas, $6.76 per hundredweight;
"(16) in the case of lentils, $12.79 per hundredweight;
"(17) in the case of large chickpeas, $17.44 per hundredweight;
"(18) in the case of small chickpeas, $8.10 per hundredweight.

(2) ADJUSTMENT OF LIMITS.—(A) in section 3(b) the amendment made by section 123(b) is repealed.

(B) APPLICABILITY.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7962) shall be applied and administered as if the amendment made by section 123(b) had not been enacted.

(c) FOOD STAMP PROGRAM.—

(1) SIMPLIFIED RESOURCE ELIGIBILITY LIMIT.—Section 5(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by adding at the end the following:

"SEC. 209. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.—

(a) IN GENERAL.—The President may establish a pilot emergency relief program under this title to provide live lamb to Afghanistan on behalf of the people of the United States.

(b) REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report that—

(A) evaluates the success of the program under subsection (a); or

(B) if the program has not succeeded or has not been implemented, explains in detail why the program has not succeeded or has not been implemented; and

(2) discusses the feasibility and desirability of providing assistance in the form of live animals.

(d) ENHANCEMENT OF PLANTS.—The term "enhanced plant" means a site-specific nutrient or water management practice, with integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resources.

(e) LIVESTOCK.—The term "livestock" means dairy cattle, beef cattle, layer hens, broilers, turkeys, swine, sheep, and other such animals as are determined by the Secretary.

(f) MAXIMIZE ENVIRONMENTAL BENEFITS PER DOLLAR EXPENDED.—

(A) IN GENERAL.—The term "maximize environmental benefits per dollar expended" means maximizing the extent to which the Secretary determines is practicable and appropriate, taking into account the amount of funding made available to carry out this chapter.

(B) LIMITATION.—The term "maximize environmental benefits per dollar expended" does not require the Secretary—

(i) to require the adoption of at least one cost practice or technical assistance; or

(ii) to require the development of a plan under section 1240E as part of an application for payments or technical assistance.

(g) PROVISIONS OF LAW.—The term "practice" means 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices.

(h) PRODUCER.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper that—

(i) shares in the risk of producing any crop or livestock; and

(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

(i) HYBRID SEED GROWTHS.—In determining whether a grower of hybrid seed is producer, the Secretary shall not take into consideration the existence of hybrid seed contract.

(j) ENHANCEMENT OF PLANTS.—The term "enhanced plant" means a site-specific nutrient or water management practice, with integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resources.

(k) LIVESTOCK.—The term "livestock" means dairy cattle, beef cattle, layer hens, broilers, turkeys, swine, sheep, and other such animals as are determined by the Secretary.

(l) MAXIMIZE ENVIRONMENTAL BENEFITS PER DOLLAR EXPENDED.—

(A) IN GENERAL.—The term "maximize environmental benefits per dollar expended" means maximizing the extent to which the Secretary determines is practicable and appropriate, taking into account the amount of funding made available to carry out this chapter.

(B) LIMITATION.—The term "maximize environmental benefits per dollar expended" does not require the Secretary—

(i) to require the adoption of at least one cost practice or technical assistance; or

(ii) to require the development of a plan under section 1240E as part of an application for payments or technical assistance.

(C) PROVISIONS OF LAW.—The term "practice" means 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices.

(D) PRODUCER.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper that—

(i) shares in the risk of producing any crop or livestock; and

(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

(E) HYBRID SEED GROWTHS.—In determining whether a grower of hybrid seed is producer, the Secretary shall not take into consideration the existence of hybrid seed contract.

(F) ENHANCEMENT OF PLANTS.—The term "enhanced plant" means a site-specific nutrient or water management practice, with integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resources.
determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation; and

(B) the capping of abandoned wells on eligible land;

SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) Establishment.—

(1) In general.—During each of the 2002 through 2006 fiscal years, the Secretary shall provide technical assistance, cost-share payments, and incentive payments to producers that enter into contracts with the Secretary under the program.

(2) Eligible practices.—

(A) Structural practices.—A producer that implements a structural practice shall be eligible for any combination of technical assistance, cost-share payments, and education.

(B) Lands management practices.—A producer that performs a lands management practice shall be eligible for any combination of technical assistance, incentive payments, and education.

(C) Nutrient management planning.—A producer that develops a comprehensive nutrient management plan shall be eligible for any combination of technical assistance, incentive payments, and education.

(3) Education.—The Secretary may provide conservation education at national, State, and local levels consistent with the purposes of the program to—

(A) any producer that is eligible for assistance under the program; or

(B) any producer that is engaged in the production of an agricultural commodity.

(b) Application and Term.—With respect to practices implemented under this program—

(1) a contract between a producer and the Secretary, including—

(A) apply to 1 or more structural practices, lands management practices, and comprehensive nutrient management planning practices; and

(B) have a term of not less than 3, or more than 10 years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract;

(2) a producer may not enter into more than 1 contract for structural practices involving livestock nutrient management during the period of fiscal years 2002 through 2006; and

(3) a producer that has an interest in more than 1 large confined livestock operation, as defined by the Secretary, may not enter into more than 1 contract for cost-share payments for a storage or treatment facility, or other animal waste generated by the large confined livestock feeding operation.

(c) Application and Evaluation.—

(1) In general.—The Secretary shall establish an application and evaluation process for awarding technical assistance, cost-share payments, and incentive payments to a producer in exchange for the performance of 1 or more practices that maximize environmental benefits per dollar expended.

(2) Comparable environmental value.—

(A) In general.—The Secretary shall establish a process for selecting applications for technical assistance, cost-share payments, incentive payments, and cost-share payments in any case in which there are numerous applications for assistance for practices that would provide substantially the same level of environmental benefits.

(B) Criteria.—The process under subparagraph (A) shall be based on—

(i) a calculation of the percentage of the projected cost of the proposals described in the applications; and

(ii) the priorities established under the program, and other factors, that maximize environmental benefits per dollar expended.

(3) Consent of owner.—If the producer making a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the producer shall obtain the consent of the owner of the land with respect to the offer.

(4) Bidding down.—If the Secretary determines that the environmental values of 2 or more applications for technical assistance, cost-share payments, or incentive payments are comparable, the Secretary shall not assign a higher priority to the application only because it would lower the least cost to the program established under the program.

(d) Cost-Share Payments.—

(1) In general.—Except as provided in paragraph (2), the cost-share payments provided to a producer proposing to implement 1 or more practices under the program shall be not more than 75 percent of the cost of the practice, as determined by the Secretary.

(2) Exceptions.—

(A) Limited resource and beginning farmers.—The Secretary may provide technical assistance, cost-share payments, and incentive payments in any case—

(i) to a limited resource or beginning farmer or rancher, as determined by the Secretary;

(ii) to a producer that is certified under section 1244(f)(3) as being subject to Federal, State, or local authorities of law available to the Secretary, taking into account—

(I) the extent and complexity of the technical assistance provided;

(II) the costs that the Secretary would have incurred in providing the technical assistance; and

(iii) other factors as determined appropriate by the Secretary;

(iii) to a producer that is not a limited resource or beginning farmer or rancher, as determined by the Secretary.

(B) Cost-share assistance from other sources.—Except as provided in paragraph (5), any producer shall be eligible for the payments provided to the producer under paragraph (1).

(3) Other Payments.—A producer shall not be eligible for cost-share payments for practices implemented under this program if the producer receives cost-share payments or other benefits for the same practice on the same land under chapter 1 and the program.

(c) Incentive Payments.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform 1 or more practices.

(d) Technical Assistance.—

(1) In general.—The Secretary shall allocate funding under this provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year.

(2) Amount.—The allocated amount may vary according to—

(A) the type of expertise required;

(B) the quantity of time involved; and

(C) other factors as determined appropriate by the Secretary.

(3) Limitation.—Funding for technical assistance under the program shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

(4) Other Authorities.—The receipt of technical assistance under the program shall not affect the eligibility of the producer to receive technical assistance under other authorities of law available to the Secretary.

(e) Incentive Payments for Technical Assistance.—

(1) In general.—A producer that is eligible to receive technical assistance for a practice involving the development of a comprehensive nutrient management plan may use any funding that can be used to obtain technical assistance associated with the development of any component of the comprehensive nutrient management plan.

(f) Purpose.—The purpose of the payment shall be to provide a producer the option of obtaining technical assistance for developing any component of a comprehensive nutrient management plan from a certified provider.

(g) Payment.—The incentive payment shall—

(i) in addition to cost-share or incentive payments that a producer would otherwise receive for structural practices and land management practices;

(ii) used only to procure technical assistance from a certified provider that is necessary to develop any component of a comprehensive nutrient management plan; and

(iii) in an amount determined appropriate by the Secretary, taking into account—

(A) the extent and complexity of the technical assistance provided;

(B) the costs that the Secretary would have incurred in providing the technical assistance; and

(C) the costs incurred by the private provider in providing the technical assistance.

(h) Eligible Practices.—The Secretary may determine, on a case by case basis, whether the development of a comprehensive nutrient management plan is eligible for an incentive payment under this paragraph.

(i) Certification of Secretary.—

(1) In general.—Only persons that have been certified by the Secretary under section 1244(f)(3) shall be eligible to provide technical assistance under this paragraph.

(2) Quality Assurance.—The Secretary shall ensure that certified providers are capable of providing technical assistance related to comprehensive nutrient management in a manner that meets the specifications and guidelines of the Secretary and that meets the needs of producers under the program.

(j) Advance Payment.—On the determination of the Secretary that the proposed comprehensive nutrient management plan of a producer is eligible for an incentive payment, the producer may receive a partial advance of the incentive payment in order to procure the services of a certified provider.

(k) Final Payment.—The final installment of the incentive payment shall be payable to a producer on presentation to the Secretary of documentation that is satisfactory to the Secretary and that demonstrates—

(i) completion of the technical assistance; and

(ii) the actual cost of the technical assistance.

(l) Modification or Termination of Contracts.—

(1) Voluntary Modification or Termination.—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—

(A) the producer agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination is in the public interest.

(2) Involuntary Termination.—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

(a) In General.—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to applications and payments that—

(1) maximize environmental benefits per dollar expended; and

(2) address national conservation priorities, including—

(i) meeting Federal, State, and local environmental purposes focused on protecting air and water quality, including assistance to systems and programs that avoid, abate, or mitigate the adverse impacts of pollution on air and water quality; and

(ii) meeting Federal, State, and local environmental regulatory systems;
(ii) applications from livestock producers using managed grazing systems and other pasture and forage based systems;
(iii) comprehensive nutrient management;
(iv) water quality, particularly in impaired watersheds;
(v) soil erosion;
(vi) air quality; or
(vii) pesticide and herbicide management or reduction;
(B) are provided in conservation priority areas established under section 1230(c);
(C) are provided in special projects under section 1243(b)(4) with respect to which State or local governments have provided, or will provide, financial or technical assistance to producers for the conservation or environmental purposes; or
(D) an innovative technology in connection with a structural practice or land management practice.

SEC. 1240D. DUTIES OF PRODUCERS.
(a) To receive technical assistance, cost-share payments, or incentive payments under the program, a producer shall agree—
(1) to implement an environmental quality incentive program plan that describes conservation and environmental purposes to be achieved through 1 or more practices that are approved by the Secretary;
(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;
(3) on the violation of a term or condition of the contract at any time the producer has control of the land—
(A) if the Secretary determines that the violation warrants termination of the contract;
(i) to forfeit all rights to receive payments under the contract;
(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any incentive payments, or cost-share payments, as determined by the Secretary; or
(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;
(4) to notify the Secretary of the change in interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-share payments and incentive payments received under the program, as determined by the Secretary;
(5) to provide information as required by the Secretary to determine compliance with the program plan and requirements of the program;
(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan; and
(7) to submit a list of all confined livestock feeding operations which are wholly or partially owned or operated by the applicant.

SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.
(A) IN GENERAL.—To be eligible to receive technical assistance, cost-share payments, or incentive payments under the program, a producer of a livestock or agricultural operation shall submit to the Secretary for approval a plan of operations that specifies practices covered under the program, and is based on such terms and conditions, as the Secretary determines, necessary to carry out the program, including a description of the practices to be implemented and the purposes to be met by the implementation of the plan, including livestock feeding operations, development and implementation of a comprehensive nutrient management plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan.

(b) AVOCADO PROTECTION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

SEC. 1240F. DUTIES OF THE SECRETARY.
(a) To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—
(1) providing technical assistance in developing and implementing the plan;
(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;
(3) providing the producer with information, education, and training to aid in implementation of the plan; and
(4) encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private sources.

SEC. 1240G. LIMITATION ON PAYMENTS.
(a) IN GENERAL.—Subject to subsection (b), the total amount of incentive payments and cost-share payments paid to a producer under this chapter shall not exceed—
(1) $30,000 for any fiscal year, regardless of whether the payments paid to a producer under this chapter exceed $30,000 for any fiscal year.
(2) $120,000 for a contract with a term of 4 years; or
(3) $150,000 for a contract with a term of more than 4 years.
(b) ATTRIBUTION.—An individual or entity shall not receive, directly or indirectly, total payments from a single or multiple contracts that exceed $30,000 for any fiscal year.
(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment to a producer under subsection (a)(1) if the Secretary determines that a larger payment is—
(1) essential to accomplish the land management practice or structural practice for which the payment is made to the producer, and
(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.
(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible to participate under the program using social security numbers and taxpayer identification numbers, respectively.
SA 2851. Mr. LUGAR (for Mr. DOMENICI) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

Strike section 132 and insert the following:

SEC. 132. NATIONAL DAIRY PROGRAM.

The Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 722(b) of Public Law 107-76) is hereby amended by inserting after section 141 (7 U.S.C. 7231) the following:

SEC. 142. NATIONAL DAIRY PROGRAM.

(a) Definitions. In this section:

(i) dairy farm. The term ‘dairy farm’ means a dairy farm that—

(ii) is located within the United States;

(iii) is permitted under a license issued by State or local agency or the Secretary;

(iv) to market milk for human consumption;

(v) to process milk into products for human consumption; and

(b) Exclusion. The term ‘dairy farm’ does not include a farm that is operated by a successor to a producer.

(c) Eligible Production. The term ‘eligible production’ means the quantity of milk that is produced and marketed on a dairy farm.

(d) Payment Period. The term ‘payment period’ means—

(i) the period beginning on December 1, 2001, and ending on September 30, 2002; and

(ii) additional payments from March 2003.

(e) Producer. The term ‘producer’ means the individual or entity that is the holder of the license described in paragraph (d)(1)(A)(i) for the dairy farm.

(f) Program. The Secretary shall make payments to producers.

Amounts made available under this section shall be calculated by multiplying—

(1) the eligible production during the payment period by—

(2) the payment rate.

The program shall be carried out in accordance with the Interim Final Rule under part 246 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereafter.

Sunset. The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

(c) Purpose. The purpose of this section is to ensure the long-term viability of the dairy industry, as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics; Federal and State law enforcement operations have revealed that American bears have been poached for their viscera; and while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases and prohibitions against the importation into the United States, as well as prohibitions against the interstate trade of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population.

(d) Application of Interstate Final Rule. The program shall be carried out in accordance with the Final Rule under part 246 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereafter.

Sunset. The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

SEC. 132. NATIONAL DAIRY PROGRAM.

(a) Definitions. In this section:

(i) dairy farm. The term ‘dairy farm’ means a dairy farm that—

(ii) is located within the United States;

(iii) is permitted under a license issued by State or local agency or the Secretary;

(iv) to market milk for human consumption;

(v) to process milk into products for human consumption; and

(b) Exclusion. The term ‘dairy farm’ does not include a farm that is operated by a successor to a producer.

(c) Eligible Production. The term ‘eligible production’ means the quantity of milk that is produced and marketed on a dairy farm.

(d) Payment Period. The term ‘payment period’ means—

(i) the period beginning on December 1, 2001, and ending on September 30, 2002; and

(ii) additional payments from March 2003.

(e) Producer. The term ‘producer’ means the individual or entity that is the holder of the license described in paragraph (d)(1)(A)(i) for the dairy farm.

(f) Program. The Secretary shall make payments to producers.

Amounts made available under this section shall be calculated by multiplying—

(1) the eligible production during the payment period by—

(2) the payment rate.

The program shall be carried out in accordance with the Interim Final Rule under part 246 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereafter.

Sunset. The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

SEC. 142. NATIONAL DAIRY PROGRAM.

(a) Definitions. In this section:

(i) dairy farm. The term ‘dairy farm’ means a dairy farm that—

(ii) is located within the United States;

(iii) is permitted under a license issued by State or local agency or the Secretary;

(iv) to market milk for human consumption;

(v) to process milk into products for human consumption; and

(b) Exclusion. The term ‘dairy farm’ does not include a farm that is operated by a successor to a producer.

(c) Eligible Production. The term ‘eligible production’ means the quantity of milk that is produced and marketed on a dairy farm.

(d) Payment Period. The term ‘payment period’ means—

(i) the period beginning on December 1, 2001, and ending on September 30, 2002; and

(ii) additional payments from March 2003.

