The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS

U.S. House of Representatives


I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Out of the depths of Ground Zero, from the chasm in the Pentagon and from the seared field in Pennsylvania with bitter tears, the soul of this Nation was ripped open and we have cried, cried out to You, O Lord. Lord, hear our prayer. We have mourned. We have lamented. We have been robbed of illusions. The reality of evil we have faced. Be attentive, Lord, to our plea for mercy. Our frailty has been revealed; our mortality known. In our confrontation we reached out to one another and found some satisfaction. Our living resolve has been strong, but the threat of evil surrounds us. At times we sense the evil within. Lord, show us Your mercy. Lord, be close to all the Members of Congress and the people they represent today and in the days ahead as we all continue to seek Your mercy.

Lift us out of our burdens for in You and You alone is the fullness of redemption now and forever. Amen.

THE SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

Mr. MCNULTY. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 40, as follows:

[Roll No. 17]

YEAS—378

Abercrombie

Ackerman

Akin

Alien

Andrews

Baca

Bachus

Baird

Baker

Baldrick

Baldwin

Ballenger

Barcia

Barrett

Barton

Beaser

Becerra

Benten

Bereuter

Berkeley

Berman

Crenshaw

Crowley

Cuellar

Cummings

Cunningham

Davis (CA)

Davis (FL)

Davis (TX)

Davis, Jo Ann

Davis, Tom

DeLoge

Delahunt

Delateur

Delay

DeMint

Deutsch

Diaz-Balart

Dicks

Dingell

Doggett

Dooley

Doyle

Dreier

Duncan

Dunn

Edwards

Ehlers

Emerson

Engel

Eskridge

Ford

Fossella

Forbes

Foley

Forbes

Ford

Ford

Fossella

Frank

Frehling

Frost

Gallegher

Ganske

Gekas

Gephardt

Giffords

Gilchrest

Gilmour

Gonzales

Goss

Goodlatte

Gordon

Graham

Granger

Grau

Green (TX)

Green (WI)

Greenwood

Grucci

Gutierez

Hall (OH)

Hall (TX)

Hansen

Harman

Harrington (FL)

Hastings (WA)

Hayes

Hayworth

Herger

Hill

Hilbert

Hinchley

Hinojosa

Hobson

Hoefel

Hoeven

Hollenbeck

Holmes

Holt

Holyoak

Horn

Hostettler

Hoyer

Hujsdorf

Hunter

Hyde

Insko

Jackson (IL)

Jackson-Lee

Jenkins

John

Johnson (CT)

Johnson (FL)

Johnson (IA)

Johnson, Tom

Johnson, Bob

Johnson, E. B.

Johnson, Sam

Johnson (NY)

Jones (CT)

Jones (GA)

Jones (OR)

Jordan

Joyce

Kaplan

Kaptur

Kanjorski

Kennedy

Kennedy

Kerekes

Kerry

Kilpatrick

Kilroy

Kingston

King (NJ)

Kirk

Kole

LaFalce

LaHood

LaMalfa

Lampson

Lang

Lantis

Largent

Larson (CT)

Latham

LaTourette

Leach

Lee

Levin

Lewis (CA)

Lewis (OK)

Lieberman

Lowey

Lucas (KY)

Lucas (OK)

Luther

Lynch

Maloney (CT)

Maloney (NY)

Mansfield

Mantovani

Mascara

Matheson

Mate

McCarthy (MO)

McCarthy (NY)

McCollum

McCreery

McGovern

McHugh

McInnis

McIntyre

McKeon

McKinney

Meehan

Meeke (NY)

Menendez

Mica

Miieller

Johnson (CT)

Miller, Dan

Miller, Gary

Miller, George

Miller, Jeff

Mink

Milko

Kaplan

Keller

Moran (KS)

Moran (VA)

Moore

Murray

Myrick

Nader

Napolitano

Neal

Nethertz

Ney

Northup

Norwood

Nussle

Obey

Oliver

Ortiz

Osborne

Ostrowski

Other

This symbol represents the time of day during the House proceedings, e.g. 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
The SPEAKER pro tempore. The House is operating under the terms of House Resolution 334. A motion to adjourn has been offered, and it is not debatable. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS). The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEWIS of Georgia, Mr. Speaker, I demand a recorded vote. The vote was taken by electronic device, and there were 13 noes, 405 ayes, not voting 16, as follows:

AYES—13

Banks
Baker
Cannon
Cunningham
Jones (NC)
Gilman
Johnson, Sam (NC)
Sessions

NOT VOTING—16

Callahan
Clay
Cubin
Einhorn
Houghton
Liptak

Mrs. CAPPS changed her vote from "nay" to "aye." So the Journal was amended. The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. LEWIS, Mr. Speaker. I move that the House do now adjourn.

PARLIAMENTARY INQUIRY

Mr. POLEY, Mr. Speaker. If this is the most important bill to be sent to the floor by discharge petition by the minority, then why is it they call for adjournment on the day of the bill's presentation under the rule, comply with the dictates of the discharge petition, or are we operating under a substitute version?

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Florida is recognized for a proper parliamentary inquiry. The gentleman will state his inquiry.

Mr. POLEY. Mr. Speaker, does the bill, as presented under the rule, comply with the dictates of the discharge petition, or are we operating under a substitute version?

The SPEAKER pro tempore (Mr. CULBERSON). Will the gentleman from Virginia (Mr. CANTOR) come forward and lead the House in the Pledge of Allegiance.

Mr. CANTOR led the Pledge of Allegiance as follows:

PLEDGE OF ALLEGIANCE

Mr. CANTOR led the Pledge of Allegiance as follows:

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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.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2356.

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

There was no objection.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

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

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

This is going to be a long debate today, and tonight, and I do believe that is good. The legislation we are debating is extremely important. The last time this Congress passed significant campaign finance reform legislation was 27 years ago. We could be living with the consequences of any bill we pass today for decades to come. That is important, I think, for the challenges across this Nation, the men and women who want to aspire to be able to speak on the floor of this House. So what we are doing is important for our energetic give and take of public debate.

Today, as in any debate, a lot of claims are going to be made about the various bills and amendments. I think right at the outset, before we get under way, we ought to define our terms. We are going to hear a lot tonight about a ban—let me repeat that, a ban—on soft money. According to Webster's dictionary, to ban means to prohibit the use of. Money is like gasoline. It is not a brand name, but the quality of the provision being put forward. The fourth version of this bill, H.R. 2356, the Shays-Meehan bill, does not ban soft money under any definition or under any stretch of the imagination. I am certain that we will hear otherwise from some of our colleagues today, but the fact is anyone who tells you that this is the fourth version of what I call an altered state of a piece of legislation, that this version of Shays-Meehan bans soft money is simply not telling you the truth and is not being accurate.

It could be argued that previous versions of Shays-Meehan did ban soft money. H.R. 380, the bill the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) introduced last January, and the versions of Shays-Meehan approved by this House in years past, did ban soft money donations to political parties. I would argue that even those bills were not real, true soft money bans because they did nothing to restrict how unions, corporations and wealthy individuals spent money. Those bills did ban soft money donations, but not soft money expenditures. So whether or not earlier Shays-Meehan bills really banned soft money could be debated.

What cannot be debated, however, is the simple fact that this newest version of Shays-Meehan fails to ban soft money, again under any definition. It cannot even be seriously argued that H.R. 2356 bans soft money. Anyone who claims that this version, that this version, or that Shays-Meehan simply misrepresent the facts, is just not aware of what is in the new piece of legislation.

The difference between H.R. 2356 and the previous versions of Shays-Meehan is that H.R. 2356 now permits political parties to accept soft money donations. Even if this bill were to be adopted today, unions, corporations and wealthy individuals could, and did, donate massive amounts of soft money to State and local political parties. These donations add up to $1 million and can be made to every State and local party in the country. With over 3,000 counties in the United States, this means that a corporation or a union, or Enron, because we have talked about Enron, could give up to $30 million to one political party provided they spread it around the country. If somebody wanted to give to both parties, they could give up to $60 million, provided they spread it around the country.

We are going to hear a lot of talk about Enron today and how the Enron debacle demonstrates the need for campaign finance reform. There are two things to say about that. Even if this bill had been law, it would not have prevented the Enron collapse. Unfortunately, I have had constituents that have called me up and said, is it true what I am hearing on TV, what is being insinuated, that people's money could have been used to influence things that the corporate top of the ladder did to people? This bill, if passed, would not have changed that.

Let us not fool the American public to make them think that people could get their money back. All the money that Enron gave could still have been given even if this bill were law.

Some will say, well, they could not have given it to the national parties. Ask yourself, does it really matter? If a company wants to influence the political process by spreading a lot of money around, does it really matter if it is given to a local political party instead of a State party? Are we to believe that if a company was giving millions of dollars in contributions to a political party, its influence would somehow be diminished because it spread the money around to a lot of State parties instead of simply giving it to a national party? I do not think so. All this bill does is spread soft money around the country. It redirects it. It does not ban it.

This bill also includes a number of serious restrictions of political speech. It prevents an organization from spending its own money promoting a message its members believe in if they happen to be near a candidate before an election. That is not America. That is not free speech. Whether it is the left, the middle or the right, people should not be gagged in this country, and they are gagged under this bill. Supporters of the Shays-Meehan bill claim that what they do not restrict free speech at all. They simply require that it be funded with hard dollars. Let there be no mistake, this bill, the Shays-Meehan bill, burdens free expression and free speech. To claim that it is not a burden is simply misrepresent the facts of this bill.

It has been said that to give people a right to unlimited freedom of expression while limiting the amount they can spend promoting their message is like telling someone they can drive as far as they want, but they can only use one gallon of gas at a time. Even worse, it is like telling them they can drive as far as they want, but they can only use one gallon of gas at a time. Even worse, it is like telling them they cannot use their own money to buy the gas, but can only use money that they are able to raise from people they run into along the way. Could it really be argued that such burdens did not restrict travel? I do not think so.

The provisions of the Shays-Meehan legislation want to put similar burdens on free speech and then claim they have not restricted free speech. It is obviously simply not accurate. It is going to take a long debate to get to it. As we proceed, I hope Members will listen to the substance of the provisions being put forward. Shays-Meehan has retained the brand name, but the quality of the product has totally changed. Today we have an opportunity to debate and consider what this legislation would actually do. I look forward to that debate.
Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

I have great respect for my chairman, and great affection for him as well, but we disagree on this piece of legislation. On the one hand he says that Shays-Meehan does not do much.

On the other hand his leader, the Speaker of the House, says that it is Armageddon for those who rely on soft money to perpetuate their power.

Mr. Chairman, the long road to victory on campaign finance reform has not been paved with ease. But as Woodrow Wilson once remarked, “Nothing is worthwhile that is not hard.” And so it is today in this our third vote in 4 years on meaningful campaign finance reform.

We have passed virtually identical versions of this Shays-Meehan bill twice before by overwhelming bipartisan votes, 232-179 in 1998 and 252-177 in 1999. Let me say, when you have a vote, which comes only after a discharge petition, led by my friend the gentleman from Texas (Mr. TURNER), permitted this issue to come to the floor over the objections of the Republican leadership, this day is clearly the most important yet. Unlike in years past, the other body already has passed nearly identical legislation. Thus, the enactment of meaningful campaign finance reform is within our sights this day.

This issue, like the issue of election reform from which the Senate hopefully will soon take up, strikes at the very core of our participatory democracy. When the typical American, the man or woman who works hard every day, pays their taxes and raises their children, hears about campaign contributions and the tens of thousands or even hundreds of thousands of dollars, they cannot help but wonder, has democracy passed me by? Has democracy been reduced to a form of government of and by the most affluent?

Make no mistake, I reject the cynical and, I believe, false notion that contributions and policy decisions are inevitably linked. But none of us could be so naive as to believe that the appearances do not matter. As we seek to expand democracy’s reach abroad, it is only fitting that we strengthen her foundation at home. That is precisely, precisely, what this legislation is intended to do.

Because it is so critical, I urge every one of my colleagues to support this legislation this day. Its time has come.

Mr. Chairman, I am glad to yield 2 minutes to the distinguished gentleman from Texas (Mr. TURNER), who has been such a leader in this effort.

Mr. TURNER. Mr. Chairman, this House today has a historic opportunity to end the influence of big money on public policy making. Today we are going to have the opportunity to vote on a bill, the Shays-Meehan bill. H.R. 2356, that has been worked on for many months in an effort to try to craft a bill that not only will pass this House, but that will be acceptable to the United States Senate, where they have already passed campaign finance reform bill under the leadership of Senator McCain and Senator Feinstein.

Let there be no mistake about what is going on on this floor today: we have heard reference in the opening remarks to a bill that will be offered that will be purported and suggested to be “superior” to the Shays-Meehan proposal. I don’t know whether the Texas energy company received any special treatment because of its enormous campaign contributions, from either party, but I am confident that congressional investigations and our regulatory and legal processes will get to the bottom of that.

But there is no denying these facts: When Enron began to implode, its calls to us to do nothing of our official conduct that would help it; that our national government did not go unanswered. And, when the Bush administration began to draft its energy policy, it rolled out the red carpet for Enron’s participation.

In and of themselves, these facts mean little. But the American people have every reason and every right to wonder, did Enron receive special treatment because of its contributions? Even the Supreme Court of the United States has recognized that we cannot ignore appearances. In Buckley v. Valeo, it upheld campaign contribution limits because they serve the government’s compelling interest in protecting the integrity of elections by preventing even the appearance of impropriety.

Unfortunately, Mr. Chairman, the appearance that something is fundamentally wrong with our campaign finance system was there, as a boiling point, and thus Shays-Meehan is not only necessary, it is essential. This legislation, in short, will ban so-called soft money contributions to the national political parties and prohibit soft money spending at federal level, which is why issue ads by third-party groups that most of us would agree are nothing more than campaign ads. While this legislation will clearly reorder the ways in which candidates and parties finance campaigns, it is a modest but crucial investment in our participatory democracy.