(e) Producer. The term ‘producer’ means the individual or entity that is the holder of the license described in paragraph (d)(1)(A)(i) for the dairy farm.

(f) Program. The Secretary shall make payments to producers.

Amounts made available under this section shall be calculated by multiplying—

(1) the eligible production during the payment period by—

(2) the payment rate.

The program shall be carried out in accordance with the Interim Final Rule under part 246 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereafter.

Sunset. The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

SA 2852. Mr. HARKIN (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 133. NATIONAL DAIRY PROGRAM.

(a) Definitions. In this section:

(i) dairy farm. The term ‘dairy farm’ means a dairy farm that—

(ii) is located within the United States;

(iii) is permitted under a license issued by State or local agency or the Secretary;

(iv) to market milk for human consumption;

(v) to process milk into products for human consumption; and

(b) Exclusion. The term ‘dairy farm’ does not include a farm that is operated by a successor to a producer.

(c) Eligible Production. The term ‘eligible production’ means the quantity of milk that is produced and marketed on a dairy farm.

(d) Payment Period. The term ‘payment period’ means—

(i) the period beginning on December 1, 2001, and ending on September 30, 2002; and

(ii) additional payments from March 2003.

(e) Producer. The term ‘producer’ means the individual or entity that is the holder of the license described in paragraph (d)(1)(A)(i) for the dairy farm.

(f) Program. The Secretary shall make payments to producers.

Amounts made available under this section shall be calculated by multiplying—

(1) the eligible production during the payment period by—

(2) the payment rate.

The program shall be carried out in accordance with the Interim Final Rule under part 246 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereafter.

Sunset. The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

SA 2853. Mr. HARKIN proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

At the appropriate place, add the following:

Amend Section 662 by adding after the word ‘concern’ at the end of subsection 384(c)(3)(C) the words ‘and not more than 10 percent of the investment in the adjacent urbanized area containing or adjacent to that city’.
(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

DEFINITIONS.—In this section:

(1) BEAR VISCERA.—The term ‘bear viscera’ means the body fluids or internal organs, including the gallbladder and its contents but not including the blood or brains, of a species of bear.


(3) IMPORT.—The term ‘import’ means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, regardless of whether the importation is by land, sea, or air.

(4) PERSON.—The term ‘person’ means

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State or political subdivision of a State; or

(iii) any foreign government; and

(C) any other entity subject to the jurisdiction of the United States.

(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

(6) STATE.—The term ‘State’ means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(7) TRANSPORT.—The term ‘transport’ means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment:

(e) PROHIBITED ACTS.—(1) IN GENERAL.—Except as provided in paragraph (2), a person shall not—

(A) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(B) sell, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(2) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subsection (d)(4)(B) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, transportation, or sale is solely for the purpose of enforcing laws relating to the protection of wildlife; and

(3) PENALTIES AND ENFORCEMENT.—

(1) GENERAL.—A person that knowingly violates subsection (e) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) AMOUNT.—(A) AMOUNT.—A person that knowingly violates subsection (e) may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a)(4) of that Act (16 U.S.C. 1540(a)).

(3) SUSPENSION AND FORFEITURE.—Any bear viscera or any product, item, or substance imported, exported, sold, bartered, attempted to be imported, exported, sold, or bartered, offered for sale or barter, purchased, possessed, transported, delivered, or received in violation of this subsection (including any regulation issued under a sub-section) shall be seized and forfeited to the United States.

(4) REGULATIONS.—After consultation with the Secretary of Commerce and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this subsection.

(5) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this subsection in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(6) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this subsection shall be used in accordance with section 6(a) of the Lacey Act Amendments of 1981 (18 U.S.C. 3770(d)).

(c) DISCUSSIONS CONCERNING BEAR CONSERVATION AND THE BRAH PARTS TRADE.—In order to seek to establish coordinated efforts with other countries that export bears, bear parts, or products, the Secretary shall continue discussions concerning trade in bear viscera with—

(A) the appropriate representatives of Parties to CITES;

(B) the appropriate representatives of countries that are not parties to CITES and that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera;

(C) the United States Trade Representative, the Secretary of the Treasury and the United States.

(d) DEFINITIONS.—For purposes of this section, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

On page 8, line 19, insert the following:

‘‘(ii) all procedural and substantive State water law.’’

On page 8, line 19, strike ‘‘(12)’’ and insert ‘‘(13)’’.

On page 8, line 16, strike ‘‘(13)’’ and insert ‘‘(14)’’.

On page 17, line 20, insert the following:

‘‘(1) IN GENERAL.—Nothing in this section—

On page 17, line 21, strike ‘‘(4)’’ and insert ‘‘(A)’’.

On page 17, line 22, strike ‘‘(2)’’ and insert ‘‘(B)’’.

On page 18, line 1, strike ‘‘(3)’’ and insert ‘‘(C)’’.

On page 18, line 5, strike ‘‘(4)’’ and insert ‘‘(D)’’.

On page 18, line 7, insert the following:

‘‘(2) IMPLEMENTATION.—In carrying out the program, the Secretary shall—

(A) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

(C) comply with—

(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

(ii) all procedural and substantive State water law.’’

SA 2856. Mr. HARKIN proposed an amendment to amendment SA 2856 submitted by Mr. MCCONNELL and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

Strike all after the first word and insert the following:

SEC. 132.—REDUCTION OF COMMODITY BENEFITS TO ESTABLISH A PILOT PROGRAM FOR FARM COUNTERCYCLICAL SAVINGS ACCOUNTS.

(a) INCOME PROTECTION PRICES FOR COUNTER-CYCLICAL PAYMENTS.—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (2) and inserting the following:

‘‘(2) INCOME PROTECTION PRICES.—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

(A) Wheat, $3.4460 per bushel.

(B) Corn, $2.9727 per bushel.

(C) Grain sorghum, $2.3472 per bushel.

(D) Barley, $2.1973 per bushel.

(E) Oats, $1.3480 per bushel.

(F) Upland cotton, $0.6798 per pound.

(G) Rice, $0.9214 per hundredweight.

(H) Soybeans, $5.7431 per bushel.

(I) Oilseeds (other than soybeans), $0.1049 per pound.

(3) LOAN RATES FOR MARKETING ASSISTANCE LOANS.—

(1) IN GENERAL.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 123(a)) is amended to read as follows:

‘‘SEC. 132. LOAN RATES.

The loan rate for a marketing assistance loan under section 331 for a loan commodity shall be—

‘‘(1) in the case of wheat, $2.9690 per bushel;’’
February 12, 2002

Tobacco
on a farm or ranch. Commodities (including livestock but excluding tobacco) on a farm or ranch.

(2) Adjusted gross revenue for each of the preceding 5 taxable years, the estimated income of the producer that will be earned from all agricultural enterprises for the applicable year, as determined by the Secretary for all producers;

(4) Producer. The term ‘producer’ means an individual or entity, as determined by the Secretary for an applicable year, that—

(A) shares in the risk of producing, or provides a material contribution in producing, an agricultural commodity for the applicable year;

(B) has a substantial beneficial interest in the agricultural enterprise in which the agricultural commodity is produced;

(C)(i) during each of the preceding 5 taxable years, has filed—

(1) a schedule F of the Federal income tax returns; or

(II) a comparable tax form related to the agricultural enterprises of the individual or entity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher or other producer that does not have average adjusted gross revenue for each of the preceding 5 taxable years, as determined by the Secretary; and

(D) has earned at least $50,000 in average adjusted gross revenue over the preceding 5 taxable years;

(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

(iii) in the case of a beginning farmer or rancher or other producer that does not have average adjusted gross revenue for the preceding 5 taxable years, has at least $50,000 in estimated income from all agricultural enterprises for the applicable year, as determined by the Secretary.

(b) Estabiclishment. For each of fiscal years 2003 through 2006, the Secretary shall establish a pilot program in 10 States (as determined by the Secretary) under which a producer may establish a farm counter-cyclical savings account in the name of the producer in a bank or financial institution selected by the producer and approved by the Secretary.

(c) Content of account. A farm counter-cyclical savings account shall consist of—

(1) contributions of the producer; and

(2) matching contributions of the Secretary.

(d) Producer Contributions. A producer may deposit in the account of the producer as the producer considers appropriate.

(e) Matching Contributions. (1) In each of paragraphs (2) through (5), the Secretary shall provide a matching contribution on the amount deposited by the producer into the account.

(2) Amount. Subject to paragraph (3), the amount of a matching contribution that the Secretary shall provide under paragraph (1) shall be equal to 2 percent of the average adjusted gross revenue of the producer.

(3) Maximum Contributions For Individual Producer. The amount of matching contributions that may be provided by the Secretary for an individual producer under this subsection shall not exceed $5,000 for any applicable fiscal year.

(4) Maximum Contributions For All Producers. The total amount of matching contributions that may be provided by the Secretary for all producers under this program shall not exceed $70,000,000 for fiscal year 2003, $100,000,000 for fiscal year 2004, $140,000,000 for fiscal year 2005, and $200,000,000 for fiscal year 2006.

(5) Date for Matching Contributions. The Secretary shall provide the matching contributions required for a producer under paragraph (1) as of the date that a majority of the covered commodities grown by the producer are harvested.

(1) Interest. Funds deposited into the account may earn interest at the commercial rates provided by the bank or financial institution in which the Account is established.

(2) Use. Funds credited to the account—

(A) may be available for withdrawal by a producer, in accordance with subsection (b); and

(B) may be used for purposes determined by the Secretary.

(h) Withdrawal. (1) In General. Subject to paragraph (2), in any year, a producer may withdraw funds from the account in an amount that is equal to—

(A) 90 percent of average adjusted gross revenue of the producer for the previous 5 years; minus

(B) the adjusted gross revenue of the producer in that year.

(2) Retirement. A producer that ceases to be actively engaged in farming, as determined by the Secretary—

(A) may withdraw the full balance from, and close, the account; and

(B) may establish another account.

(1) Administration. The Secretary shall administer this section through the Farm Service Agency and local, county, and area offices of the Department of Agriculture.

SEC. 123. PILOT PROGRAM FOR FARM COUNTER-CYCLICAL SAVINGS ACCOUNTS.

(a) Definitions. In this section:

‘‘(1) Adjusted gross revenue. The term ‘adjusted gross revenue for all agricultural enterprises of a producer in a year, excluding revenue earned from nonagricultural sources, as determined by the Secretary.’’

‘‘(A) by taking into account gross receipts from the sale of crops and livestock on all agricultural enterprises of the producer, including any marketing loan gains described in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a));

(B) by deducting the cost or basis of livestock or other items purchased for resale, such as feeder livestock, on all agricultural enterprises of the producer; and

‘‘(D) as represented on—

(i) a schedule F of the Federal income tax returns of the producer; or

(ii) a comparable tax form related to the agricultural enterprises of the producer, as approved by the Secretary.

‘‘(2) Agricultural enterprise. ‘‘The term ‘agricultural enterprise’ means the production and marketing of all agricultural commodities (including livestock but excluding tobacco) on a farm or ranch.

‘‘(3) Average adjusted gross revenue. The term ‘average adjusted gross revenue’ means—

(A) the average of the adjusted gross revenue of a producer for each of the preceding 5 taxable years;

(B) in the case of a beginning farmer or rancher or other producer that does not have adjusted gross revenue for each of the preceding 5 taxable years, the estimated income of the producer that will be earned from all agricultural enterprises for the applicable year, as determined by the Secretary for all producers;

‘‘(C)(i) during each of the preceding 5 taxable years, has filed—

(1) a schedule F of the Federal income tax returns; or

(II) a comparable tax form related to the agricultural enterprises of the individual or entity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher or other producer that does not have adjusted gross revenue for each of the preceding 5 taxable years, as determined by the Secretary; and

(D) has earned at least $50,000 in average adjusted gross revenue over the preceding 5 taxable years;

(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

(iii) in the case of a beginning farmer or rancher or other producer that does not have average adjusted gross revenue for the preceding 5 taxable years, has at least $50,000 in estimated income from all agricultural enterprises for the applicable year, as determined by the Secretary.

‘‘(b) Estabicishment. For each of fiscal years 2003 through 2006, the Secretary shall establish a pilot program in 10 States (as determined by the Secretary) under which a producer may establish a farm counter-cyclical savings account in the name of the producer in a bank or financial institution selected by the producer and approved by the Secretary.

‘‘(c) Content of Account. ‘‘A farm counter-cyclical savings account shall consist of—

‘‘(1) contributions of the producer; and

‘‘(2) matching contributions of the Secretary.

‘‘(d) Producer Contributions. ‘‘A producer may deposit in the account of the producer as the producer considers appropriate.

‘‘(e) Matching Contributions. ‘‘(1) In each of paragraphs (2) through (5), the Secretary shall provide a matching contribution on the amount deposited by the producer into the account.

‘‘(2) Amount. Subject to paragraph (3), the amount of a matching contribution that the Secretary shall provide under paragraph (1) shall be equal to 2 percent of the average adjusted gross revenue of the producer.

‘‘(3) Maximum Contributions For Individual Producer. ‘‘The amount of matching contributions that may be provided by the Secretary for an individual producer under this subsection shall not exceed $5,000 for any applicable fiscal year.

‘‘(4) Maximum Contributions For All Producers. ‘‘The total amount of matching contributions that may be provided by the Secretary for all producers under this program shall not exceed $70,000,000 for fiscal year 2003, $100,000,000 for fiscal year 2004, $140,000,000 for fiscal year 2005, and $200,000,000 for fiscal year 2006.

‘‘(5) Date for Matching Contributions. ‘‘The Secretary shall provide the matching contributions required for a producer under paragraph (1) as of the date that a majority of the covered commodities grown by the producer are harvested.

‘‘(1) Interest. Funds deposited into the account may earn interest at the commercial rates provided by the bank or financial institution in which the Account is established.

‘‘(2) Use. Funds credited to the account—

(A) may be available for withdrawal by a producer, in accordance with subsection (b); and

(B) may be used for purposes determined by the Secretary.

‘‘(h) Withdrawal. (1) In General. Subject to paragraph (2), in any year, a producer may withdraw funds from the account in an amount that is equal to—

(A) 90 percent of average adjusted gross revenue of the producer for the previous 5 years; minus

(B) the adjusted gross revenue of the producer in that year.

(2) Retirement. A producer that ceases to be actively engaged in farming, as determined by the Secretary—

(A) may withdraw the full balance from, and close, the account; and

(B) may establish another account.

(1) Administration. ‘‘The Secretary shall administer this section through the Farm Service Agency and local, county, and area offices of the Department of Agriculture.’’

SA 2857. Mr. REID (for Mr. CONRAD) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

At the appropriate place insert the following:

Since both political parties have pledged not to misuse Social Security surplus funds by spending them for other purposes; and

Since under the Administration’s fiscal year 2003 budget, the federal government is projected to spend the Social Security surplus for other purposes in each of the next 10 years;

Sign permanent extension of the inheritance tax repeal would cost, according to the Administration’s estimate, approximately $101 billion over the next 10 years, all of which would further reduce the Social Security surplus;

Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 12, 2002, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for fiscal year 2003 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.
Panel 1: The Honorable Alan P. Larson, Under Secretary for Economic, Business, and Agricultural Affairs, Department of State, Washington, DC; the Honorable F. Allgeier, Deputy U.S. Trade Representative, Office of U.S. Trade Representative, Washington, DC; and Mr. John S. Gordon, U.S. attorney, Central District of California, Los Angeles, CA.

Panel 2: Mr. Jeff Raikes, Group Vice President, Productivity and Business Services, Microsoft Corporation, Redmond, Washington; Mr. Jack Valenti, President and CEO, Motion Picture Association of America, Washington, DC; Mr. William Leidinger, of Virginia, to be Assistant Secretary for Management at the Department of Education; that the nomination be confirmed, the motion to reconsider be laid on the table, any statements thereon be printed in the Record, and the President be immediately notified of the Senate’s action.

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

The nomination considered and confirmed is as follows:

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the HELP Committee be discharged from further consideration of the nomination of William Leidinger, to be Assistant Secretary for Management at the Department of Education; that the nomination be confirmed, the motion to reconsider be laid on the table, any statements thereon be printed in the Record, and the President be immediately notified of the Senate’s action.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF EDUCATION

William Leidinger, of Virginia, to be Assistant Secretary for Management, Department of Education.
The concurrent resolution (S. Con. Res. 96) was agreed to.
The preamble was agreed to.
(The concurrent resolution with its preamble, is printed in today's Record under “Statements on Submitted Resolutions”.)

ORDERS FOR TOMORROW, FEBRUARY 13, 2002

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour 9:30 a.m. tomorrow, Wednesday, February 13; that following the prayer and pledge the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the farm bill.

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

PROGRAM

Mr. REID. Mr. President, there is going to be a series of rolcall votes in the morning in relation to the farm bill. They will begin at about 9:30 a.m., give or take a minute or two.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:40 p.m., adjourned until Wednesday, February 13, 2002, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 12, 2002:

WILLIAM LEIDINGER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION.
Mr. Speaker, we made a promise to the American taxpayer last year when Congress worked together with the President to return a portion of the excessive taxes the government collected. Now it seems some are calling for Congress to break that commitment and reverse some of the tax refunds. It is bad enough when the government collects too many taxes. But it is even worse when the government tries to take back money for the second time—money we have already promised to return.

Mr. Speaker, I have had hundreds of my constituents from the Fourth District of Kansas tell me that they were so grateful for the tax relief signed into law last year. I would hate to have to tell them that Congress has changed its mind, that we are not really going to return as much money as we originally agreed to do. Taxpaying families pay too much as it is. Rather than raise taxes, we need to affirm that the Economic Growth and Tax Relief Reconciliation Act of 2001 was good for all Americans last year, and it is still good for all Americans this year. Congress worked hard with the President, in a bipartisan fashion, to return some of the excessive taxes to the working people of America. And we should declare that the tax relief should go on as scheduled over the next decade. More than that, Mr. Speaker, Congress should make the tax cuts permanent.

Today I call on my colleagues to join me in supporting H. Con. Res. 312, the resolution that affirms tax relief for all taxpayers. The American people need to know that we are serious about our commitments. And especially during this time of economic recession, we must declare our resolve to the hard-working men and women who pay taxes that we will not break our promise. We will not raise your taxes.

Mr. Speaker, keep the tax cuts in place.

SPEECH OF
HON. TODD TIAHRT
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. TIAHRT. Mr. Speaker, we made a promise to the American taxpayer last year when Congress worked together with the President to return a portion of the excessive taxes the government collected. Now it seems some are calling for Congress to break that commitment and reverse some of the tax refunds. It is bad enough when the government collects too many taxes. But it is even worse when the government tries to take back money for the second time—money we have already promised to return.

Mr. Speaker, I have had hundreds of my constituents from the Fourth District of Kansas tell me that they were so grateful for the tax relief signed into law last year. I would hate to have to tell them that Congress has changed its mind, that we are not really going to return as much money as we originally agreed to do. Taxpaying families pay too much as it is. Rather than raise taxes, we need to affirm that the Economic Growth and Tax Relief Reconciliation Act of 2001 was good for all Americans last year, and it is still good for all Americans this year. Congress worked hard with the President, in a bipartisan fashion, to return some of the excessive taxes to the working people of America. And we should declare that the tax relief should go on as scheduled over the next decade. More than that, Mr. Speaker, Congress should make the tax cuts permanent.

Today I call on my colleagues to join me in supporting H. Con. Res. 312, the resolution that affirms tax relief for all taxpayers. The American people need to know that we are serious about our commitments. And especially during this time of economic recession, we must declare our resolve to the hard-working men and women who pay taxes that we will not break our promise. We will not raise your taxes.

Mr. Speaker, keep the tax cuts in place.

Tribute to Dr. Michael Franzblau

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my friend, Dr. Michael Franzblau, for his many accomplishments. Chief among them is his pursuit of justice as manifested in his efforts to expose Nazi war criminals with particular emphasis on those in the medical profession. Dr. Franzblau's persistence in revealing the misdeeds of Dr. Hans Joachim Sewering of Bavaria demonstrates this dedication. Sewering is known to have murdered infants and children in a doctor-drive project "To Cleanse the Fatherland." A World War II veteran and an avowed enemy of perverted medical research, Dr. Franzblau successfully lobbied the AMA to back efforts to expose Sewering, leading to his resignation as President-elect of the World Medical Association. Michael Franzblau was also instrumental in developing legislation, H. Res. 557, that I sponsored, calling for an investigation into Sewering's war crime. H. Res. 557 passed the House unanimously in 1998.

Dr. Franzblau had a full medical practice in Marin (Dermatology) and was a retired Professor of Dermatology at the University of California School of Medicine in San Francisco. He has lectured there and elsewhere on the ethics of health care in the Nazi era. Married to Donna Garfield Franzblau for 47 years and the father of three now grown children, Dr. Franzblau had found the time to dedicate himself to other medical causes locally, nationally, and abroad. These include service on California's Medical Quality Review Committee, American Medical Association, and Marin Medical Society; international humanitarian work for Project Hope in Peru; Alliance for Health in Mexico, and a fact finding mission to Ethiopia regarding medical care for 26,000 Ethiopian Jews; assisting in the establishment of the Marin Community Clinic; and authoring bills for the California State Legislature to regulate tanning facilities and to exclude physician participation in executions at San Quentin. The American Cancer Society awarded him for arranging free skin cancer screening clinics in Marin. Dr. Franzblau also served his community on the United Way and Terra Linda Community Services Board.

Dr. Franzblau has devoted his considerable energy to Jewish causes. He served on the Anti-Defamation League's Medical Advisory Committee, Jewish Community Federation Missions to Israel, Maimonedes Society, and the Marin Jewish Community Center. Dr. Franzblau also served on California's Medical Quality Review Committee, and the Marin Jewish Community Center. His passion and dedication have earned him a number of awards, including "The Truth and Justice Award" of the Anti-Defamation league and the "Louis D. Brandeis Award" of the Zionist Organization of America.

Mr. Speaker, Dr. Franzblau is an exemplary citizen and a model of the Hippocratic ideal. His dedication to important causes of justice and humanity, reinforced by the persistent hard work required to accomplish his goals, have earned him the admiration and respect of his community. Dr. Franzblau has long been a university lecturer, but his most important lesson to us goes far beyond the classroom: The health of the individual and the health of our community are integrally related, and both are the responsibility of the physician.
A TRIBUTE TO DAVE LESSTRANG

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to express my gratitude and appreciation for the hard work and dedication of Dave LesStrang, who for the past 17 years has been a highly-valued member of my office, first as press secretary, and then as deputy chief of staff and legislative director.

Dave LesStrang came to work for me in 1985, a newly-minted 21-year-old college graduate, filled with the zeal and fervor that can only come from participation in college political groups, such as Young Americans for Freedom. We hired him as a press secretary, hoping he would grow into the job over time. It didn’t take long for Dave to show the flair for organizing and completing big projects that has marked his career as a congressional staff member. Constituents, Husband, and I, and Dave and Crooks, completed her 21st climb of Mt. Whitney as Crooks’ Peak in honor of that outstanding lady.

Dave indeed grew into the job as press secretary. He is an excellent writer, and over the years has produced thousands of press releases, speeches, constituent letters and other important correspondence that often defines the character of a congressional office. Members of the media praised my office for providing clear and dependable information, a highly valued reputation that we garnered in no small part because of Dave’s efforts.

He also came to intimately know the needs and character of the Inland Empire and High Desert areas of California, which I have represented for the past two decades. He has personally taken on the cause of an untold number of constituents, ensuring that federal agencies meet their responsibilities and provide top service. A typical example occurred just last year: One of my constituents asked for help in gaining recognition for her father, a pioneer engineer in technology from the National Aeronautics and Space Administration. Dave not only got NASA’s attention, he helped convince the agency to award the constituent’s father the Distinguished Service Medal, the highest to be given to civilians.

Dave’s willingness to go the extra mile and get spectacular results was also evident on a number of larger-scale projects. When I was named as chairman of the Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies, I was committed to finding ways for more people to reach the American dream of owning their own home. I decided that it would be a powerful symbolic gesture for members of Congress to help build some houses for low-income residents of our nation’s capital.

I asked Dave to take on the project, and it soon blossomed into one of the most high-profile charitable efforts ever attempted by House members. Working with Habitat for Humanity, and with the enthusiastic support of Speaker Gingrich and Fannie Mae, Dave organized the Houses That Congress Built, a nationwide campaign that saw nearly all 435 house members personally help build homes in their districts. The effort provided a tremendous boost for the effort to provide affordable homes to low-income Americans. And true to his spirit of giving above and beyond, Dave has personally volunteered for hundreds of hours on his own working on Habitat for Humanity houses.

Most of the colleagues from California will remember Dave for the other major success he helped accomplish in recent years: The organizing of our delegation into an effective, cooperative force for the people of California. When I became chairman of the California Republican Congressional Delegation in 1995, there were little cooperation even among members of my conference, let alone across the aisle in our delegation. Members were divided by personalities, geography and partisanship, and the entire delegation had not come together on an issue since it had been grown beyond 50 members in 1980. Dave helped to reverse that historical trend. As the only staff member serving all California Republicans, he spent hundreds of hours meeting with staff from other California offices and personally walked miles in our congressional buildings winning signatures for delegation-wide letters. Within a year, we had the first letter signed by all 52 members—a feat that is now repeated regularly as our members have learned the value of working together on behalf of our state.

Since he became my legislative director in 1999, Dave has helped me complete many major projects serving our district. Congress has agreed to the expansion of the Army’s National Training Center at Fort Irwin, completing a decades-long effort in support of the world’s finest training facility. The Seven Oaks Dam has been dedicated along the Santa Ana River, providing flood control protection for millions of people in Southern California. And the new national parks in our desert are becoming good neighbors for the constituents who live around them.

I have always felt that members of my staff are like members of my family, and it has been a pleasure to watch Dave mature in his personal life even as he has become a consummate professional in his job. We were delighted when he met and married Elaine Crooks, nine years ago and thrilled again when he and Elaine became parents to Matthew nearly two years ago.

Mr. Speaker, after 17 years in my office providing these invaluable services to my constituents—and indeed to all Californians and Americans—Dave LesStrang is moving on to a new career working for the EMC Corporation, a cutting-edge firm providing data storage to help protect the records of private industry and government. Please join me in thanking him for his dedication and years of service, and in wishing him and Elaine well in all of their future efforts.

HONORING THE STUDENTS OF THE GRANT HIGH SCHOOL WE THE PEOPLE CLASS

HON. EARL BLUMENAUER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. BLUMENAUER, Mr. Speaker, On May 4-6, 2002, more than 1,200 students from across the United States will visit Washington,
D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. This is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that a class from Grant High School in my congressional district will represent the state of Oregon in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe the depth of their understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the We the People . . . program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. It is inspiring to see people advocate the fundamental ideals and principles of our government in the aftermath of the tragedy on September 11. There are the ideals that identify us as a people and bind us together as a nation. It is important for our next generation to understand these values and principles that we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

The class from Grant High School is currently preparing for their upcoming participation in the national competition in Washington, D.C. I wish these young "constitutional experts" the best of luck at the We the People . . . national finals. They represent the future leaders of our nation.

NEW YORK FIREFIGHTER'S TRIBUTE AT NATIONAL PRAYER BREAKFAST

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. WOLF. Mr. Speaker, I was honored to attend the annual National Prayer Breakfast last Thursday morning, Feb. 7, and to hear the moving words of Joseph Finley, a member of the Fire Department of New York City, who lost his life in the Twin Towers.

In a letter to me, he called the prayer breakfast an "incredible experience" for his wife Maryellen and himself, but it was also "bitter-sweet." He advised me to come to New York and to experience it if not for September 11th.

He also said, "It was inspiring and reassuring to see that the leaders of our nation have a genuine devotion to God. I believe this will help make our great country an even better place for our children."

Mr. Speaker, Joseph Finley's remarks follow:

Mr. President and Mrs. Bush, it is an honor to be here with you and all of these distinguished guests and privileged to be representing the courageous firefighters of New York City. I am sad, however, for the reason for my participation. I wish that September 11th had never happened.

Prior to that tragic day, the greatest loss of firefighters at any one time in the entire United States occurred in 1866, when 12 firemen lost their lives during a blaze in Manhattan. My father, Lieutenant John Finley of Ladder 7, was one of them. I was 10-years-old.

When people run out of a burning building, we firemen run in. That's what we do. But none of us thought, when we joined the fire department, that we would some day be called upon to fight in a war—a war against terror.

For the New York City firefighter, there is an insomnolent wound in our hearts that will never heal. Three hundred forty-three of my "brothers" were murdered. Nine men from my firehouse are gone. We will never forget the evil that has been unjustly unleashed upon us.

When the Twin Towers collapsed, the Fire Department called in every single firefighter in the city. Thousands of us converged on the World Trade Center. Burning paper rained down, grit scratched our eyes, the thick smoke made us cough. Everything was covered in gray ash. The huge plume of smoke was mind-boggling. Our footsteps were muffled by the layer of dust and paper. There was an eerie silence. Who could imagine downtown Manhattan, in the middle of the day, with no one around and we were the only sign of life. The silence was beyond description. No sounds, no sirens, no survivors, just ash, flames and smoke. As we trudged through the wreckage, unable to speak, I literally thought the world was coming to an end.

It was surreal. There were no words to speak, except the prayer in my heart, which said "Lord Jesus, have mercy upon us." In the midst of such silence and despair and the wreckage of the Towers—something absolutely amazing happened. Church bells started to ring all over downtown. And we realized that we were not alone. Those ringing bells became a poignant reminder of hope.

Our neighbor, the New York Yankee's Chaplin, has stopped by our firehouse almost every day since 9-11. He helped us to remember that we have been left with a great legacy of courage, faith, hope and love. Scripture says "greater love hath no man than to lay down his life for his friends."

One century ago, Edward Crocker, chief of the Fire Department of New York, said: "I have no ambition in this world but one. And that is to be a fireman."

The position may appear to be a lowly one; But those who know the work which a fireman has to do believe his is a noble calling.

Our proudest moment is to save...lives. Under the impulse of such thought the nobility of the occupation thrills us and stimulates us to the third degree of daring. Even of supreme sacrifice."

Mr. President, I was personally heartened by your own words when you said, "Grief and tragedy and hatred are only for a time. Goodness, remembrance and love have no end."

As a child who lost my own father in the line of duty, I am here as proof that we can get through the anguish and the grief. By returning to the Lord, we will survive. With His help, you will prevail. And that is what the 262nd day of the 19th Amendment reading from the book of Hosea, Chapter 6, verses 1 through 3; "Come, let us return to the Lord. He has torn us to pieces But he will heal us. He has injured us But he will bind our wounds. After two days he will revive us. The third day he will restore us. That we may live in his presence. Let us acknowledge the Lord; Let us press on to acknowledge him. As surely as the sun rises, He will appear; He will come to us like the winter rains, Like the spring rains that water the earth."

Amen. Thank you.

The following men from my firehouse were among the 343 firefighters who made the supreme sacrifice on September 11, 2001, at the World Trade Center in New York City:

Battalion Chief John Moran
Captain Vernon Richards
Lieutenant Kenneth Phelan
Firefighter George Cain
Firefighter Robert Foti
Firefighter Charles Mendez
Firefighter Richard Muldowney
Firefighter Douglas Oelschlager
Firefighter Vincent Princiotta

TERRORISTS IN PHILIPPINES MUST RELEASE MARTIN AND GRACIA BURNHAM

HON. TODD TIAHRT
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. TIAHRT. Mr. Speaker, today marks the 262nd day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

As we are riding Afghanistan of the notorious Talibans, let me introduce you to another organization that has been terrorizing the world and Americas since 1991. The Abu Sayaf group, known as the ASG, is the smallest yet most radical of the Islamic separatist groups operating in the Southern Philippines. They have known ties to Osama bin Laden's al Qaeda organization. Some ASG members have studied or worked in the Middle East and developed ties to mujahedin while fighting and training in Afghanistan. Activities of the group include bombings, assassinations, kidnappings and extortion payments to promote an independent Islamic state in the Southern Philippines.

ASG has been blazing a bloody trail of murders, abductions, rapes, mutilations, arsons, and other heinous crimes that is possible to match in terms of callous cruelty. I am pleased that we have sent troops to the Philippines who will advise the Philippine military. Together with the Philippine government we have an obligation to rid the world of these "evil does" and free our fellow Americans from this interminable nightmare.
THREE HONORABLES WOULD LIKE TO HONOR MRS. M. MAUREEN PERKINS

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a constituent in the 6th District of New Jersey. It is with great pleasure that I introduce and honor Ms. M. Maureen Perkins as she retires from the Department of Defense, CECOM, Fort Monmouth, NJ.

Ms. Perkins retired on January 3, 2002, as a Department of Defense civilian. As a Logistics Management Specialist, she has retired from the Command and Control Systems and Avionics Branch, Force Modernization Division, Readiness Directorate, Logistics and Readiness Center, CECOM, Fort Monmouth.

While in this Branch, Mrs. Perkins has served as Action Officer, Team Leader, Section Chief and Branch Chief for civilians, military and contractor personnel. Her technical and managerial skills were recognized by receipt of numerous performance awards.

Mrs. Perkins’ career started in Finance and Accounting at Fort Monmouth. She was promoted a year later to Health Services Command at Patterson Army Hospital, Fort Monmouth, NJ, in the Medical Supply Branch. After 4 years in Medical Supply, Mrs. Perkins relinquished her career to support her husband’s, retired Lieutenant Colonel Franchot Perkins, Army career. She not only provided support to her husband’s career, and the raising of their two sons, but she actively participated in the Officer’s Wives Club, in which she served a term as a board member. As a military wife, Mrs. Perkins supported the American Red Cross and became a Red Cross volunteer dental assistant at the Dental Clinic in Fort Huachuca, Arizona.