We are the role model for democracy in the world.

[1100]

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[1100]
the political organizations in the country, the State parties, the county parties, the legislative district parties. This is a huge loophole in this bill where soft money is still involved. There is the ability to build buildings with soft money. There is the ability to do all kinds of things with soft money; and at the same time we hear that somehow soft money is corrupting.

Well, let us accept that premise as we debate today, for at least part of the debate. If the bill is bad, it is all bad. We all know that money can go from account to account. If soft money is corrupting, why would we want to have an exception so that the Democratic National Committee could build a building, and, oh, November 6, pay off that loan with soft money? We do not want them to have a building that has been corrupted by the influence of soft money.

If soft money is corrupting, why would allow in the bill that was filed last night soft money to be used to pay off loans from this election cycle? Pages 78 and 79 of this bill, there is a huge problem in this bill, because it opens the door wide for soft money today, it needs to go into the future, but it opens the door absolutely for spending soft money in this election cycle we are in right now.

Maybe that was misdrafted. Maybe that is a mistake. I would like for somebody to come to the floor and explained what those pages mean, because when you read them, it appears they mean you can borrow hard money today, spend it for hard-money purposes, and, on November 6, pay off that loan with soft money.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. Mr. Chairman, on my time, I rise in the name of Publius, the Federalist Papers, and, on November 6, pay off that soft money.

Mr. MEEHAN. Mr. Chairman, no, you cannot do that. That is illegal under the present law, and it would be illegal if this bill passed. All this says is if there are a group that come in and deadbolt you, you can pay those bills in accordance with Federal law. So if there was a soft-money bill that could only be paid for with soft money, you could pay it before the January 1 date. The same is true for hard money.

But you could not borrow hard money and then pay it off with soft money. That would be illegal.

Mr. BLUNT. Mr. Chairman, reclaiming my time, I know my friend from Massachusetts worked hard on this bill. He has had a bill in the past on the floor that is much tougher than this bill, that did have a total ban on soft money. It had the ability to audit campaign accounts at random. It had some stiff political penalties. Those are gone from this bill.

What you intended to do and what you did may have been two different things. I am told they are two different things. On November 6, in fact, you could take the soft money you had on hand and pay off any past debts you had, no matter what purpose those past debts were incurred for.

To open the door totally to soft money in the cycle we are in is even worse than postponing the date to begin the bill. We cannot let that happen. We cannot talk about a soft-money ban for months and then bring a bill to the floor at midnight that does not impose those kinds of regulations. We cannot let that happen. I am very concerned about that. I am sure it is going to be widely debated today.

The gentleman will have plenty of time to look at the specific language with his attorneys and respond to the problems that bill that was filed last night creates in just being totally at odds with what we have said this bill would do or what proponents of the bill said it would do for over a year.

Mr. MEEHAN. Mr. Chairman, if the gentleman will yield further, so basically the gentleman is saying all of the Members who have opposed reform, abolishing soft money, now say they want it in effect right now right away? Is that what the gentleman is suggesting?

Mr. BLUNT. Mr. Chairman, that is not what I am suggesting at all.

Mr. MEEHAN. If we are going to do a campaign finance bill, the people who have opposed reform now say, well, if we are really going to do it, let us put it in effect right away?

Mr. BLUNT. Mr. Chairman, reclaiming my time, there will be an amendment that says that. There will be an amendment that says if there is bad, let us go ahead and eliminate it, and let us eliminate all of it. I will be voting for that amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. FATTAH), a member of the Committee on House Administration.

Mr. FATTAH. Mr. Chairman, I rise in support of the bipartisan Shays-Meehan campaign finance bill.

Against all odds, with the persistence and tenacity of the sponsors and with the skill of my ranking member, I believe that this House today is going to rise in a bipartisan fashion and pass this bill, oppose the amendments that would cause it to end up, as so many other attempts in the past have ended up, not coming to full fruition; and we are going to give President Bush, who promised on the campaign trail that he was a reformer with results, an opportunity to put his signature on a bill that would indeed ban unlimited soft money and move elections back to a democratic process, have elections be elections, rather than auctions.

Mr. Chairman, I think that in our country, the work of the Congress today is going to go a long way in terms of restoring confidence in our form of government.

Mr. NEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Dreier).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, we are strong proponents of campaign finance reform. Do not let anybody say we are not. We want to dramatically enhance the opportunity for voters to be empowered so they can make the right decision. But I think it is important for us to get back to the fundamentals.

In 1787, we saw three of our framers, James Madison, Alexander Hamilton and John Jay, write under a nom de plum, in fact, not full disclosure, under the name of Publius, the Federalist Papers, and they had a very interesting debate about what it is that generates the interests of people.

In Federalist No. 10, James Madison talked about political factions, how the opportunity for people to come together and demonstrate their interests is something that is a fact of life. In fact, he said in Federalist No. 10, “Faction is to governing like air is to fire.”

While we have these attempts being made by some to impose extraordinarily onerous regulations on the American people, jeopardizing their opportunity to come together and pursue a political interest that they have, I believe that to say that it is a huge problem in this bill, because we want to bring about meaningful reforms, to have his say; and it is jeopardizing the opportunity for us to work our legislative will.

Mr. Chairman, we need to do everything that we possibly can to ensure that we bring about true reform.

Mr. MEEHAN. Mr. Chairman, I yield myself seconds.

Mr. DREIER. Mr. Chairman, if James Madison could see the $4 million in unregulated soft money that went from Enron to both political parties, if James Madison could see that 70 percent of the soft money from Enron since 1996 went to both political parties, he would be rolling over in his grave.

Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Michigan (Ms. Rivers), who has been an advocate for finance campaign reform since she got to the House of Representatives.
Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS), who has fought for democracy and voting rights probably more than anybody in this body.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong support of the Shays-Meehan bill. Now is the time for us to do what is right. It is time to remove the corrupting influence of soft money from the political process. It is time to open up the political process and let the average person come in and participate. It is time to let all of our citizens have an equal voice.

We must pass Shays-Meehan to lessen the people's growing cynicism. Soft money and campaign soft money have polluted the political process. When people give $50,000 or $100,000 to candidates, they expect something, and, most of the time, they get something for it. We are sending the wrong message to the American people. It is time for us to enact real reform. It is time to restore the people's faith in their government.

This bill is good for America. It is not just good for the political parties, for Democrats and Republicans, it is good for our country.

There is too much money in politics. Political candidates should not be up for sale to the highest bidder. Too many of us spend too much of our time dialing for dollars. We should not be elected this way. This should not be the essence of our democracy.

I did not march across the bridge at Selma on March 7, 1965, and almost lose my life to become part of a political process corrupted that it destroys the very idea of what we marched for. That is not why President Lyndon B. Johnson signed the Voting Rights Act.

Mr. Chairman, there is a better way. Shays-Meehan is a better way. It is not a cure-all. It is not a panacea. But it is a significant and extraordinary step toward cleaning up the process and fixing this broken system.

We have a mission. We have an obligation to do this on our watch, on our time. We must pass Shays-Meehan today.

Mr. NEY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. DELAY), our Whip.

Mr. DELAY. Mr. Chairman, let me first say that I do not think there is one Member, Democrat, Republican, liberal, or conservative, that is corrupt in this House. I think what is corrupting in this House is the misinformation, especially the misinformation that we have heard over the last few weeks, incredible misinformation; misinformation, for instance, that we are in this bill banning soft money, we know that is not the truth; misinformation that unconstitutional to stop people from exercising their right to be involved in the political process.

Let me just point this out: Those who want to ban soft money, I appreciate that and really agree with it. Those who want to regulate through the government the participation in the political process, I respect them trying to do that; I disagree with it. We ought to let the voters decide through instant runoffs to tell and see while people are collecting their money and spending it to decide. We should be empowering voters, not government bureaucrats.

But those that constantly say they are trying to ban soft money bring a bill to this floor that is seriously flawed and, in fact, creates new opportunities to raise soft money. It is misinformation like the previous speaker to say that hundreds of thousands of dollars are given to candidates. That is not the definition of soft money. Soft money is monies raised from corporations and others that go to political parties, and that is what they are attempting to do is to ban that money. But they are not doing it in this bill.

Let me just read the bill. In the bill they first move the effective date until after the election, so they do not want to ban it for this election, because they have a bunch of money they want to spend it. But they move it until after the election. Then it says in the bill, "Prior to January 1, the committee may spend such funds to retire outstanding debts or obligations, both soft and hard money, that are incurred prior to such effective date, election date, so long as such debts and obligations were incurred solely in connection with an election held on or before November 5."

Then one has to be able to spend the soft money they already raised, and do we know how they do it? They want to be able to borrow hard money and soft money, and then after the election, between November 5 and January 1, there will be a huge stampede to raise all this corrupting soft money to pay off their loans. That is in the bill. That does not ban soft money. That creates a situation that requires more soft money and a huge move towards that soft money that they think is so corrupting.

For the first time, we will be paying off hard money with soft money. I repeat that. We are paying off hard money with soft money and changing the situation and the way that we are doing it.

Then, then they say that they want to limit the parties participation in the election.

This bill does not contain real reform. Instead, this bill strips citizens of their political rights and unconstitutionally attempts to regulate political speech.

A primary protection of our first amendment is the right of average citizens to get together and to freely and fully criticize their government. Political speech is the key to politcal freedom, and Shays-Meehan would radically weaken this amendment right by inappropriately and unwisely constraining the right to political speech. Shays-Meehan denies Americans, denies American citizens their fundamental right to criticize politicians for 2 months before the election.

Now, we all know that the last days before an election are a very crucial period of political dialogue. That is when voters are really paying attention. That is the precise reason that this incumbent protection scheme that is in the bill will suppress political speech 60 days before Election Day. Shays-Meehan strengthens incumbents and makes it far harder for their constituents to hold them accountable.

This is a sham. It shuts down the system. Mr. Chairman, it shuts down political speech. It shuts down the opportunity to participate in elections. In a country as large as the United States, an individual citizen has very little chance of joining the political debate without banding together with others, so by blocking citizens' groups from participating in days leading up to an election, Shays-Meehan removes a very vital tool that citizens can use to hold elected officials accountable.

This is Swiss cheese. It is full of holes. It does not do what the authors want. It is like a fine wine that does not get better with age. It is a disaster.

Mr. SHAYS. Mr. Chairman, I yield myself 1 minute, and then I intend to yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. Chairman, just to correct the inaccuracies of the previous speaker, we say 60 days to an election, you have to use hard money contributions. We limit no speech. We just say you cannot do it with corporate treasury money, union dues money, or unlimited money from individuals. The effective date begins November 6 because we are 16 months already into this election. We already have primaries in
process, and our bill basically has a 30-
day provision in primaries.

There is absolutely nothing in our
bill, it is a red herring, that suggests
one can use soft money to pay hard
money obligations. It is against the
law, we change the law.

So with all due respect to one who I
think is really the best majority whip
ever to be in this House, he is just dead
wrong on all the issues he described.

Mr. Chairman, I yield 2 minutes to the
gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank
the gentleman for yielding me this
time.

A lot of emotion in the House today,
and there will be all through the day.
This is the end of a long process, I be-
lieve, and the closer we get to finality,
the higher the temperature gets. So let
us try to stay calm and look at these
issues.

A lot of discussion about Enron. I
agree: Enron would not have changed,
I do not think, even if our bill had been
signed into law. It was an auditing,
business scandal. There is no evidence
it is a campaign finance scandal, but
that does not mean that it should not
point out the need for reform, because
other corporations and large powerful
groups in this country will try to use
these large contributions to influence
us, and they have, and they do, and
they will, and it needs to stop. It is a
loophole, the best effort. In a genera-
tion to bring about change.

There is an old saying that the devil
is in the details. It is a matter of his-
tory now that on this issue, because it
affects the majorities, it affects the
parties, and it affects our own reelec-
tion; it is not the devil in the details,
it is death in the details, and that is
why the only way to bring this about is
to work through these debates and to
keep some kind of bipartisan coalition
together to do this.

Now, it is a weird marriage between
certain people here in the House, but
we need to transcend the divisions be-
tween the parties and put the voters,
the taxpayers, and the people ahead of
the parties.

There are about 250 people in this
House that have now agreed over and
over again on the principles that are in
this bill. There is going to be a lot of
emotion in the House today, and fewer
and fewer people are going out to vote.

Today’s newspaper says that the
voices in the Republican caucus that
vote for the real Shays-Meehan bill are
going to be punished. We cannot tol-
erate this. This is not good for democ-
acy. Have the courage to vote for the
best in America, for our system that is
the bright shining light of the world.
Vote for the only real meaningful cam-
paign finance reform bill, Shays-Mee-
han, McCain-Feingold. Send it to the
President. We will be ahead, America.
And we will be judged for it.

Mr. NEY. Mr. Chairman, I yield my-
self 15 seconds.

If my colleagues will read the New
York Post, they adequately point out
that the New York Times editorial ask-
ing people to call their Members of
Congress would be illegal, illegal under
Shays-Meehan if it were put into a
radio or TV ad 60 days before the elec-
ton. But you can use all the soft
money in the world you want for news-
paper print.

Mr. Chairman, I yield 3 minutes to
the gentleman from Virginia (Mr. Tom
DAVIS).

Mr. TOM DAVIS of Virginia. Mr.
Chairman, I was actually a little taken
aback by my friend, the previous
speaker, when she talked about the
voice of the people not being heard be-
cause of all this soft money in politics.
The fact of the matter is when you col-
late elections, you will find out that
the more money that gets spent on
campaigns, whether it is on the ground
or on the air, it drives up the turnout,
not lowers turnouts. We can show you
election after election where you have
bigger spending campaigns and it
drives turnout and voter interest and
you get better penetration with the
electorate. So I think that issue does
not wash.