Mrs. Perkins resumed her career at ERADCOM, Fort Monmouth where she received several commendations and honorary awards. Years later, she accepted a promotion, as Chief, Equipment Management Branch, which returned her to Health Services Command at Patterson Army Hospital, Fort Monmouth, NJ.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Mrs. M. Perkins’ retirement and her significant accomplishments throughout her career in Command and Control Systems and Avionics Branch, Force Modernization Division, Readiness Directorate, Logistics and Readiness Center, CECOM and the United States Army.

A PROCLAMATION RECOGNIZING JASON DWAIN MITCHELL

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. NEY. Mr. Speaker, whereas, Jason Dwain Mitchell has devoted himself to serving others through his membership in the Boy Scouts of America, Troop 145; and

Whereas, Jason Mitchell has shared his time and talent with the community in which he resides; and

Whereas, Jason Mitchell has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jason Mitchell must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award.

Therefore, I hereby declare Mr. Jason Dwain Mitchell of the Eagle Scout Award.

CONGRATULATIONS TO HADASSAH ON ITS 90TH ANNIVERSARY

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. FRANK. Mr. Speaker, one of my early memories is of my mother going off to Hadassah meetings. When I was 6 or 7—meaning that these meetings happened during the first half of Hadassah’s existence—I was a little resentful. But when I came as an adult to learn of the extraordinarily important work that Hadassah does, I have retroactively given my enthusiastic support for my mother’s participation.

I am very familiar with the work of Hadassah, which is the women’s Zionist organization, both here in the U.S. and in Israel. In Israel, the medical care provided by the generosity and the diligence of Hadassah members is extremely important and has been particularly crucial during the young nation’s history. Here in the U.S., Hadassah has an unequaled role as an advocate for important Jewish values, including support for the state of Israel, and also for a humane and open American society; it does significant community service work; and it is an important educational institution. One of the impressive things about Hadassah is the inter-generational nature of its work.

Mr. Speaker, I am very proud that my mother was a Hadassah member more than 50 years ago, and I am proud as well of my own record in cooperating with this very important organization during my own public career. I am delighted to extend a Mazel Tov to Hadassah as it celebrates its 90th birthday this month.

AUTHORIZE A NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM

HON. ENI F.H. FALEOMAVAEGA
OF AMERICAN SAMOA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to authorize a national tsunami hazard mitigation program for all United States coastal States and insular areas.

Tsunamis are waves generated by vertical movement of a large mass of ocean water. The word “tsunami” is Japanese and means wave in a harbor. Generally, an earthquake takes place more than 200 miles from the coast to generate a tsunami, and not all large earthquakes generate tsunamis. Tsunamis can be caused by vertical movement of the ocean floor, landslides into or under the water, volcanoes, and large meteorites.

Tsunamis can have a destructive impact near their point of origin, or far from their origin. In the open ocean, a tsunami will pass through a given point as a small to moderate wave. As the water becomes shallower, the destructive force increases. It is in harbors and other low-lying coastal areas that tsunamis do the most devastation.

The Pacific region average about three destructive tsunamis per century. In recent history, there have been three Alaska earthquakes which generated destructive tsunamis. In 1946, a tsunami was over 100 feet high on Unimak Island; in 1958, a tsunami was over 1700 feet high in Lituya Bay; and in 1964, a tsunami was over 200 feet high in Shoup Bay. In Hawaii, significant tsunamis have occurred in 1868 and 1975.

In an effort to mitigate the hazards caused by tsunamis in the Pacific, in 1994 the Senate Committee on Appropriations directed the National Oceanic and Atmospheric Administration (NOAA) to establish a Pacific tsunami hazard mitigation program. Since then the program has developed to the extent that there are two tsunami warning centers, one in Alaska, and one in Hawaii. Based on information gathered at these two centers from data collected from around the region, tsunami warnings are broadcast throughout the Pacific.

The primary duties of the two tsunami warning centers are to provide tsunami warnings, help coastal communities prepare for future tsunamis through mapping of areas of potential inundation and community education, and to improve the timeliness and accuracy of the warnings through research and development.

The legislation I am introducing today will expand this program to include the coastal states on the Pacific, Atlantic and Gulf coasts, and all of the inhabited territories of the United States. I believe this is necessary assistance which should be provided to our coastal communities. Through effective planning and timely warnings, this program will pay for itself with a significant reduction in federal disaster assistance costs.

I urge my colleagues to support this bill and ask that it be given prompt consideration by the committee of jurisdiction.

CONGRATULATING LAWRENCE BARTelson ON HIS RETIREMENT

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. NADLER. Mr. Speaker, I rise today to congratulate Lawrence Bartelson on the occasion of his retirement from American International Group (AIG) after thirty years of dedicated service. Born in Brooklyn on March 6, 1941, Larry graduated from Lafayette High School in 1958. After attending the Baruch School of Business and Public Administration at the City College of New York, Larry began his professional career in accounting at the Home Insurance Company. In 1971, Larry joined AIG where he worked as an accounting manager in the Investment Accounting Department. On December 3, 2001, the company honored Larry with a retirement luncheon attended by his fellow employees and friends of AIG.
For most of his life, Larry lived in Brooklyn, where his sister and other family members still reside. In 1993, Larry moved to Manhattan’s West Village, where he joined a local block association to promote neighborhood well-being and community preservation. Among Larry’s many notable community activities is his involvement in the New York Public Library, where he has been recognized as a member of the Bigelow Society. He is also an active member of the SAGE Forty Plus Group at the Gay Lesbian Bisexual and Transgender Community Center in Manhattan.

Larry is devoted to his close-knit family. Larry plans to spend his retirement years in New York City as well as his apartment in Hollywood, Florida, pursuing his various interests and enjoying the things he loves with family, friends and his partner, Bill Hevert. I am pleased to join with my friend, Lewis Goldstein, in congratulating Larry on this milestone. I wish him a productive and enjoyable retirement.

TRIBUTE TO REV. DR. A. EDWARD DAVIS, JR.
HON. ROD R. BLAGOJEVICH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. BLAGOJEVICH. Mr. Speaker, it is an honor for me to rise today to pay tribute to the Honorable Reverend Dr. A. Edward Davis, Jr., Pastor of St. John Missionary Baptist Church in Chicago, Illinois. Pastor Davis preached his first sermon in 1969 and was called to the ministry in 1976. Since that time, God, through Pastor Davis and wish him many more years of exemplary service to the Lord.

THOUGHTS OF RABBI ISRAEL ZOBERMAN ON HIS RECENT TRIP TO THE MIDDLE EAST
HON. J. RANDY FORBES
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. FORBES. Mr. Speaker, on September 11 and in the weeks that followed, it seemed inconceivable that anyone in the world would ever be able to return to true normalcy. The horror of that day would—as well it should—live forever in our hearts and minds. But, in parts of the world, old hatreds have been revived and violence has once again become an everyday occurrence. In particular, the Middle East has again become a tinderbox.

Rabbi Israel Zoberman of the Congregation Beth Chaverim in Virginia Beach, a congregational leader who draws people from all over the Tidewater area, recently traveled to Israel for the Israel Bonds Rabbinic Conference Solidarity Mission. As someone who had grown up in Israel before coming to the United States to preach, Rabbi Zoberman is regretfully well accustomed to the symptoms of violence in the Middle East. But, he is far from desensitized to its effects on human lives. He published his thoughts on the recent violence in the National Jewish Post, and he has shared them with me. I commend his article to my colleagues’ attention as well.

As an early supporter of mutual accommodation between the Israelis and the Palestinians, I urged in the wake of the 1982 Lebanon War—in an article inserted into the Congressional Record by then Senator Charles Percy of Illinois—for responsible creativity to the Palestinian question while guaranteeing Israel’s security. Indeed, the 1993 historic handshake between the late Prime Minister Rabin and Chairman Arafat at the south lawn of the White House vindicated those believing in the necessity of peace between the long warring parties. However, the past 16 months have painfully impacted the peace camp following Arafat’s initiation of the Second Intifada, violently rejecting former Prime Minister Barak’s wide proposal at Camp David to fully end the historic conflict.

While on an Israel Bonds Rabbinic Conference Solidarity Mission, we watched on Israeli TV the captured ship “Karine A,” packed with fifty tons of Iraqi offensive weapons ordered by the Palestinian Authority, Major General Shlomo Gazit (Res.) who headed the Israeli Army Intelligence branch, described to us the action as the most daring military operation in its history. Palestinian of their commitment to implement the Road Map at a time when General Amir Peretz, a former Minister of War, had recently stated that while General Zinni was in the region receiving cynical assurances from the Palestinian of their commitment to implement a cease-fire.

U.S. Ambassador Daniel Kurtzer, the second executive American in the important post replacing Ambassador Martin Indyk, greeted us most warmly and unequivocally state, “there is a connection between the ship and the Palestinian Authority for which it should answer.” Jerusalem’s Mayor Ehud Olmert, thanking us heartfully for as did Israelis at large for visiting at a trying time, emphasized that the ship’s episode illustrates the gap “between Arafat’s declarations and deeds” with peace remaining elusive.

Israel’s President Moshe Katsav movingly welcoming us in his official residence was highly critical of Arafat’s conduct since the Peace Process began, and stressed the internal division the latter created in Israeli society. He emphatically announced, acknowledgingly borrowing President Lincoln’s famous phrase, “Mr. Arafat, you cannot fool all the people all the time.” The President spoke of the need to vigorously fight terrorism while asserting the meeting points of common interests between Palestinian and Israelis.

Deputy Defense Minister, Dalia Rabin-Pelosoff, daughter of the slain Yitzhak Rabin, bemoaned the transition “from hope...
to despair;” calling on Arafat to cease engaging in violence as well as teaching Palestinian children the language of hate and suicide bombing. She regards economic development equally as the ultimate explanation to be political rather than military. Jacob Perry, who led the Shin Bet, Israel’s internal security service, reflected on Israel’s long encounter with Arab terrorism even as recently Islamic fundamentalism “openly challenged the West.” He praised American Intelligence capability, the failure of Sephardim under the late prime minister of Israel, Ehud Olmert’s government, to engage in the proper counterterrorism. Dr. Raanan Gissin, Prime Minister Sharon’s Media Advisor, analyzed Arafat’s inability to change course and shed off his life’s identity as a terrorist, thus ability to remain such. His present forced confinement to West Bank’s town of Ramallah will extend till he turns in the murderers of government minister Rehavam Zeevi. Yet Gissin asks, “we have to find a way to live with Arabs” without compromising Israel’s overwhelming right to its land, keeping Jerusalem united. He voiced enthusiasm for President Bush’s war on terrorism by unstoppable “democracy on the march.” Rabbi Zalmen Eilon, Jerusalem’s Sfat, reminder party colleague who joined the government in his stead as Tourism Minister, cautioned of the need to be strong in face of an enemy regarding Israel’s centrality for the Jewish people.

Encountering the families, fellow soldiers and the classmaters of terror victims, including twenty-two immigrant Russian students from Tel Aviv’s Shevah Mofet School, we witnessed with horror the bullet-ridden bus where ten Israelis found their death at Emanu-El’s entrance. Tearfully facing the resiliency of the human spirit coupled by freedom’s entrance. Tearfully facing freedom’s high price, we were reassured by the resiliency of the human spirit coupled by Israel’s resolve. The bond with America’s own pain became unmistakable. In the decade stalemate caused by the absence of a negotiated settlement, there is the option of a unilateral separation by Israel with a demilitarized Gaza Strip. The verdict of genuine peace will follow, some day, with both sides prayerfully seeking and creating sacred windows of opportunity. Meanwhile, will challenge Arafat who has inflicted profound anguish on Israelis and Palestinians alike, betraying the precious though fragile essence of transforming and uniting hope of so many, kindly return the Nobel Peace Prize he no longer deserves.

HON. DOUG BERUER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. BERUER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 5, 2002, Norfolk Daily News. The editorial stresses the need to move forward on the construction of a nuclear waste site at Yucca Mountain in Nevada. As the editorial indicates, the Yucca Mountain location has been thoroughly studied and reviewed. Now that it has been choices as the preferred location, Congress must approve the decision and facilitate the development of this site. Such an action would greatly enhance national safety and security.

FURTHER DELAY NOT AN OPTION—YUCCA MOUNTAIN NOW OFFICIALLY DECLARED BEST NUCLEAR WASTE SITE

Nearly 40 years after the federal effort began to find a place to store high-level nuclear waste, a suitable site has been identified. It is now 20 years after Congress promised to have such a facility open by 1998. The federal Department of Energy has now officially declared that the Nevada site meets the stringent standards prescribed for storing 70,000 tons of high-level waste, known as “Megawatts,” later as “Black History Month.” February was chosen because the month marks the birthdays of two men who seriously impacted the African American, Frederick Douglass and Abraham Lincoln. This year’s month long celebration’s theme is, “The Journey to Freedom: The Struggles, Trials and Triumphs.”

I would like to call the attention of my colleagues to a man who embodies the characteristics of a leader of the African American Population. It is with great pleasure that I introduce and honor Gerald R. Reed as he celebrates his tenth year as a member of Blacks in Government (BIG) and his third year as its president.

In 1994, Mr. Reed began his leadership role within the BIG as President of the Pentagon Chapter. The following year he was the honored recipient of the prestigious BIG National Distinguished Service award.

In 1994, only two years after he joined the organization, Mr. Reed became the President of the Region XI Council. During the three years of his presidency the Council was awarded the bids for the BIG National Annual Training Conference in 1994, 1997, 1998 and year 2000. Additionally, Mr. Reed served on influential BIG National Committees and instituted many major conference improvements as the Chairperson of the BIG National Training Conference in 1997 and 1998.

Furthermore, in 1994, during his first year as National President, Mr. Reed initially implemented many initiatives for BIG, including a partnership with the United States Department of Agriculture Graduate School and several organizational infrastructure improvements.

Mr. Reed is also affiliated with the Black Leadership Forum, the National Coalition for Equity in Public Service, the Leadership Council on Civil Rights, and a VIP member of the Joint Center for Political and Economic Studies.

Mr. Reed is presently employed with the Network Infrastructure Services Agency, Pentagon, (NISA-P) as the Branch Chief for the Systems Applications Development Branch. He holds several degrees including a Master of Science degree in Administration with a Certificate in Software Engineering from Central Michigan University. He is a veteran of the United States Army and also the author of “Building A Masterpiece with Simple Poetry.”

Many events have been planned in conjunction with this month’s festivities in my district. Mr. Reed has been selected as the guest speaker at this year’s Mentors Chapter of Blacks in Government (BIG) annual Black History Month Luncheon in Forth Monmouth, New Jersey.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Mr. Reed and his significant accomplishments throughout his career, his work

TRIBUTE TO MR. GERALD R. REED
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. PALLONE. Mr. Speaker, since 1926 Americans have recognized black history annually as Negro History Week. February was chosen because the month marks the birthdays of two men who seriously impacted the African American, Frederick Douglass and Abraham Lincoln. This year’s month long celebration’s theme is, “The Journey to Freedom: The Struggles, Trials and Triumphs.”

YUCCA MOUNTAIN IS THE BEST OPTION

HON. DONALD M. BERUER
OF NEBRASKA

A PROCLAMATION RECOGNIZING JUSTIN DWIGHT MITCHELL

HON. ROBERT W. NEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. NEY. Mr. Speaker, whereas, Justin Dwight Mitchell has devoted himself to serving others through his membership in the Boy Scouts of America Troop 145; and

Whereas, Mr. Mitchell has shared his time and talent with the community in which he resides; and

Whereas, Justin Mitchell has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Justin Mitchell must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award; Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Justin Dwight Mitchell for his Eagle Scout Award.

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

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Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Mr. Reed and his significant accomplishments throughout his career, his work
with Blacks in Government and his service to the African American Community

HONORING THE CHINESE NEW YEAR

HON. NANCY PELOSI
OP OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Ms. PELOSI. Mr. Speaker, I rise today to acknowledge the celebration of the Lunar (or Chinese) New Year—the most important of all Chinese festivals. Part of the Asian philosophy includes the belief that as the turning of the new year, you clean your home, sweep away misfortune and welcome in the new year with hopes for prosperity and good luck. We should all take advantage of this opportunity to explore this tradition and embrace the richness of our diversity.

It is the year 4699 by the Chinese calendar, the Year of the Horse. The Lunar New Year is celebrated on the New Moon of the 1st day of the year and ends on the Full Moon 15 days later. It is popularly recognized as the Spring Festival, and is celebrated just before planting begins in the spring, with hopes for a good harvest in the coming year. Family is a major focus of the celebration, especially on New Year’s Eve and New Year’s day. A ritual paying homage to ancestors is performed in order to unite living family members with those who have departed. Much respect is paid to these ancestors who were responsible for laying the foundations for the fortune and glory of their families. The festivities conclude with the Lantern Festival, on the last night of the celebration, consisting of a parade of people carrying lanterns, and of young men performing a dragon dance.