This legislation is not about can-
didates. It really does not affect the
way most individuals will run their
own race or raise money as Members of
Congress. What it does affect politi-
cal parties. If you believe as I do that
political parties have been a very, very
important part of the American politi-
cal system, have, in fact, strengthened

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Mr. NEY. Mr. Chairman, I yield 2
minutes to the gentleman from Indiana
(Mr. Pence).

Mr. PENCE. Mr. Chairman, I thank
the gentleman for yielding me this
time.

I rise in strong opposition to Shays-
Meehan today, principally because of
the oath of office that I took, flanked
by my three small children a little over
a year ago, right over there. That oath
of office charged me with upholding
and defending the Constitution of the
United States of America.

Now, the gentleman from Massachu-
setts quoted James Madison. James
Madison, the Father of the Constitu-
tion, wrote very simple words: The
Congress shall make no law abridging
the freedom of speech. Now, last night
I was involved in the debate on the
rule, and I went back to our home in
the Washington area, and my 10-year-
old son, who had just finished his first
unit on the Constitution of the United
States, said, Dad, you were right, beca-
use I just read that Congress shall make no law abridging
the freedom of speech.

Now, as much as that meant to me as
a dad for my 10-year-old son to say that
I was right, it is not the devil, it is not
true, there are a lot of people in this
 Chamber and the other to allow-
ing a nonseverability provision to this
measure.

I suspect that my friends on my side
and on the other side of the aisle know
this may be found to be true, and that
is why there has been strong opposition
in this Chamber and the other to allow-
ing a nonseverability provision to this
measure.

Even though I will oppose this bill,
Mr. Chairman, it is my hope that we
can change it, that we can fix it, we
can close those soft money loopholes. I
will support an amendment to ban all
soft money from the process, which
Shays-Meehan does not do, and I will
also vote to ban the use of soft money
for building political party buildings or
paying off debt this fall.

Mr. MEEHAN. Mr. Chairman, I yield
myself 15 seconds.

This bill does not prevent any indi-

cidual, any individual or any groups of
individuals, from speaking out 60 days
before an election. They simply have to
use hard money, and the public has a
right to know where that money comes
from under the Supreme Court decision
and under the Constitution. There is no
way it stops anyone.

Mr. Chairman, I yield 1 minute to the
gentlewoman from California (Ms.
Esthoo). She and I came to the Congress
in 1993, and she has been a

forceful, eloquent spokesperson for
campaign finance reform.

Ms. ESHOO. Mr. Chairman, first I
would like to salute the authors of this
bill for their courage, for their vision,
and for their tenacity.

Today is the day in this House of
Representatives. I think that the eyes
of the Nation are really on us. They
want to see if we are going to step over
the line and say that we are going to do
something for democracy. This is about
democracy, and it is about respecting
the voice of the people.

Every election both parties try to get
people to go out and vote. We try to
inspire them with our ideas for a better
future, not only for themselves and our
country but for our world. And fewer
and fewer people are going out to vote. Why? Because they think
their voice does not count.

Today’s newspaper says that the
voices in the Republican caucus that
vote for the real Shays-Meehan bill are
going to be punished. We cannot tol-
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own race or raise money as Members of
Congress. What it does affect politi-
cal parties. If you believe as I do that
political parties have been a very, very
important part of the American politi-
cal system, have, in fact, strengthened
American democracy, a two party system in my judgement is something that has stabilized American democracy and keeps us much different from other countries.

This drives a lot of money away from the people and puts them into the system to interest groups, basically the right and the left. Political parties tend to center the American political debate, which I think is a good thing.

For moderation, this legislation is the death knell because instead of candidates, independent members within each party being able to appeal to their political party, they have to appeal to interest groups to help make up funding gaps that may occur in these particular elections.

But what concerns me the most is the bait and switch we see in this legislation before us. Written under the dead of night, we see a new substitute, Shays-Meehan IV, V, VI, I do not know which number this is. I refer specifically to title IV, severability effective date, section 402 section B(1) where it says, “Prior to January 1, 2003 the committee,” meaning the political parties committees, NRCC, DCCC, “can spend unlimited outstanding debts or obligations incurred prior to such effective date, so long as the debts were incurred solely in connection with an election date on or before November 5, 2002.”

What this means is under this legislation which displaces existing legislation pertaining to this, and there is no other language in this substitute that would replace the language in existing law, it means that political parties could borrow hard dollars in this year’s election cycle and replace them with soft dollars that they could raise. So soft dollars can basically pay for hard-dollar borrowing.

This is exactly opposite of what this legislation was intended to do. I do not know if the authors understand what is written in this. We have counsel opinions that we will enter into the RECORD later.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Connecticut.

Mr. MEEHAN. Mr. Chairman, this legislation does not allow somebody to borrow hard money and then pay it back in soft money. In fact, no one can raise any soft money under this bill after the next election. So what the gentleman is saying just simply is not true.

Mr. TOM DAVIS of Virginia. Reclaiming my time, one could use their building fund which is specifically protected under this to collateralize a loan which is soft dollars, which can collateralize a loan and come back and pay it back. That is what we can do under this legislation. I will be happy to have other discussions with the gentleman. I hope it is his intent to say that hard dollars have to be replaced with hard dollars. And I hope that we can get additional statements on the record. But this language does not say that.

Mr. SHAYS. Mr. Chairman, I yield myself 15 seconds.

I will explain to the gentleman that this bill did not written in the dead of night. It was introduced last year. It was brought before the House before 10 o’clock. And it is very clear what it does. It enforces the 1907 law and the 1947 law and the 1974 law, all of which are constitutional.

Mr. Chairman, I yield 1 minute to the gracious gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, today the House of Representatives has a historic opportunity to take a stand, a strong stand against the corrupting influence of big money campaign contributions with passage of the Shays-Meehan Campaign Finance Reform Bill. I just really must applaud the gentleman from Connecticut (Mr. MEEHAN) and the gentleman from Massachusetts (Mr. MEEHAN) for their tireless efforts for a more responsive and responsible campaign finance system.

The Senate has taken action. It is now up to this body to once again pass legislation that will bring an end to the corruption and cynicism that surrounds public service because of the obvious scene amounts of money and soft money that have found its way into the political process.

Think about it. Soft money has been at the heart of every political or corporate scandal over the past decade. Enron is currently the poster child for campaign finance reform; but even before Enron became a household word, the need for reform was just as great. Political fund raising records were shattered during the 2000 elections and soft-money contributions rose to more than $450 million, nearly double the $231 million raised in the 1995-1996 cycle, more than five times raised in 1991-1992.

It invites corruption. It erodes confidence in government. Let us pass Shays-Meehan.

Mr. NEY. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. NEY) has 6 1⁄4 minutes remaining. The gentleman from Maryland (Mr. HOYER) has 6 minutes remaining. The gentleman from Connecticut (Mr. SHAYS) has 2-3/4 minutes remaining. The gentleman from Massachusetts (Mr. MEEHAN) has 4 1⁄4 minutes remaining.

Mr. NEY. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I rise in support of campaign reform and in opposition to Shays-Meehan. There is no doubt we do need to change some things about the campaign process. We should, number one, have full and complete reporting disclosure. There is no reason why it could not be on the Internet; whenever dollars are contributed within 24 hours, it would be reported. We should require that every dollar spent in the political process be voluntarily contributed. Right now every dollar I raise is a check written by somebody who has contributed to my campaign. Yet there are millions of union workers who have to have their monies automatically withdrawn from their pay check and used to support candidates for which they do not vote for or support.

Thomaston Jefferson said, “It is tyrannical and sinful to force a man to contribute to political views for which he disagrees.”

Shays-Meehan does nothing to reform this tyranny. It also does some reforms. It does reform the campaign laws. It forms campaign dollars into a separate individual to name one of them. This bill restricts soft money and third parties from using their monies for free speech through the broadcast media 60 days before election. No soft money for 60 days in television, radio, but it does allow it in the print media.

Well, it is no wonder that The New York Times, U.S.A. Today, even the Winfield Courier, Winfield, Kansas, supports Shays-Meehan because it affects their bottom line. It is pork for newspapers, pork for newspapers. Well, that kind of reform is not what we need in the political process.

It also does not regulate gutter politics. In 1996 unregulated, unreported dollars were used in my campaign to make phone calls to women in the Fourth Congressional District in Kansas to say I allowed my daughter to pose for sexually provocative photos. My daughter was 14 years old at that time. She was crushed. She was devastated. She could not go to school. And there is nothing in this bill that you are proposing for reform to stop this kind of gutter politics.

It does not reform the campaign laws where you need to reform it. Instead, you come up with this pork for papers and other inequities and limits in free speech. So I think it is a very inadequate bill. Mr. Chairman, it merely shifts where the political dollars will be spent. It does not regulate completely, especially in the area of gutter politics. And it gives special interests, the newspapers, a financial benefit through the campaign process. Pork for newspapers.

I suggest that we vote against the Shays-Meehan bill, and I say we vote for the Armey substitute and bring true reform to the campaign process.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I rise in support of Shays-Meehan Campaign Finance Reform for the voluntary, voluntary.
institution. This bill basically comes down to a single question and a single proposition, and that is, do we wish to allow special interests to spend unlimited amounts of money anonymously right before an election, or do we believe the American people are entitled to know who is funding the money to influence the outcomes of elections right when the election is coming up?

That is what this all boils down to. There is no first amendment issue here. Everything is permitted. All speech is permitted under Shays-Meehan. The question is does it need to be disclosed who is paying the freight. And notwithstanding all the protests from the opposition that is making the arguments today this bill is too strong. It is too weak. It goes too far. It does not go far enough. Me thinks the opposition doth protest too much.

The fact of the matter is the opposition to Shays-Meehan like it the way it is. They want special interests to be able to spend what they will, when they will, and not disclose who they are. That is wrong and today we have the chance to change it. Support Shays-Meehan.

Mr. NEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman from Ohio (Mr. NEY) for yielding me time.

We are told the purpose of this legislation is to increase the influence of corporations on the political process.

We are told that James Madison would not recognize the system we have today. I would submit that James Madison would be appalled if he knew of the blatant inconsistencies we have in the bill.

Corporations cannot spend their treasury money in the last 60 days of an election. However, if you consider that the parent company of CNN spent $2 billion last year to influence the only election standing after this is passed. If that is not inconsistent, what is? Now, are the supporters of this legislation blind to this? I would submit they are not.

Just a few months ago supporters of this legislation were pushing for hearings on the fact that one of the parent companies of NBC tried to receive in with NBC on when to call the election for one of the candidates in Florida. If that is not a conflict of interest, what is? We have got to recognize that you cannot treat one corporation differently than another.

This is just one of the problems with the bill, and I would urge a “no” vote.

Mr. SHAYS. Mr. Chairman, I yield myself 15 seconds.

I just point out we are trying to enforce the 1907 law banning the corporate treasury money, the 1947 law banning union dues money, and the 1974 law which bans unlimited sums by one individual in an individual campaign and to enforce all three laws. You can still advertise 60 days prior to an election with hard money.

Mr. LEACH. Mr. Chairman, I rise in support of the Shays-Meehan bill with some reluctance. It is too little, too late, too compromised. Nonetheless it represents a credible step to constraining one of the worst abuses in our current system, the rising tide of soft money.

At issue is the shape of American democracy; at issue also is the shape of our political parties. There is a question of balance of power between the parties, but shape matters too. Do we want our parties dependent on the big contributors or the individual citizen?

The system needs reform; so do the parties. In a new-fangled world, what is needed are older, more venerable American institutions: old-fashioned political parties, old-fashioned people-oriented representation. The case for Shays-Meehan is imperfect, but it is also compelling.

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Mr. HOYER. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Florida (Mr. DAVIS), who has been a leader on campaign finance reform since he first arrived in January 1997.

Mr. DAVIS of Florida. Mr. Chairman, I rise in strong support of the Shays-Meehan bipartisan campaign finance reform bill. There has been a lot of debate, a lot of discussion on the floor of the House today as to who benefits under the bill. Is it Republicans, Democrats, labor unions, corporations, the media? The truth of the matter is we really do not know how this law is going to be used in the endless contest between the parties and all the competing interest groups; but the one thing we do know is that this bill is going to reduce the amount of money that has infected and taken over politics, and it will begin to shift control back to the people for whose benefit this institution was founded. It will give them more control over the outcome of elections.

This bill is not a panacea. It is not perfect. What it attempts to do is to close the two most gaping loopholes that exist in our campaign finance system today, the uncontrolled issue ads that are influencing the outcome of elections today and soft money.

The story that was just told I found incredibly offensive about the story that was told by a Republican Member of Congress, making up blatant lies about a member of his family. One of the best things we could do to protect the voters against that kind of trash is to force people to put their names on these ads because right now there are people running ads in this country on every end of the political spectrum that refuse to put their names on their ads.

We had a hearing in which some of these groups said, if you force us to put our names on these political ads, we will not run the ads. Our response was what is wrong with that, if you are not willing to publicly associate yourself with the inflammatory and often deceitful content?

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. Mr. Chairman, does the current Shays-Meehan bill require the signature or the identification of the sponsor?

Mr. DAVIS of Florida. Mr. Chairman, reminding my time, the Shays-Meehan proposal subjects those people who attempt to influence the outcome of an election to the same requirements that congressional candidates face now that they spend money to influence the election. There will be meaningful disclosure that there is to be made to judges who is making the statement and I believe will force people to discontinue making these inflammatory, deceitful actions.

The second point that this bill addresses is increased proliferation of soft money. I think it is fair to say there are thousands of people who are being forced or choosing to make campaign contributions of unlimited amounts to both political parties, and this is not for good government.