In San Francisco, the Chinese-American community is a vital, historic and vibrant component of our world-renowned diversity. Chinese-Americans have played a significant role in all aspects of American life including our arts, education, sports, medicine, religion, and politics. Recognizing these contributions and the cultural diversity in America today was recently symbolized when once again the United States Postal Service issued its annual commemorative stamp honoring the wonderful tradition of the Chinese New Year. I am honored to participate in Chinese New Year celebrations, and I wish all a Gong Hay Fat Choy.

INDIA: CANDIDATE FOR A TERRORIST STATE

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. BURTON of Indiana, Mr. Speaker, it is disappointing to note that India’s actions of late have had the effect of undermining our war against terrorism. India’s massive military buildup has forced Pakistan to pull troops away from the Afghan border, creating a potential opportunity for Taliban and Al Qaeda leaders to escape.

India claims that this act is in response to Pakistan’s failure to turn over alleged terrorists to them, but Pakistan has been cracking down on terrorists and has jailed many of them so far. It will not turn over non-Indians to India, however. India also blames Pakistan for the attack on its parliament, even though India has a record of committing acts of terrorism in the guise of various minorities. Two independent investigations have proven that they did so in Chithisinghpora in March 2000, when they murdered 35 sikhs. The book Soft Target asserts that the Indian government was responsible for shooting down an Air India airliner in 1985, killing 329 people. In addition, India created the militant Liberation Tigers of Tamil Eelam (LTTE), which our government has labeled a “terrorist organization,” and put up its leaders in Delhi’s finest hotel, according to India Today, India’s leading newsmagazine.

Internet journalist Justin Raimondo has reported that Defense Minister George Fernandes supplied money and arms to the LTTE. On January 2, columnist Tony Blankley, writing in the Washington Times, reported that the Indian government sponsors cross-border terrorism in the Pakistani province of Sindh.

The time has come for India to release its political prisoners. According to the Movement Against State Repression (MASR), India admitted to holding 52,268 Sikhs as political prisoners in “the world’s largest democracy.” In addition, according to Amnesty International, tens of thousands of other minorities are also being held.

India has also been guilty of terrorism against the minorities within its own borders. The newspaper Hitavada reported on November 1994 that the Indian government paid $1.5 billion to the late governor of Punjab, Suresh Narsimha, to sponsor terrorist activity in Kashmir and Punjab, Khalistan.

If we are going to win the war on terrorism, we must eliminate it wherever it shows up. That includes countries that claim to be democratic. I call on the White House to urge India to end its support for terrorism. In addition, it is time to cut off U.S. aid to India and to declare our support for a free and fair plebiscite on Kashmir. Railroad to the independence of Kashmir is a matter of international law.

Mr. Speaker, on January 7, the Council of Khalistan published a press release urging that India be declared a terrorist state. I would like to place it into the RECORD at this time.

[Press Release from the Council of Khalistan, Jan. 7, 2002]

DECLARE INDIA A TERRORIST NATION—IT SPONSORS DOMESTIC AND INTERNATIONAL TERROR

INDIA MUST FREE OVER 52,000 SIKH POLITICAL PRISONERS

WASHINGTON, December 15: Time has come to declare India a terrorist nation,” Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, said today. The Council of Khalistan leads the Sikh political struggle for independence and is the government pro-tomere of Khalistan, the Sikh homeland, which declared its independence from India on October 6, 1987. “India pays lip service to the war on terrorism, but it is a terrorist nation itself,” Dr. Aulakh said. “If America is committed to eradicating terrorism everywhere, the Indian government is our major sponsor of international and domestic terrorism.”

Columnist Tony Blankley, writing in the Washington Times, reported that India sponsors cross-border terrorism in the Pakistani province of Sindh. Internet jour-
CONGRATULATIONS TO TAIWAN PRESIDENT CHEN AND HIS NEW CABINET

HON. PHIL ENGLISH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. ENGLISH. Mr. Speaker, as Asians all over the world prepare to celebrate the lunar New Year, I would like to extend good wishes to all my Asian constituents and friends. I would especially like to wish Taiwan President Chen Shui-bian and the people of Taiwan good luck in this year of the Horse, along with continuing economic success and meaningful political reforms.

Since President Chen’s inauguration in May 2000, he has made many gestures of good will. This includes encouraging Beijing to start meaningful discussions between Taiwan and Chinese mainland on the issues separating them. It is my hope that both Taiwan and the Chinese mainland will soon begin a dialogue on reunification, leading to a peaceful co-existence, hence, maintaining stability and prosperity in the Asia-Pacific region.

Also, I would like to extend my good wishes to President Chen’s new cabinet. Mr. Yu Skyikun has been appointed the new premier. Mr. Yu possesses a wide range of administrative experience and diplomatic skills which will help bring all political factions together. Other top cabinet posts include Dr. Lee Ying-yan, former deputy representative to the United States. In his new role as Secretary-General of the Executive Yuan, Dr. Lee will keep relations between the executive and the legislative branch working smoothly. Another excellent cabinet choice is the new foreign minister Dr. Eugene Chin. Before appointment, he was a diplomat and in previous administrations, he was Minister of Transportation and of Environmental Protection. Last but not least, my best wishes go to Ambassador C.J. Chen. A distinguished career diplomat, he is Taiwan’s chief representative in Washington. He is industrious, courteous, and more importantly, experienced. His briefings are crisp, witty, and well-informed. Like many of my colleagues on the Hill, I enjoy working with him and his knowledgeable and friendly staff. They are wonderful representatives for the Republic of China on Capitol Hill.

Again, my best wishes in the coming year.

TRIBUTE TO COLORADO EDUCATOR MRS. BARB VOGEL

HON. THOMAS G. TANCREDO
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. TANCREDO. Mr. Speaker, I rise today to mark a sad development in my district. I recently learned that one of Colorado’s great educators will be retiring at the end of the current school year. Mrs. Barb Vogel will soon be leaving her post at Highline Community Elementary School in Aurora, Colorado. Barb is an outstanding teacher in all respects, but her passion to end slavery around the world. Mr. Speaker, has given me great strength during my short time here in Congress.

Mrs. Vogel and her class of fourth and fifth graders learned of the slave trade in Southern Sudan in 1998 after reading an article about it. Her students, outraged at the realization that slavery still exists in the world today, began a campaign to raise money to free Sudanese slaves by making lemonade stands and collecting change in a jar. In remarkably little time, Mrs. Vogel’s “little abolitionists” had raised enough money to free one thousand slaves. The class formed the Slavery That Oppresses People (STOP) campaign to help educate students around the world about the horror of slavery as it still exists in Sudan and elsewhere.

When I first came to this body, determined to try to do something about the horrific war in Sudan, remarkably few of my colleagues knew the details of the conflict or the extent of the suffering taking place there. The STOP group has helped immeasurably in the fight against that lack of awareness, with two trips to Washington, including one to give testimony to the Senate Foreign Relations Committee, and one to meet with senior administration officials.

I cannot help but wonder, Mr. Speaker, whether the efforts of Barb Vogel and the STOP campaign have done more to free Sudan from slavery and oppression than have three years of legislative and diplomatic wrangling in the process of doing so. Barb succeeded in teaching scores of her students that a determined few who are willing to work hard can change the hearts and minds of millions. It is no small feat that she helped her students to prove to the world that one need not be rich or powerful or even grown-up to take a stand against evil.

“I have no doubt that the work of the STOP Campaign, led by Mrs. Vogel, will continue after she leaves the classroom in June, and for that, Mr. Speaker, we should all be grateful. I wish Mrs. Vogel the happiest of retirements, for she has certainly earned it.

RECOGNIZING KSEE 24 PORTRAITS OF SUCCESS HONOREES

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize NBC affiliate KSEE 24 and its Portraits of Success program celebrating African-American History Month. Currently in its eighth year, this program combines public service announcements, a five-part news series, and an awards luncheon to recognize the contributions of distinguished local leaders. This year’s honorees are Reuben Phillips, Britt King, Bessie Miller, Walter Pierce, and Dr. Mae Rogers.

Reuben Phillips has worked in and served Fresno since he opened his auto part sales store in 1946. Phillips became the first African-American to serve in Fresno’s Finance Department in 1977. He has also volunteered at 25 African-American schools and is a member of the Masonic Lodge. He has volunteered at 25 African-American schools and is a member of the Masonic Lodge.

Britt King was named the women’s basketball head coach at California State University, Fresno in 1998. Since then she has been building a winning program and bringing talent to the team from all over the nation. King’s impressive resume includes being named Providence College Athlete of the Year in 1986 and Black Coaches’ Sports Magazine’s Coach of the Year in 1995.

Bessie Miller encourages young people to achieve their dreams through her work as Senior Advisor with Leadership West Fresno. Miller is a Site Manager for the State of California Employment Development Department. She has developed a great rapport with the youth and helps them find the motivation they need to succeed.

Walter Pierce began his work at Fresno State as the university’s first affirmative action director. He works through the Office of Advising Services to help students reach their academic goals. Pierce also serves the Athletic Department as an advisor to athletes and a mentor to coaches.

Dr. Mae Rogers began an after-school multi-level learning program during her work with the Affordable Housing Development Corp. Rogers now works with community school students ordered by the court to find an alternative school program.

Mr. Speaker, I rise today to commend KSEE 24 for their Portraits of Success program and honor Reuben Phillips, Britt King, Bessie Miller, Walter Pierce, and Dr. Mae Rogers for the work they have done in the community. I invite my colleagues to join me in wishing these honorees many more years of continued success.

CONGRATULATIONS LANSDOWNE VOLUNTEER FIRE ASSOCIATION #1, INC. ON 100TH ANNIVERSARY

HON. BENJAMIN L. CARDIN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Lansdowne Volunteer Fire Association #1, Inc. on their 100th anniversary.

In response to several local fires that needlessly consumed area homes, citizens of Lansdowne gathered together on February 14, 1902 and resolved to create their own fire department that would protect and preserve the safety and well-being of the entire community.

And so, began the history of the Lansdowne Volunteer Fire Association—a history rich with examples of determination, courage, and above all, selflessness.

The Association’s members have responded to the call of duty whenever their community, their neighboring community, or their nation needed them. They exemplify the virtues of citizenship. No Blizzard, no hurricane, no disaster was ever too great to hinder the members from serving their neighbors.

To this day, the spirit of community that sparked its founders burns relentlessly among the members of the Lansdowne Volunteer Fire Association. I hope my colleagues will join me in saluting the bravery and fortitude that is the essence of the Lansdowne Volunteer Fire Association’s service.
HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002
Mr. HYDE. Mr. Speaker, I would like to bring to your attention today the exemplary work and most commendable public service of one of our outstanding military leaders, Major General William A. Moorman, the Judge Advocate General of the United States Air Force. General Moorman will be retiring after an especially distinguished military career on May 1, 2002.

RETIEMENT OF MAJOR GENERAL WILLIAM A. MOORMAN

General Moorman entered the Air Force in 1971 through the Air Force Reserve Officer Training Corps program. His early assignments included Richards-Gabour Air Force Base, Missouri, Yokota Air Base, Japan, Homestead Air Force Base, Florida, Luke Air Force Base, Arizona, and at the Pentagon here in Washington, D.C. He later served as the Staff Judge Advocate for 12th Air Force and U.S. Southern Command Air Forces, Bergstrom Air Force Base, Texas; as the first Staff Judge Advocate of U.S. Strategic Air Command at Offutt Air Force Base, Nebraska; Staff Judge Advocate U.S. Air Forces in Europe, Ramstein Air Base, Germany; Commander Air Force Legal Services Agency, Bolling Air Force Base, Washington, D.C.; Staff Judge Advocate Air Combat Command, Langley Air Force Base, Virginia; and finally his current position as The Judge Advocate General of the United States Air Force, where he serves in the Pentagon.

General Moorman was born and raised in Chicago, and his father and mother, James and Mary Moorman, still reside in its suburbs. General Moorman earned a Bachelor of Arts degree in history and economics at the University of Illinois, and then went on to attend the University of Illinois College of Law. He is a graduate of Squadron Officer School, a Distinguished Graduate of Air Command and Staff College, Maxwell Air Force Base, and a graduate of the National War College, Fort McNair, Washington, D.C. General Moorman is admitted to practice before the U.S. Court of Appeals for the Armed Forces, the United States District Court for the Seventh Circuit and the Illinois State courts. His military decorations include the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters, and the Armed Forces Expeditionary Medal for his service in Panama during operation JUST CAUSE. General Moorman was also recognized as the Outstanding Young Judge Advocate of the Air Force in 1979, winning the Albert M. Kuhfeld Award, and as the Outstanding Senior Attorney of the Air Force in 1992, winning the Stuart R. Holchart Award.

Since 1999 General Moorman has served as The Judge Advocate General of the Air Force. In that capacity, he led and inspired an organization of over 3000 military and civilian lawyers, paralegals, and support personnel. General Moorman’s dynamic leadership, sound judgment, personal and professional integrity, and unwavering devotion to duty were instrumental in the successful resolution of numerous difficult issues facing the JAG Department and the Air Force. At the same time, he was a key and trusted advisor to two Air Force Chiefs of Staff who relied on his sound, timely and cogent advice in resolving a host of complex legal and policy issues they encountered as the military leaders of the Department of the Air Force.

A visionary leader, Bill Moorman’s tenure as The Judge Advocate General was marked by innovation and an unwavering focus on serving the needs of his Air Force client, whenever and whenever the mission required. From the outset of his assignment as the Judge Advocate General, he set about to leverage technology, particularly the use of electronic media, to enhance the legal capabilities, and focus the efforts of his Department on a common vision for its evolution in the coming years. He drew upon the collective expertise of the capable senior leaders to create several cornerstone publications, including the first ever judge advocate doctrine, “Vision for the 21st Century.” These documents articulate a common understanding of the unique and increasingly critical capabilities military legal professionals bring to bear in support of air and space operations and will ensure the momentum his efforts generated continue beyond his tenure.

Another hallmark of General Moorman’s leadership was his sustained initiative to maintain the high levels of skill and competency of the judges who comprise the Department. His efforts were instrumental in enactment of legislation authorizing continuation pay for judge advocates, as well as the reclassified assignment as a general of the Army and Air Forces, amongst other initiatives.

Perhaps General Moorman’s greatest legacy will be his commitment to ensuring the Air Force Judge Advocate General’s Department operates in a fashion that seamlessly integrates the diverse fields of practice into the Expeditionary Aerospace Force model. He orchestrated numerous programs to ensure judges are skilled in advising commanders on the application of air and space power across the spectrum of military conflict and also oversaw the creation of a comprehensive guide covering the application of law and space power across the full range of combat and noncombat operations.

In the midst of the tragedy of September 11th, his first thoughts turned to care for the wounded civilian employee to Arlington Hospital. He then returned to duty and led the remarkable effort to coordinate the legal and other unique legal issues involved in our homeland defense and the global war on terrorism. His efforts during and after the Pentagon attack underscore the force multiplying effect reliability and legal counsel will bring to armed conflict in the 21st century.

Mr. Speaker, I ask that you join me, our colleagues and General Moorman’s many friends and family in saluting this distinguished officer for many years of selfless service to the United States of America. I know our Nation, his wife Bobbie, and his family are extremely proud of his accomplishments. It is fitting that the House of Representatives honor him today.

TRIBUTE TO REVEREND J.C. CURRY

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002
Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a great man, Reverend J.C. Curry. Reverend Curry passed away last Thursday in Flint, Michigan. I am deeply saddened by this event as Reverend Curry was a dear friend. I will miss his guidance, wisdom and joy.

Reverend Doctor Curry was the Pastor of Macedonia Missionary Baptist Church for forty years but his influence extended beyond the walls of the church. He saw every person as a mirror of God and he responded with love and kindness to all. He worked tirelessly to improve Flint. Through his efforts Macedonia Missionary Baptist Church is a vital and vibrant force in the community. Reverend Curry opened doors and invited all persons to join him in spirit filled worship of Jesus Christ.

From his humble beginnings in DeKalb, Mississippi, Reverend Curry began working at the age of eight to support his mother and eleven brothers and sisters. Adversity only fueled his drive to succeed. For four years he served as a minister during World War II. He moved to Flint, earning his high school diploma and working for General Motors for 10 years. He became a full-time pastor and a cherished inspiration to all that knew him.

Reverend Curry epitomized the teachings of Christ contained in Matthew Chapter 6 Verse 3, “But when you do a charitable deed, do not let your left hand know what your right hand is doing.” Even though recognition did find him, Reverend Curry was brighter than the glory of God, not for worldly praise. From the small act of giving a dime to strangers so they could call loved ones or the large act of bringing the words of Jesus Christ to the home-bound via WFLT-AM, Reverend Curry sought to demonstrate the compassion and jubilation of Christ.

IN RECOGNITION OF DR. JOHN J. FARRELL
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002
Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Dr. John J. Farrell who has spent his distinguished career serving and protecting the community. Now, more than ever, we recognize the men and women who dedicate their lives to law enforcement.

During his outstanding career, Dr. Farrell has served Queens in a variety of capacities. After graduating from John Jay College of Criminal Justice, Dr. Farrell retired from the police force and joined the U.S. Attorney’s office. Dr. Farrell exemplifies all that is best about New York’s Finest: hardworking, talented, and intelligent, he served New York bravely and was promoted to the rank of Inspector. After 30 years of service, Dr. Farrell retired from the police force and went into private practice. He worked as a private investigator and returned to John Jay College of Criminal Justice to earn his doctorate in Forensic Criminology and Investigation.
Aside from his career in law enforcement Dr. Farrell has also specialized in the field of stress management, providing counsel to such businesses as General Motors of Queens and Grubb and Ellis of New York. In 1999 he opened his own hypnotherapy practice.

Dr. Farrell has been a resident of Queens, NY, for more than 38 years. He has been a committed member of the community at large, lending his talents and energy to a wide variety of organizations. He has served as executive director of the Queens Flag Day Committee. He is a board member of the Long Island YMCA. Dr. Farrell also works as an officer advisor for the U.S. Merchant Marine Academy in Kings Point and as a Family Help Advisor with the U.S. Navy.

Dr. Farrell’s outstanding accomplishments have earned him special recognition from organizations as varied as the U.S. Secret Service, the U.S. Postal Service, the F.B.I., the New York Archdiocese, and the Brooklyn Archdiocese, to name a few. He was also awarded a special certificate of appreciation by A.C. Tuller Queensboro North for his service during the tragic events of September 11, 2001.

Mr. Speaker, for his many contributions, I ask that my colleagues join me in saluting Dr. John J. Farrell.

TRIBUTE TO JOHN W. GADSON, SR.

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to John W. Gadson, Sr. of South Carolina, who is retiring as Director of the Small Business Development Center at South Carolina State University in Orangeburg, South Carolina. Mr. Gadson’s long and impressive career spans over forty-seven years and includes many outstanding accomplishments.

Mr. Gadson began his career in 1953, when he joined the United States Army. After serving three years, he was discharged as a Sergeant, and in 1956, enrolled at Claflin College in Orangeburg, South Carolina. Mr. Gadson received a Bachelor’s degree in Chemistry Education from Claflin College in 1960. He later received a Master’s degree in Science Education from Fisk University in Nashville, Tennessee.

His desire to help others lead him to a teaching career. His first teaching job was at Robert Smalls High School in Beaufort, South Carolina. In 1969, he left the classroom to serve as Director of the Beaufort-Jasper Neighborhood Youth Corps Project. This program, which offered work experience and training, was funded by the United States Department of Labor. It allowed Mr. Gadson to demonstrate his administrative skills and management abilities.

The Directorate of Penn Community Services, Inc., located on St. Helena Island, South Carolina, took note of Mr. Gadson’s skills and hired him to direct its programs. The historic center served as a critical educational and community development site during the civil rights activities of the 1960’s and often hosted Martin Luther King, Jr. and the SCLC staffers. Included among his many achievements at Penn Center was the establishment of the first Minority Business Development Center in South Carolina in 1972, through the U.S. Department of Commerce Office of Minority Business Enterprise. The center provided numerous services to more than 140 blacks seeking to become entrepreneurs. That same year, he established the Penn Center Black Land Servicce, Inc.

Mr. Gadson left Penn Center in 1976 to work as a Ford Foundation Fellow at the State Reorganization Commission and later as a Research Assistant and Research Director on the Commission’s staff. One of his projects resulted in passage of the new state procurement code, which laid the foundation for the State of South Carolina’s increase in the amount of funds spent with minority-owned businesses. Mr. Gadson also served as a member of the Governor’s Senior Advisory Team. In 1986, Mr. Gadson was awarded the Order of Palmetto, which is the highest honor that the Governor can give a citizen of the state.

Mr. Speaker, I ask you and my colleagues to join me today in honoring John W. Gadson, Sr. for the incredible service he has provided to the students of South Carolina State University and the citizens of South Carolina.

HONORING A BUFFALO SOLDIER

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. ROSS. Mr. Speaker, today I have the honor to share with you a touching story of dedication to country under extraordinary conditions.

I recently had the pleasure of visiting with a constituent who has dedicated his life to education, teaching and helping others, Mrs. Eunice Davis Pettigrew. Mrs. Pettigrew, now in her 80’s, is a former small business owner and retired teacher and counselor at the University of Arkansas at Pine Bluff. Over the past several years, she has continued her lifelong quest for academic excellence by researching the life of her grandfather, Isaac Johnson, who grew up as a slave on a southern plantation and later served in one of the first regular army regiments of African-Americans on the American frontier following the Civil War.

When I visited with Mrs. Pettigrew, she shared with me a heartfelt narrative she recently completed about her grandfather’s journey from slave to soldier. Not only did her grandfather overcome a childhood of slavery, he chose to serve his country even in the face of racial prejudice and inequalities as a member of the U.S. Calvary in a regiment that come to be known as the famous “Buffalo Soldiers.”

Hearing this story reminded me that we should never forget the challenges our predecessors faced to preserve this great nation. The Civil War ended the nightmare of slavery, but we must all continue to work, together and as individuals, each day to make sure that our country truly is a community of all people.

As this month we celebrate Black History, we should take a moment to remind those like Isaac Johnson and the many others who came before us and made this nation strong, free, and prosperous. It is with humbleness and gratitude that I share with you and submit to the CONGRESSIONAL RECORD Mrs. Pettigrew’s narrative about her grandfather, Isaac Johnson, and how he overcame significant challenges to become a true American patriot.

ISAAC JOHNSON, A SLAVE—A BUFFALO SOLDIER

This is a narrative of the life Isaac Johnson, the experiences he had as a slave on a North Carolina plantation as well as his experiences as a soldier on the Western Frontier. It is a study of the development and the survival of one Buffalo Soldier in particular, an unusual combination of events such as the impact that slavery had on Isaac Johnson’s life, the Emancipation Proclamation and grandpa’s role in the Buffalo Soldiers. It is hoped this writing will make known my
grandpa’s accomplishments during his life time.

PURPOSE

My name is Eunice Davis Pettigrew. I am Isaac Johnson’s grand-daughter. While con- sulting many secondary materials on the history of the Buffalo Soldiers, the information detailing Isaac Johnson’s life comes di- rectly from me. This writing is to make known the facts as documented by my re- search the Pine Bluff Public Library, the Jefferson County Li- brary, The Arkansas Historical Commission and The National Archives. I also have a col- lection of pictures, notes and the family Bible that I have kept over a period of about forty years. This tour will reveal some of the injustices that black solders endured. I have researched in eight states namely: Kansas, Missouri, Mississippi, Georgia, Ten- nessee, Texas, Alabama and Arkansas.

I was about nine (9) years old when my grandmother passed in 1926. My grandpa came to live with us in Pine Bluff Arkansas after my mother’s death. Our family eventually moved to Forrest City, Arkansas. During the years that Grandpa lived with my family, he told me many stories of his life as a slave and as a soldier. I was fifteen (15) years of age when my grandpa died on De- cember 7, 1931.

ISAAC JOHNSON’S LIFE SKETCH

My grandpa was born about 1846, a slave in Charlotteville, North Carolina. He was never told his real age. He had only one (1) family member a sister, who was sold from him at a very early age. Grandpa’s mother died during childbirth as well as a twin sis- ter.

To understand the bond that Isaac Johnson and his sister shared, I think first we must examine the slave family. The slave family had no standing in law. Marriages among slaves were not legally recognized, and children were placed face down and beat repeatedly with a whip. Violations of these rules were met by mutilation and branding and were not unknown. However, most violators were whipped. A slave owner was immune from prosecution for any phys- ical abuse against his slave. The law was large- ly in part to the fact that slaves could only be used for servitude. Slave owners had little or no regard for the emotional needs of slaves. The slave holder, not the parents, de- cided at what age children began to work in the fields. The family could not offer its children shelter or security, rewards or punishments. Despite all of this, my grandpa spoke on many occasions of the close rela- tionship that he and his sister shared. Grandpa worked as a water boy on the plantation while his sister worked as a wet nurse. She nursed all of the slave babies while the slave women worked the fields. She was also responsible for nursing the master’s babies. Grandpa told me about his sister making small bags of sugar and butter called sugar- ticks that were used to pacify the babies be- tween feedings. The babies were huddled in a tee-pee like structure with pallets all around the walls. My grandpa’s sister still found time in her busy day to show him love and affection.

Isaac Johnson remembered never leaving the plantation, so when the opportunity fi- nally arrived he was excited to say the least. On the 6th of February, 1868, Grandpa was on the south side of the covered wagon and thinking out loud what a big world it was. He noticed his sister sitting with her eyes closed and tears streaming down her face. He could not un- derstand the time because there was so much excitement in the air. He asked her continuously, what was wrong but got no response. It was not until they reached their destination did grandpa’s excitement start to fade away. Confusion began to set in for Grandpa, who was approximately two or three years old. He observed his sister at the auction block and was held up for public display to be sold. On com- pletion of the bidding, his sister was led away blindfolded never to be seen by him again. What he observed was a very humiliating and degrading experience for his sister. Grandpa cried when he realized she had been taken away from him. The loss that Grandpa felt from this experience would be incomparable to anything else that he would endure in life. No longer did he have that strong family bond of someone to love him. Grandpa observed life on the plantation. One incident in particular, a group of slaves had been chained together for a march when a woman went into labor. She was loosed from the chains and left alone to deliver the baby while the others continued on their journey.

To ensure the slaves obeyed the rules as set forth by the Slave Codes and the will of the master, whenever someone was found in violation of a rule, all the slaves were called to the “Big House” to watch the punishment of the slave in question. Grandpa told me that he observed many of these beatings. He described to me a large platform with a square cut out of the center in which slaves were placed face down and beat repeatedly with a whip. Violations of these rules were met by mutilation and branding and were not unknown. However, most violators were whipped. A slave owner was immune from prosecution for any phys- ical abuse against his slave. The law was large- ly in part to the fact that slaves could only be used for servitude. Slave owners had little or no regard for the emotional needs of slaves. The slave holder, not the parents, de- cided at what age children began to work in the fields. The family could not offer its children shelter or security, rewards or punishments. Despite all of this, my grandpa spoke on many occasions of the close rela- tionship that he and his sister shared. Grandpa worked as a water boy on the plan- tation while his sister worked as a wet nurse. She nursed all of the slave babies while the slave women worked the fields. She was also responsible for nursing the master’s babies. Grandpa told me about his sister making small bags of sugar and butter called sugar- ticks that were used to pacify the babies be- tween feedings. The babies were huddled in a tee-pee like structure with pallets all around the walls. My grandpa’s sister still found time in her busy day to show him love and affecti

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Frank K. Turner of Gainesville, Vir- ginia, for visionary leadership in the railroad industry on the occasion of his retirement.

Mr. Turner currently serves as the President of American Short Line and Regional Railroad Association (ASLRA), a post he has held for some three years. This trade association ably represents 425 short line and regional rail- roads providing local rail service throughout the United States. Turner’s work as a liaison between member railroads and the large rail- roads of this nation has been exemplary.

During his tenure, Turner has served as a transportation expert on the Transportation Advisory Group, which advises the Bush Ad- ministration on numerous transportation mat- ters of importance. Further, he represents the interests of short line and regional rail systems before Congress, Federal, and State Regu- latory Agencies as well as on policy and tech- nical committees of the U.S. Railroad industry.

With a wealth of railroad experience dating back to 1969, Turner has held several key po- sitions throughout the industry, including Vice President of Operations for CSX Intermodal; President and Chief Operating Officer for MidSouth Railroad; and Key-Operating Officer with Norfolk and Western Railway.

A graduate of New Mexico Military Institute and Texas A&M University at Commerce, Turner also served as an officer in the U.S. Marine Corps for eight years and is a Vietnam Veteran.

He is always available to offer a wealth of insight and knowledge into the railroad indus- try. His love and enthusiasm for rail travel is evident from his longtime commitment to this mode of transportation. With more than thirty years of experience and expertise, Frank Turner has served railroad interests and riders throughout our country well.

HONORING MR. FRANK K. TURNER, PRESIDENT OF AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION FOR VI- SIONARY LEADERSHIP IN THE RAILROAD INDUSTRY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002
TRIBUTE TO WILLIAM R. MILLS, JR.

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to and honor the accomplishments of William R. Mills, Jr., of Yorba Linda, California.

Bill graduated from the Colorado School of Mines with a degree in engineering in 1959, and earned his masters degree in civil engineering from Loyola University in Los Angeles in 1976.

Bill spent seventeen years with the engineering firm, Planning Research, before breaking off to become an independent water consultant. For the past fourteen years he has presided over the Orange County Water District as its General Manager. Bill is a Diplomate for the American Academy of Environmental Engineers, and Fellow for the American Society of Civil Engineers.

Bill is world renowned for the “Water Factory 21” water filtration system used to purify water used in irrigation in Southern California. This groundwater renovation reservoir provides about 75 percent of the water for the area’s 2 million citizens. He has helped promote this technology as far away as Saudi Arabia and has effectively demonstrated this technology to be main stream in the water industry.

Bill’s accolades include being named Water Leader of the Year in 1992, Outstanding Member of the WaterReuse Association of California in 1994, and the Orange County Engineer of the Year in 1996. He earned the Outstanding Member of the American Desalting Association in 1994 and was later awarded their Presidential Award for Distinguished Service in 1996. Bill’s work also earned him the Leadership in Engineering award for Water Resources from the Institute for the Advancement of Engineering in 1999.

Perhaps Bill’s greatest accomplishment, though, is his family. Bill and his wife have reared three fine sons who have rewarded him with his greatest pleasure, Bill looks forward to retirement most so that he can begin to enjoy time with his three grandchildren.

I would like to thank Bill for his dedicated service to Southern California and his progressive leadership in addressing the area’s tremendous water concerns. I wish him the best in his retirement.

TRIBUTE TO NEA CHAIRMAN, MICHAEL P. HAMMOND

HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. HORN. Mr. Speaker, with the passing of Michael P. Hammond, the arts community has lost a true gentleman and first-rate leader. After only one week at his post as chairman of the National Endowment for the Arts, Chairman Hammond left us. Before he had the chance to apply his wide-ranging knowledge, leadership and vision to the betterment of the arts community.

Just last month, I had the pleasure of meeting with Michael Hammond. He shared with me some of his goals for his new role as NEA chairman. He helped to attract more children to the arts community at an earlier age. And he wanted to generate broader interest in the arts among the general public. There is no doubt that he would have accomplished those goals. He just had that rare gift that you just knew would make a difference. His unique accomplishments as a musician, educator, and advocate for the arts will be very difficult to replace.

Michael Hammond dedicated his life to his love of music and the arts. He was a renowned conductor, composer, and educator and had a keen interest in the relationship between neuroscience and music. He was the former dean of Rice University’s Shepherd School of Music and was the founding Dean of Music for the new arts campus of the State University of New York at Purchase, New York, where he later served as president of the University.

A Rhodes scholar at Oxford, and educated at Lawrence University and Delhi University in India, Michael Hammond also taught neuroanatomy and physiology at the University of Wisconsin. As a composer and conductor, he wrote numerous scores for theater here and abroad. He founded the Prague Mozarteum Academy in the Czech Republic and served on the Board of the Houston Symphony.

Mr. Speaker, we struggle to express feelings of grief, sorrow and appreciation for his extraordinary man who gave so much to the arts community and was taken from us far too early in life. It would be a fitting tribute to Michael Hammond for the arts community to do all we can to carry on his vision to build a greater appreciation for the arts in this country.

TRIBUTE TO HILDA GIBBS

HON. KAREN McCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to Hilda Gibbs on her 87th birthday. Hilda has been a pillar of the Plaza Westport community of Kansas City since moving there in 1962. She is currently President of the Plaza Westport Neighborhood Association and has held this post for over 10 years. Her genuine concern and caring for her neighbors have made her tenure as a president a gift that her fellow residents will treasure for a long time.

Hilda Gibbs was born Hilda Lutz in Freiburg, Germany in 1915. After growing up in Germany, she emigrated to France where she trained as a secretary for two years. Upon leaving France, Hilda emigrated to England and served as a nanny. In 1939, she came to New York to join her sister, Ida. She underwent training to become a hostess because at this time you could not waitress in a restaurant without formal training. While in New York, Hilda met and fell in love with her late husband, Bob Gibbs. They were married for 42 years. He was the love of her life, and she of his.

In 1962, Hilda moved with Bob to Kansas City where she has lived ever since. Since becoming the President of the Plaza Westport...
Hilda has been one of the most vocal and informed advocates for the citizens of Kansas City. Her determination to see things done right has resulted in many memorable victories for the residents she loves so dearly. Whatever the task, Hilda is not afraid to fight until her community wins. She is also an avid promoter and proponent of other arts community of Kansas City. Rarely does she miss a performance, but she also used her nights out in Kansas City to teach young women about the arts. Often she invites a young woman to accompany her to various artistic productions throughout the city giving the young woman the opportunity to broaden her cultural horizons.