Soft money was created to support political parties to encourage people to get the vote out and that will continue under Shays-Meehan. It was not intended to take over control.

I just want to conclude by saying the amount of soft money was $86 million in 1992, $260 million in 1996; over half of a billion dollars in the year 2000, a half a billion dollars. We need to put a stop to that. We need to adopt this bill. It is for the good of the people. It is not for the good of a particular political party, and I urge my colleagues to adopt the Shays-Meehan bill.

Mr. NEY. Mr. Chairman, I yield 10 seconds to the gentleman from Georgia (Mr. DOGGETT), a leader in campaign finance reform.

Mr. DOGGETT. Mr. Chairman, I want to congratulate the gentleman from Florida (Mr. DAVIS), who just spoke on his points. He made them all so equally well in committee. The question I asked is does this bill require that identification, and there is no evidence to me that it does.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HASTERT) has declared that this bill represents “Armageddon”, the “life or death” of
the Republican Party and the loss of control of the House. But the strange thing is that last session I heard one Member of the Democratic leadership make essentially the same claim in reverse, that Democrats would be assured defeat by passage of such legislation. Both cannot be right. Indeed, both are wrong.

The truth is that a political party that cannot survive without unlimited amounts of unregulated contributions and hate ads does not deserve to govern. Mr. MEEHAN's bipartisan Shays-Meehan bill does not test loyalty to a party. It tests loyalty to meaningful democracy.

Did my colleagues hear the story about the lobbyist who gave a million dollars to a political party in soft money donations and demanded absolutely nothing in return? Well, neither has anyone else. To avoid government of, by, and for the highest bidder, accept no substitute. There is only one alternative, the Shays-Meehan bipartisan proposal.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me the time, and I do rise in support of the Shays-Meehan legislation.

I rise in support of this because I have watched elections in this country for a cause, and I have seen the evolution from individuals running for office with knowledge as to who their contributors were to advertisements which are being run by outside groups without any acknowledgment as to exactly who they are. There might be names on the ad, but that was the extent of it. Who contributed to it, exactly what it is they represent, all these nebulous figures out there, we cannot do anything about; and I think frankly, we have to do it, and the best way to do it is to ban soft money.

I wish we were banning soft money entirely. We know we are not at the State level, but we are at the Federal level; and I think it is a step in the right direction and something we should do. I think that the hard money, so that we know who gave it, it is limited as to how much it is, is the way to go as far as future elections are concerned.

I would also point out, and I have heard this question a lot, that this legislation does not ban voter guides in terms of how people voted and what the story may be with respect to that; and it also does not limit free speech. It only speaks to the source of money that pays for the speech.

For all these reasons, I would encourage everyone to support the Shays-Meehan legislation.

The CHAIRMAN. The Chair would announce the gentleman from Georgia (Mr. NEY) has 1½ minutes remaining. The gentleman from Maryland (Mr. HOYER) has 2½ minutes remaining. The gentleman from Connecticut (Mr. SHAYS) has 30 seconds remaining. The gentleman from Massachusetts (Mr. MEEHAN) has 2½ minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield myself the remaining time.

This is going to be a long day. I think it will be a good day. It is going to have disagreements, but I think we can do it with graciousness.

We are going to have three substitutes that come before us, the gentleman from Texas's (Mr. ARMSTRONG) substitute, the gentleman from Ohio's (Mr. NEY) substitute, and the Shays-Meehan substitute. We are asking for a "no" vote on the first two substitutes and passage of the Shays-Meehan substitute; and then we will have 13 amendments brought before the House if, in fact, the Shays-Meehan substitute is the one that stands.

We are trying to enforce the 1907 law banning corporate treasury money, the 1947 money banning union dues money, and enforce the 1974 law banning unlimited sums of money. That is what our attempt is.

Mr. MEEHAN. Mr. Chairman, I yield myself the remaining time.

We have a historic opportunity today, history's opportunity to pass real campaign finance reform; and I want to thank the gentleman from Missouri (Mr. GEPhardt) for the hard work he has put into this and my partner, the gentleman from Connecticut (Mr. SHAYS), who have worked diligently many years. There are so many Republicans, the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from Tennessee (Mr. WAMP) who did such a wonderful job on the floor. We are going to hear more from the gentleman from Tennessee (Mr. WAMP) as this debate goes on. So many Democrats who have stood together for campaign finance reform, our colleagues in the other body.

What makes this unique is we understand campaign finance reform will die if we let this go to a conference committee. So we have preconferenced this bill over a period of the last year, making sure that Democrats and Republicans have equal footing, making sure that the Senate and the House negotiate in good faith so that we now have a wonderful opportunity to pass this bill and send it over to the Senate where it will still need 60 votes.

Then we are going to send it over to the President, and I believe the President has made it very clear to the Republican leadership and anyone else in this House, do not count on me to veto this bill. Why is it the President made it clear? Because this President knows what we all know, that there is a cloud over the Capitol and the White House because of this Enron scandal, and the American people are demanding that that cloud be removed by removing this soft money system that has had such a corrupting influence on the democratic process in and out, making good people do bad things. They want this removed and the President wants this removed, I am sure. I am sure that is why he will sign this bill.

Let us join together today and have a good debate. But let everyone know, the other side that is trying to kill this bill does not have a philosophical perch. They do not have a set of principles that are determining what amendments they offer. What they offer is anything they can think of to defeat this bill, anything that they can think of to send this bill to conference. It has gotten so wild over the other bills that they are actually putting in a substitute that is a bill that we were working on a few years ago before we preconferenced.

We have a unique opportunity. Let us join together and pass Shays-Meehan.

Mr. KINGSTON. Mr. Chairman, parliamentary inquiry? Mr. Chairman, the Member says other Members have no principles. Is he not attacking them, and is that not grounds for having words taken down, by questioning the motivation of why other Members vote?

Mr. MEEHAN. Mr. Chairman, if the gentleman from Georgia (Mr. KINGSTON) will read the quote, though, he will find that it was not——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MEEHAN) has expired.

Mr. KINGSTON. Mr. Chairman, parliamentary inquiry?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KINGSTON. Mr. Chairman, if a Member says or casts aspersions as to why other Members are voting, is that not a personal attack and, therefore, the words that we would have taken down ordinarily, by questioning their motivation?

The CHAIRMAN. It is not proper for a Member to arraign the motives of another Member.

The gentleman from Maryland (Mr. HOYER) yield for the purpose?

Mr. HOYER. Mr. Chairman, no, sir.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) is recognized.

Mr. HOYER. Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN) to respond to the gentleman from Georgia (Mr. KINGSTON).

Mr. MEEHAN. Mr. Chairman, what I was referring to was the principles on the concept of campaign finance reform and the principles of the concept. That is what I referred to. That is what we are debating. It is not personal, it is substantive; and we are going to debate it till 3 a.m. if we need to, and we are going to win in the end.