Mr. Speaker, I ask you to join me in saying “Happy Birthday” to Hilda Gibbs as she turns 87. Her birth in 1915 has given the Kansas City community the gift of a loving, caring individual with commitment and dedication to making the community a better place through activism and service.

TRIBUTE TO MRS. CINDY WALL BEARD

HON. JAMES E. CLYBURN OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Cindy Wall Beard of South Carolina, a remarkable woman who, despite her battle with cancer, is a leader, a mentor and an inspiration to those in the community.

Mrs. Beard, a native of Scranton, South Carolina, received her high school diploma from The Carolina Academy. She later earned a Bachelor’s degree in Administration from Limestone College. After college she worked as an administrator for Wall Home Health Care. She currently resides in Florence, South Carolina, but spends much of her time in nearby Lake City where she is an active member of Lake City Pentecostal Holiness Church exercising her leadership abilities as a Sunday School Teacher, leader of Discipleship, and coordinator of a local non-denominational prayer group called TEARS. In 1996, Mrs. Beard founded the Lake City chapter of the March for Jesus and has organized activities for the celebration every year since.

In May 2001, Mrs. Beard established Project Blessing, a program designed to assist children of families in low-income housing in Lake City. The impact Mrs. Beard has had on members of her community is best exemplified in the story of the Brown Street kids. The birthdays of each child on Brown Street has been celebrated. Cakes, with cake, presents, and enough pizza for the neighborhood, every party was made possible by Mrs. Beard and cooperation from area businesses. She collaborated with Hilton Head residents to make sure Brown Street kids got the gifts on their Christmas wish lists. Always dedicated to her faith, Mrs. Beard established the backyard Sunday School program for Brown Street and other Project Blessing neighborhoods. The impact she has had on the lives of people in the community is immeasurable.

Though these accomplishments would be impressive under any circumstances, perhaps what is most remarkable is Mrs. Beard’s tireless dedication to the community while fighting a battle against cancer. In 1998 she became a published author with her book, His Messages, a statement of hope and inspiration to others with cancer.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Mrs. Cindy Wall Beard, a woman who has touched innumerable lives in her community in countless ways. I commend her on her tireless dedication to others and wish her all the best in the future.

RECOGNIZING THE BATTLING BISHOPS OF OHIO WESLEYAN UNIVERSITY, NCAA DIVISION III WOMEN’S SOCCER NATIONAL CHAMPIONS

HON. PATRICK J. TIBERI OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. TIBERI. Mr. Speaker, I would like to congratulate the Battling Bishops of Ohio Wesleyan University for their first NCAA Division III women’s soccer national championship. This victory caps a tremendous season that includes an astounding twenty-one straight wins.

Ohio Wesleyan University is an independent undergraduate liberal arts institution in Delaware, Ohio, with an enviable reputation for education excellence. As an institution renowned for its commitment to teaching and mentoring of the highest quality that nurtures and prepares students to be leaders and informed, engaged citizens, Ohio Wesleyan University has reached and maintained a ranking as one of the top liberal arts universities in the country.

I remember well the excitement over the 1988 men’s basketball and 1998 men’s soccer national championships. Like those earlier teams, the Battling Bishops represent their school, their team and themselves with distinction and in the finest tradition of sportsmanship.

DONALD GOULET RETIRING AFTER DISTINGUISHED SERVICE CAREER

HON. MICHAEL G. OXLEY OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. OXLEY. Mr. Speaker, it is with great pleasure that I rise to recognize a good friend from the Inland Empire, William J. Alexander. On February 13, 2002, Bill will be celebrating his 59th birthday. Mr. Alexander is currently Mayor for the City of Rancho Cucamonga, California and has served on the Council since 1994. Bill is a graduate of Montclair High School and Chaffey College. He is a retired Fire Captain from the City of Ontario where he brought forth his services for more than 35 years. He is a member of the Foothill Fire Protection District Board of Directors and he has served as a member of the Public Safety Commission for Rancho Cucamonga. He is also a Certified Bomb Technician having graduated from the FBI Regional Center in Huntsville, Alabama.

Mayor Alexander and his wife have six children and five grandchildren. He has been a resident of western San Bernardino County for more than 40 years. Bill enjoys spending time with his family and maintaining his hobbies, even with his demanding schedule. He loves the community that he serves and plans on seeking another four-year term.

Happy 59th birthday, Bill.
Mr. PICKERING. Mr. Speaker, I rise today to recognize and pay tribute to Mr. Fred Gaddis, Sr., a former businessman and mayor of Forest, MS. Mr. Gaddis was beloved by the citizens in his community for his vision and dedication to improving the quality of life for all those around him. His death was devastating to those who knew him and certainly affected the town of Forest and Scott County.

Mr. Gaddis attended both Mississippi State University (MSU) and the University of Southern Mississippi (USM). At MSU, he was a classmate of our beloved 3rd District Congressman G.V. “Sonny” Montgomery. He left USM to serve our country in the Navy during World War II as a pilot. After his service to the Nation, he returned to Forest and Scott County where he began his legacy as a pioneer in the poultry industry. He started his first poultry plant with under $1,700 and then built Gaddis Industries, which included 38 poultry farms and several other farming industries. His vision has helped make Scott County the fifth-largest poultry-producing county in America.

Mr. Gaddis has been recognized at the State, national, and world levels for his work in the poultry industry. He even represented the United States Government at the World Food Fair in Tokyo and Hong Kong. For his pioneering efforts and success in the poultry industry, his picture hangs in the Mississippi State Poultry Hall of Fame, and in the Mississippi Agricultural Museum in Jackson.

Besides being a successful and visionary businessman, Mr. Gaddis served the city of Forest as mayor for 32 years where his mission was always serving the people. He fulfilled his mission by improving the quality of life for those in Forest and Scott County. During his tenure as mayor, a new community center, library, fire station, airport, coliseum, and city hall were built. He also personally bought a bus for the school system when they could not afford it, and paid for lunches out of his own resources for the students in the Forest schools before the Federal lunch program was established. As a tribute to his many contributions, one of the city parks in Forest is named for him.

Mr. Gaddis was particularly active in community and religious activities. He served as a deacon at Forest Baptist Church, and sponsored the building and furnishing of a cottage at the Baptist Children’s Village in Clinton, that houses the recipient of the Silver Beaver award from the Boy Scouts and the Troop 63 Eagle Class is named in his honor. Mr. Gaddis is also a Mason and past president of the Lions Club.

Survivors include his wife of 58 years, Mary (better known as “Tweency”); sons Michael and David, daughter Beverly, two sisters, 12 grandchildren, and four great-grandchildren. The citizens of Forest and Scott County will sorely miss him.

Fred Gaddis’s resume may span several pages for his successful business, and his vision as a Forest and service to community. However, the legacy he leaves behind cannot be fully expressed by what he did, but rather by the people he touched and the way he lived his life. He had a deep love for God, family, friends, and community. I extend my sympathy to his family and all those in Scott County who have been affected by this loss. I am very appreciative of Mr. Gaddis’s legacy, and am hopeful that it will encourage others to follow in his footsteps of public service for a better community and concern for others.

Mr. Speaker, I rise today to pay tribute to Kathryn Williams of South Carolina, a respected lawyer and the first woman ever to lead the forty-four year old South Carolina Trial Lawyers Association. Ms. Williams career achievements and accomplishments are exemplified in her extraordinary contributions to the State of South Carolina. Ms. Williams was born in Fort Mill, South Carolina. She received her undergraduate degree from Clemson University and her law degree from the University of South Carolina School of Law. She started her own practice in 1989, not long after graduation.

In 1993, Ms. Williams was named Greenville Likable Lawyer, during a local celebration of law week. Ms. Williams serves on the Board of Governors of the South Carolina Trial Lawyers Association. During her years of involvement in the South Carolina Trial Lawyers Association, Ms. Williams has held various offices, including Editor, Secretary, Treasurer, Vice President and President-elect.

As President of the Trial Lawyers Association for one year Ms. Williams will lead a 1,300-member group of plaintiffs attorneys dedicated to keeping South Carolina’s families safe and improving the plaintiffs bar.

Mr. Speaker, I ask you to join me today in honoring Ms. Kathryn Williams for the outstanding service she has provided to the legal profession and citizens of South Carolina. I wish Ms. Williams good luck and Godspeed in her new position.

Mr. Speaker, I rise today to honor the memory of Richard “Dick” Day, a man who walked his talk with both integrity and good humor, and whose life should encourage every citizen working for a better community.

Born in Idaho of a large and boisterous family 67 years ago, Dick Day matured in the hot political atmosphere of the California of the 60’s. Not one to fear overwhelming odds, the young Dick Day chaired John F. Kennedy’s presidential campaign in Republican heartland of Orange County. Later, Day attended U.C. Berkeley’s Boalt School of Law balancing his studies with a whimsical campaign for a seat in the California legislature, which he lost handily.

After graduation in 1968, the 32-year-old lawyer moved to the fast growing city of Rohnert Park in Sonoma County. The next year, Day moved to Santa Rosa and won election to the Sonoma County Board of Education. In 1970 he lost an election to the Sonoma County Board of Supervisors. In 1979, Day was selected by Governor Jerry Brown to fill a vacancy on the Sonoma County Municipal Court, a position he lost in a mid-year election a year later.
Dick Day’s destiny was not to be an officeholder, but to be a man who seized on important issues from the grassroots. Day joined with Bill Kortum, Chuck Rhinehart and others to fight against an attempt by private developers to block 13 miles of spectacular coast from coastal access. As the attorney for Californians Organized to Acquire Access to State Tidelands (COAASST), Day was able to convince the state Supreme Court to overturn a county supervisor decision favorable to developers; and later become instrumental in the passage of a statewide measure that guaranteed public access to beaches in the state and formed a new agency, the California Coastal Commission which is chartered to protect California’s coastline from over development.

In an ongoing fight against unrestrained growth, Day served on the board of Sonoma County Tomorrow; was a founder of a coalition of Santa Rosa neighborhood groups and became chair of the Committee to Oppose Warm Springs Dam. Later he helped form Concerned Citizens for Santa Rosa, which became an influential player in Santa Rosa politics and a training ground for several future leaders, including current California Assemblywoman Pat Wiggins. Day was also a founder of Sonoma County Environmental Action, an effective grassroots political organization that helped elect numerous environmental progressives to Sonoma County city and county government. Fighting against sprawl, Day pushed for city-centered transit as a founder of the Sonoma County Transportation Coalition and for downtown revitalization as a member of Heart of Santa Rosa.

Dick Day provided both legal advice and political savvy to all of these groups. Always outspoken, he learned he was most effective in a backer role. When there was press release, a letter to the editor, a legal challenge to be written, Dick Day was always ready to serve. He didn’t always carry the day, but working with others, he won significant victories in protecting the Russian River against dredging, limiting campaign contributions in local elections, creating greenbelts around the county’s cities, and defeating tax measures to widen highways without developing public transit. Representing the Sierra Club he won a settlement from the Santa Rosa City Council in the early 80’s, after charging that the Council acted improperly in providing tax incentives to the developers of a shopping center.

Dick Day had many opponents, but no real enemies. It was clear that he was coming from a place of integrity. He was a gregarious man, always armed with a quip. He loved to hold court in Mac’s Delicatessen in downtown Santa Rosa, advise and josh his friends, and debate and trade barbs with folks of other political persuasions. Politics was play to Dick as much as it was serious business.

He was blessed with long and loving relationship with his wife, Jean, who was a partner in all of his endeavors, and helped provide a home full of warmth, good conversation and books. Jean died last year, and Dick carried on bravely though his heart was broken.

We will miss Dick Day. His activism showed us that dedicated, informed citizens can make democracy work. And clearly, for all who knew him, Dick Day has been elected to our hearts for life.

THE “ONLINE CRIMINAL LIABILITY STANDARDIZATION ACT”

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2002

Mr. GOODLATTE. Mr. Speaker, no single issue will have a greater impact on the future of the Internet than the resolution of how the government will regulate conduct and content on the Internet. That is why I am introducing today, the “Online Criminal Liability Standardization Act”, legislation that would create a uniform standard limiting service providers’ liability for content that third parties have stored or placed on their systems.

Criminal statutes regulating online criminal activity have taken varied approaches to the liability of service providers. This has created uncertainty for service providers as they wade through the myriad of criminal statutes and the various standards to which they are held liable. Service providers are expected to choose the correct law, from among many competing jurisdictions, and apply it to each of the millions of activities that occur daily on their networks.

Instead of focusing on those who initiate or profit from illegal activity, some proposals would hold service providers criminally liable for the conduct, activities, and decisions of third parties who use their services. Under many of these proposals, culpability would arise regardless of whether a service provider has any relationship with the user or the offending site, or intends to facilitate the illegal activity. These approaches will not work. There are more effective and responsible ways to combat illegal conduct on the Internet. Instead of targeting service providers, solutions should focus on those who engage in unlawful activity.

The “Online Criminal Liability Standardization Act” would amend the criminal code by clarifying that an interactive computer service provider would generally not be liable under federal criminal law for the actions of third party users. This limitation is narrowly constructed, however. First, it applies only to corporations and not to individuals, who perpetrate the vast majority of computer crimes. Second, it applies only to content provided by third parties—not to content that the provider creates or develops jointly with another person. Third, it applies only to communications functions performed in the ordinary course of the corporation’s business—so that interactive computer services would not be protected if they undertook a new business venture that was illegal. Fourth, the limitation does not apply in instances where a senior employee of a corporation has actual knowledge of the illegal activity. Fifth, it does not apply to employees of a corporation who may engage in illegal activity. And finally, it does not apply to violations of federal criminal copyright laws.

I urge each of my colleagues to support this important legislation to give service providers certainty and clarity by creating a uniform standard limiting service providers’ liability for content that third parties have stored or placed on their systems.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S597–S674

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1932–1936, S. Res. 207, and S. Con. Res. 96. Page S660

Measures Passed:

Commending Pakistan President: Senate agreed to S. Con. Res. 96, commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States. Pages S673–74

Federal Farm Bill: Senate continued consideration of S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, taking action on the following amendments proposed there-to:

Adopted:

Harkin (for Grassley) Amendment No. 2837 (to Amendment No. 2835), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter. (By 46 yeas to 53 nays (Vote No. 23), Senate earlier failed to table the amendment.) Pages S597–S653

Craig Amendment No. 2835 (to Amendment No. 2471), to provide for a study of a proposal to prohibit certain packers from owning, feeding, or controlling livestock. Pages S597, S608

Reid Further Modified Amendment No. 2842 (to the language proposed to be stricken by Crapo/Craig Amendment No. 2533), to promote water conservation on agricultural land. Pages S598, S604–06, S608, S611–12

Baucus Amendment No. 2839 (to Amendment No. 2471), to provide emergency agriculture assistance. Pages S597, S606–08, S609–10

Enzi Amendment No. 2843 (to Amendment No. 2471), to require the Secretary of Agriculture to provide livestock feed assistance to producers affected by disasters. Pages S598, S625–26

Enzi Amendment No. 2846 (to Amendment No. 2471), to authorize the President to establish a pilot emergency relief program under the Agricultural Trade Development and Assistance Act of 1954 to provide live lamb to Afghanistan. Pages S612–13, S625–26

Wellstone Amendment No. 2847 (to Amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and insert a payment limitation. Pages S613–16, S624–25, S625, S626

Helms Amendment No. 2822 (to Amendment No. 2471), to exclude birds, rats of the genus Rattus, and mice of the genus Mus from the definition of animal under the Animal Welfare Act. Pages S616–17, S628

Feinstein Modified Amendment No. 2829 (to Amendment No. 2471), to make up for any shortfall in the amount sugar supplying countries are allowed to export to the United States each year. Pages S597, S622–24, S628–29

Lugar (for McConnell) Amendment No. 2854 (to Amendment No. 2471), to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera. Pages S620, S629

Lugar (for Kyl) Modified Amendment No. 2855 (to Amendment No. 2471), to insert provisions relating to the implementation of water conservation programs. Pages S621, S629

Santorum Further Modified Amendment No. 2542 (to Amendment No. 2471), to improve the standards for the care and treatment of certain animals. Pages S597, S629–36

Lugar (for Gramm) Modified Amendment No. 2849 (to Amendment No. 2471), to provide equity and fairness for the promotion of imported Hass avocados. Pages S616, S636

McConnell Amendment No. 2845 (to Amendment No. 2471), to reduce certain commodity benefits and use the resulting savings to improve nutrition assistance. Pages S610–11, S626–27, S636
Miller Further Modified Amendment No. 2832 (to Amendment No. 2471), to increase the rate for compensation of peanut quota holders.

Pages S618–19, S621, S636–37

Harkin Amendment No. 2853 (to Amendment No. 2471), to modify the limits on the types of communities in which Rural Business Investment Companies may invest.

Page S637

Leahy Modified Amendment No. 2834 (to Amendment No. 2471), to authorize the Secretary of Agriculture to issue an order that provides for a program of generic promotion, research, and information regarding organic products.

Page S619

Rejected:

Crapo/Craig Amendment No. 2533 (to Amendment No. 2471), to strike the water conservation program. (By 55 yeas to 45 nays (Vote No. 24), Senate tabled the amendment.)

Pages S597, S604, S608–09

By 17 yeas to 80 nays (Vote No. 26), Harkin Amendment No. 2856 (to Amendment No. 2845), of a perfecting nature.

Pages S627–28, S636

Withdrawn:

Lugar (for Gramm) Amendment No. 2848 (to Amendment No. 2471), to repeal the Hass Avocado Promotion, Research, and Information Act of 2000.

Pages S616, S637

Inhofe Amendment No. 2825 (to Amendment No. 2471), to require the Secretary of Agriculture to provide marketing assistance loans and loan deficiency payments for each of the 2003 through 2007 crops of peanuts.

Pages S620, S638

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Pages S597–S653

Daschle motion to reconsider the vote (Vote No. 377–107th Congress, 1st Session) by which the second motion to invoke cloture on Daschle (for Harkin) Amendment No. 2471 (listed above) was not agreed to.

Page S597

Lugar (for Kyl/Nickles) Amendment No. 2850 (to Amendment No. 2471), to express the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision’s applicability to the estate tax.

Pages S616, S637–38, S638–45, S645–48

Lugar (for Domenici) Modified Amendment No. 2851 (to Amendment No. 2471), to require the Secretary of Agriculture to make payments to milk producers.

Pages S617–18, S645, S648–53

Harkin (for Kerry/Snowe) Amendment No. 2852 (to Amendment No. 2471), to provide emergency disaster assistance for the commercial fishery failure with respect to Northeast multispecies fisheries.

Page S619

Reid (for Conrad) Amendment No. 2857 (to Amendment No. 2471), to express the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

Pages S619–20, S645

During consideration of this measure today, Senate also took the following action:

By 69 yeas to 30 nays (Vote No. 25), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 205 of H. Con. Res. 290, Congressional Budget Resolution of 2001, with respect to the emergency designation contained in Baucus Amendment No. 2839 (to Amendment No. 2471), listed above. Subsequently, a point of order that the amendment was in violation of section 205 of H. Con. Res. 290 failed, and the point of order fell.

Pages S609–10

A unanimous-consent-time agreement was reached providing for further consideration of Lugar (for Kyl/Nickles) Amendment No. 2850 (to Amendment No. 2471) and Reid (for Conrad) Amendment No. 2857 (to Amendment No. 2471), both listed above, at 9:50 a.m., on Wednesday, February 13, 2002, with votes to occur on or in relation to the amendments.

Pages S644–45

A unanimous-consent-time agreement was reached providing for further consideration of Lugar (for Domenici) Amendment No. 2851 (to Amendment No. 2471) and Harkin (for Kerry/Snowe) Amendment No. 2852 (to Amendment No. 2471), both listed above, on Wednesday, February 13, 2002, with votes to occur on or in relation to the amendments.

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, February 13, 2002.

Page S645

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the National Drug Control Strategy for 2002; to the Committee on the Judiciary. (PM–70)

Page S658

Nominations Confirmed: Senate confirmed the following nomination:

William Leidinger, of Virginia, to be Assistant Secretary for Management, Department of Education. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Pages S660, S673, S674

Messages From the House:

Page S658

Enrolled Bills Presented:

Page S658

Executive Communications:

Pages S658–60

Executive Reports of Committees:

Page S660

Additional Cosponsors:

Pages S660–61
Hearings continue tomorrow.

ENRON COLLAPSE
Committee on Commerce, Science, and Transportation: Committee held hearings to examine the collapse of the Enron Corporation, focusing on the investigation of potentially questionable Enron’s partnership transactions, receiving testimony from Kenneth L. Lay, Piper, Marbury, Rudnick and Wolfe, Washington, D.C., former Chairman/CEO, Enron Corporation; and William C. Powers, Jr., University of Texas Law School, Austin, on behalf of the Board of Directors of Enron Corporation Special Investigative Committee.

Hearings recessed subject to call.

INTERIOR/FOREST SERVICE/ENERGY BUDGET
Committee on Energy and Natural Resources: Committee concluded hearings to examine the President’s proposed budget request for fiscal year 2003 for the Department of the Interior, the U. S. Forest Service, and the Department of Energy, after receiving testimony from J. Steven Griles, Deputy Secretary, and P. Lynn Scarlett, Assistant Secretary for Policy, Management, and Budget, both of the Department of the Interior; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; and Bruce M. Carnes, Chief Financial Officer, Department of Energy.

INTELLECTUAL PROPERTY CRIME
Committee on Foreign Relations: Committee concluded hearings to examine the theft of American intellectual property at home and abroad, focusing on the Department of State’s and U.S. Trade Representative’s role in policy and enforcement, and recent trends in intellectual property protection, including implementation of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement the “Special 301” review, after receiving testimony from Alan P. Larson, Under Secretary of State for Economic, Business and Agricultural Affairs; Peter F. Allgeier, Deputy U.S. Trade Representative; John S. Gordon, U.S. Attorney, Central District of California, Department of Justice; Jeffrey Raikes, Microsoft Corporation, Redmond, Washington; and Jack Valenti, Motion Picture Association of America, Hilary Rosen, Recording Industry Association of America, and Douglas Lowenstein, Interactive Digital Software Association, all of Washington, D.C.

BUSINESS MEETING
Committee on Governmental Affairs: Committee ordered favorably reported the nominations of Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget, Dan Gregory Blair, of the
District of Columbia, to be Deputy Director of the Office of Personnel Management, and John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals.

WEAPONS OF MASS DESTRUCTION

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine multilateral non-proliferation regimes, weapons of mass destruction technologies, and the War on Terrorism, focusing on measures for enhancing the ability of these multilateral treaties to prevent the acquisition of chemical and biological weapons by both national and subnational groups, after receiving testimony from Elisa D. Harris, University of Maryland Center for International and Security Studies, and Amy E. Smithson, Henry L. Stimson Center, both of Washington, D.C.; Jim Walsh, Harvard University John F. Kennedy School of Government, Belfer Center for Science and International Affairs, Cambridge, Massachusetts; and Dennis M. Gormley, International Institute for Strategic Studies, London, England.

EARLY EDUCATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine early education issues, focusing on quality educational programs, parent involvement in early childhood development, and separation of education for children with special needs, after receiving testimony from Elisabeth Schaefer, Massachusetts Department of Education, Malden; Jack P. Shonkoff, Brandeis University Heller School for Social Policy and Management, Waltham, Massachusetts; Edward Zigler, Yale University Child Study Center, New Haven, Connecticut; Dorothy S. Strickland, Rutgers University Graduate School of Education, New Brunswick, New Jersey; Rob Reiner, I Am Your Child Foundation, Hollywood, California; Susan Russell, University of North Carolina Child Care Services Association, Chapel Hill; and Sharon E. Rhodes, Parents as Teachers National Center, St. Louis, Missouri.

OXYCONTIN ABUSE

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the effects of the painkiller Oxycontin, focusing on Federal, State and local efforts to decrease abuse and misuse of this product while assuring availability for patients who suffer daily from chronic moderate to severe pain, after receiving testimony from John K. Jenkins, Director, Office of New Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, and H. Westley Clark, Director, Center for Substance Abuse Treatment, Substance Abuse Mental Health Services Administration, both of the Department of Health and Human Services; Richard Payne, Memorial Sloan-Kettering Cancer Center, New York, New York; Art Van Zee, Lee Coalition for Health, St. Charles, Virginia; Nancy Green, Neighbors Against Drug Abuse, Calais, Maine; William R. Bess, Virginia State Police, Wytheville; and Paul D. Goldenheim, Purdue Pharma L.P., Stamford, Connecticut.

U.S. REFUGEE PROGRAM

Committee on the Judiciary: Subcommittee on Immigration held hearings to examine issues surrounding the U.S. Refugee Program, including the effects of recent crises in Afghanistan and Africa on the refugee populations, security concerns in the aftermath of September 11, 2001, use of joint voluntary organizations to relieve refugee processing burdens, family reunification, and case backlogs, receiving testimony from Arthur E. Dewey, Assistant Secretary of State for the Bureau of Population, Refugees, and Migration; James W. Ziglar, Commissioner, Immigration and Naturalization Service, Department of Justice; Leonard S. Glickman, Refugee Council USA, New York, New York; on behalf of the Hebrew Immigrant Aid Society; and Anastasia Brown, U.S. Conference of Catholic Bishops Migration and Refugee Services, and Bill Frelick, U.S. Committee for Refugees, both of Washington, D.C.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 17 public bills, H.R. 3714–3730; and 4 resolutions, H. Con. Res. 324–327, were introduced. Bibliographic References: Pages H283–84

Reports Filed: No reports were filed today.

Recess: The House recessed at 1:18 p.m. and reconvened at 2 p.m. Bibliographic References: Page H239

Presidential Message—National Drug Control Strategy: Read a message from the President wherein he transmitted the 2002 National Drug Control Policy—referred to the Committees on the Judiciary,
Agriculture, Financial Services, Energy and Commerce, Education and the Workforce, Government Reform, International Relations, Armed Services, Resources, Transportation and Infrastructure, Ways and Means, Veterans’ Affairs, and the Permanent Select Committee on Intelligence.

**Recess:** The House recessed 3:49 p.m. and reconvened at 5:35 p.m.

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

- **Holocaust Days of Remembrance:** H. Con. Res. 325, Permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust;

  - Pages H240-42

- **Tom Bliley Post Office, Richmond, Virginia:** H.R. 1748, to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the “Tom Bliley Post Office Building;”

  - Pages H242-46

- **Bob Davis Post Office, St. Ignace, Michigan:** H.R. 2577, to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the “Bob Davis Post Office Building;”

  - Pages H245-47

- **Commending President Pervez Musharraf of Pakistan:** H. Con. Res. 324, commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States;

  - Pages H247-49

- **Radio Free Afghanistan:** Agreed to the Senate amendment to H.R. 2998, to authorize the establishment of Radio Free Afghanistan (agreed to by a yea-and-nay vote of 421 yeas to 2 nays, Roll No. 15) clearing the measure for the President;

  - Pages H250-51, H264-65

- **Crash of Transporte Aereo Militar Ecuatoriano Flight 120:** H. Con. Res. 313, Expressing the sense of Congress regarding the crash of Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002;

  - Pages H251-53

- **Assistance to the Homeless:** H.R. 3699, to revise certain grants for continuum of care assistance for homeless individual and families (agreed to by a yea-and-nay vote of 421 yeas with none voting “nay,” Roll No. 16); and

  - Pages H253-54, H265-66

- **National Child Passenger Safety Week:** H. Con. Res. 326, commending the National Highway Traffic Safety Administration for their efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week.

  - Pages H254-55, H266

**Consideration of Bipartisan Campaign Reform Act:** The House agreed to H. Res. 344, the rule providing for consideration of H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform by voice vote. Pursuant to Sec. 6, H. Res. 203 was laid on the table.

Subsequently agreed to the Reynolds unanimous consent request that during consideration of the Bipartisan Campaign Reform Act, pursuant to H. Res. 344, the Chair shall alternate recognition to offer the amendments specified in section 3 between the Majority Leader, or his designee, and Representative Shays or Representative Meehan, or a designee of either, in the following order only:

- Majority Leader for one amendment; Representatives Shays or Meehan for one amendment; Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; and Majority Leader for one amendment; and

- Under section 3(a) of H. Res. 344, a Member listed in section 3(b) may designate another member to announce, in accordance with section3(c), the intention to offer any amendment allotted to him under section 3(b).

**Senate Messages:** Message received from the Senate today appears on page H233.

**Referral:** S. 1206 was held at the desk.

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H285–H335.

**Quorum Calls—Votes:** Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H264–65 and H265–66. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 12:36 a.m. on Wednesday, February 13, 2002.

**Committee Meetings**

**DOD BUDGET PRIORITIES**

**Committee on the Budget:** Held a hearing on the Department of Defense Budget Priorities Fiscal Year 2003. Testimony was heard from the following officials of the Department of Defense: Paul D. Wolfowitz, Deputy Secretary; and Dov S. Zakheim, Under Secretary (Comptroller); and a public witness.
PATRIOT ACT OVERSIGHT

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled “PATRIOT Act Oversight: Investigating Patterns of Terrorist Financing.” Testimony was heard from John G. Malcom, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

ACCOUNTABILITY FOR PRESIDENTIAL GIFTS

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on “Accountability for Presidential Gifts.” Testimony was heard from William H. Taft IV, Legal Advisor, Department of State; and public witnesses.

CYBER SECURITY ENHANCEMENT ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 3482, Cyber Security Enhancement Act of 2001. Testimony was heard from John G. Malcom, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

OVERSIGHT—NATIONAL FORESTS—ECO-TERRORISM AND LAWLESSNESS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Eco-terrorism and Lawlessness on the National Forests. Testimony was heard from Representatives Walden, Hooley of Oregon, and Nethercutt; James F. Jarboe, Section Chief, Counterterrorism Division, Domestic Terrorism/Counterterrorism Planning Section, FBI, Department of Justice; and public witnesses.

EXPORT ADMINISTRATION ACT

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Export Administration Act of 2001. Testimony was heard from departmental witnesses.

CIA’S COUNTERTERRORISM ISSUES

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to hold a hearing on CIA’s Counterterrorism Issues. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of February 7, 2002, p. D73)

S. 1762, to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders. Signed on February 8, 2002. (Public Law 107–139)


COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 13, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on active and reserve military and civilian personnel programs, 9:30 a.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the President’s proposed budget request for fiscal year 2003 for the Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on the Budget: to continue hearings to examine the President’s proposed budget request for fiscal year 2003 and revenue proposals, 10 a.m., SD–608.

Committee on Environment and Public Works: to hold hearings to examine the President’s proposed budget request for fiscal year 2003 for the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine sectoral trade disputes, focusing on lumber and steel, 1:30 p.m., SD–215.

Full Committee, business meeting to mark up an original bill establishing energy tax incentives, 4 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine future efforts in the U.S. bilateral and multilateral response, focusing on halting the spread of HIV/AIDS, 10:15 a.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the implementation and enforcement of the Kimberly Process Agreement (to ban the source of income from illicit diamonds), 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the limits of existing laws, focusing on protection against genetic discrimination, 2 p.m., SD–430.

Committee on Indian Affairs: to hold oversight hearings on the implementation of the Native American Housing Assistance and Self-Determination Act, 2 p.m., SR–485.
Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: to hold hearings to examine the application of federal antitrust laws to Major League Baseball, 10 a.m., SD–226.

Subcommittee on Administrative Oversight and the Courts, to hold a briefing to examine the threat of a cyber terror attack, 2 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review the implementation of the Agricultural Risk Protection Act, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on the Secretary of Agriculture, 9:30 a.m., 2362A Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on the Secretary of State, 1 p.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services and Education, on the Secretary of Labor, 9:45 a.m., 2358 Rayburn.

Subcommittee on Transportation, on the Federal Motor Carrier Safety Administration, 10 a.m., and on the Office of Inspector General, 1 p.m., 2358 Rayburn.

Committee on Armed Services, to continue hearings on the fiscal year 2003 National Defense Authorization budget request, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing on “Enron and Beyond: Enhancing Worker Retirement Security,” 2 p.m., 2175 Rayburn.

Subcommittee on Select Education and the Subcommittee on 21st Century Competitiveness, joint hearing on “Responding to the Needs of Historically Black Colleges and Universities in the 21st Century,” 10 a.m., 2175 Rayburn.


Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing on the proposed budget of the Department of Housing and Urban Development for fiscal year 2003, 1 p.m., 210 Cannon.


Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on Communist Entrenchment and Religious Persecution in China and Vietnam, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H.R. 3288, Fairness in Antitrust in National Sports (FANS) Act of 2001, 10:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on Individual Fishing Quotas (IFQs), 1 p.m., 1334 Longworth.

Committee on Science, hearing on the R&D Budget for Fiscal Year 2003: An Evaluation, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on the Administration’s Proposed Budget for the SBA for Fiscal Year 2003, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Port Security: Credentials for Port Security, 2 p.m., 2167 Rayburn.

Subcommittee on Highways and Transit, hearing on the Reauthorization of the Office of Pipeline Safety, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, hearing on the Department of Veterans Affairs Fiscal Year 2003 budget, 10 a.m., 334 Cannon.

Committee on Ways and Means, hearing on Health Care Tax Credits to Decrease the Number of Uninsured, 10:45 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, hearing on Milosevic Trial, 10:30 a.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, to discuss Speaker-mandated Report, 4 p.m., H–405 Capitol.
Next Meeting of the SENATE
9:30 a.m., Wednesday, February 13
Senate Chamber
Program for Wednesday: Senate will continue consideration of S. 1731, Federal Farm Bill, with votes to occur on or in relation to certain amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, February 13
House Chamber
Program for Wednesday: Consideration of H.R. 2356, Consideration of Bipartisan Campaign Reform Act. (structured rule, one hour of debate).

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