Mr. HOYER. Mr. Chairman, I am pleased that the balance of our time to the distinguished gentlewoman from California (Ms. PELOSI), the Democratic whip.
Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Maryland (Mr. HOYER) for yielding me the time and for his leadership on this important campaign finance reform and on electoral reform as well. I commend my colleagues from Massachusetts (Mr. MEEHAN), my colleagues for his tremendous leadership and that of the gentleman from Connecticut (Mr. SHAYS) for his, and the distinguished leadership of our leader, the gentleman from Missouri (Mr. GEPHARDT), for bringing us to this very, very important and historic day.

Today, we have an opportunity to achieve a great victory for the American people, to bring democracy back to them. Every one of us who serves in the Congress takes an oath of office to protect and defend the Constitution of the United States from all enemies, foreign and domestic. The corrosive and corrupting effect of special interests’ money in the political process is indeed a danger to our participatory democracy.

This beautiful city in which we serve 200 years ago was built on a swamp and a swamp it is again today, a swamp of special interest money. Today we have the opportunity to drain that swamp. We have the opportunity to bring a more wholesome attitude to the Washington atmosphere, to Washington, D.C. We have an opportunity to create a new architecture of political fund-raising in our country which devolves to the grassroots, to the people from which power comes and where it belongs.

We have an opportunity today to send a valentine to the American people; to tell them they are important to us; that what they think matters to us; that they should have faith in government and they should have hope that the issues that they care about will have a fair shake and not be eclipsed by the blizzard, by the blizzard of special interest money in Washington, D.C.

A vote for the bipartisan Shays-Meehan bill, the only real campaign finance reform bill, will end, will end the corrosive influence of special interest money and level the playing field so that all Americans can participate and be heard.

Mr. Chairman, imagine a situation where we clear the deck, where we make a clean sweep and we start fresh for the American people, where the money that is raised is at the grassroots level, and we train a cadre of young people interested in politics, interested in government, a more wholesome situation for our country. I urge a “yes” vote for Shays-Meehan and a “no” on all the poison pills.

Mr. NEY. Mr. Chairman, I yield myself the balance of my time, and I want to thank my distinguished ranking member for giving me a few more minutes here.

Let me say this and say it in the right way. This is well-intentioned by individuals. And this is regardless of the last comment, because I do not think we need to be saying that because we do not support something, that there is something ethically challenged about an individual. So this is well-intentioned, it is just not well-crafted.

And we hear the words “vote your conscience,” but of course the implication today that we have heard is that if we do not vote for Shays-Meehan, then there is something wrong with our conscience. I do not believe that about the other side.

Let me just say that this bill does gag millions of union workers in this country. Soft money can be spent on newspaper ads, but the money of those workers, their hard-earned money, cannot be spent where they want to direct it, into radio or TV. It does gag people who work in business. It does gag the rights of free speech, unless of course, again, the money is spent on a newspaper ad. That is just not the American way.

The amendments we will see today are good-intentioned amendments. This is not the same bill. Enron could have spent $50 million under Shays-Meehan. We can pay off building funds under Shays-Meehan by using it as a collateral backup for hard money that can be paid off after the election.

And, by the way, why is this not effective immediately? Last year, before the Committee on House Administration, people banded their fist and said, we have to do the whole thing by May, or we need a discharge petition. We accommodated it and moved it to around the first of July. It had to be done right there on the spot. Now all of a sudden we can do it after the election.

Challengers in this country are going to have a hard time figuring this bill out. This is an incumbent protection bill. It is the right way, is it not? The amendments we will see today are good substantive amendments that will not kill this bill, but will make this bill acceptable.

Mr. SERRANO. Mr. Chairman, I rise in support of H.R. 2356, the Shays-Meehan Bipartisan Campaign Finance Reform Bill.

First, I congratulate our colleagues from Connecticut (Mr. SHAYS) and Massachusetts (Mr. MEEHAN) for their diligence and persistence on this issue over the years. I remind my colleagues that legislation very similar to the bill under consideration today has passed the House twice before.

I also applaud the courage of the 218 Members, particularly our 20 Republican friends, who signed the discharge petition that finally allows the House to work its will on campaign finance reform. It is an unusual procedure, but was necessary in this case.

The 2000 elections were the most expensive ever, coming in at almost $3 billion. This is appalling. The system is broken. The American people are justified in lacking confidence in their campaign finance system, which is considered as seriously as those of the big donors.

The influence of money in American politics is a problem as old as the Nation. It is dis-couraging to remember that the broken campaign finance system that Shays-Meehan would replace was itself once seen as a re-form, designed to limit undue influence by large unregulated and undisclosed campaign contributions, but that big money soon found its way around the reforms through soft money and “issue advocacy.”

The principles behind any meaningful reform are clear: National parties, congressional committees, and Federal candidates must get along with-out solicitation or spending of soft money. Under the Shays-Meehan bill, limited soft money will remain available to state and local parties for necessary voter registration and get-out-the-vote activities, but not to support Federal candidates.

Campaign advertisements masquerading as issue advocacy must be regulated. Shays-Meehan will require that broadcast communications that mention a Federal candidate must be paid for with hard money—which includes corporate and union PAC funds—within 60 days of a general or 30 days of a primary election.

There are other important provisions, including enhanced disclosure of the financial sponsorship of electioneering communications, new FEC rules for coordinated communications, and limiting the cost of broadcast advertising by candidates to reduce the onerous cost of running for Federal office today.

But basically, Mr. Chairman, the Shays-Meehan bill will replace a badly broken system with one that will limit the influence of soft money in Federal campaigns and begin to restore the faith of the American people in our campaign system.

Under the rule, several “poison pill” amendments will be offered to defeat the Shays-Meehan bill, either by gutting it or by sending it to near certain defeat in conference. One of the most alarming is the amendment to ban campaign contributions by legal permanent residents of the United States. These are people who live, work, and pay taxes in this country, and making contributions to candidates and parties is the only way they can influence the makeup of the government and public policy until they achieve citizenship and the vote. They are committed to America and should not be silenced.

Shays-Meehan is a reform that is long overdue. I urge my colleagues to reject the “poison pills” and to vote for Bipartisan Campaign Finance Reform.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise in strong support of H.R. 2356, the Shays-Meehan Bipartisan Campaign Finance Reform Act of 2001. This legislation provides desperately needed reform to our current campaign system. As a proud co-sponsor, and one of the 218 Members to sign the discharge petition needed to force a vote on this bill, I believe we can finally remedy many of the ongoing concerns associated with hard and soft money in our political system.

In the past, proposed election law revisions raised First Amendment objections, created new loopholes in the current law, or negatively affected get-out-the-vote (GOTV) efforts and voter registration. I believe H.R. 2356 overcomes these concerns and gets at the heart of campaign finance reform—special interests in Washington. This legislation bans soft money to national parties, reins in campaign attack ads that masquerade as issue ads, and addresses...
GOTV concerns. A strong consensus of my constituents on Long Island have consistently voiced their support for this important piece of legislation. Their disenchantment with the current system results in fewer Americans exercising their right to vote. Congress has the opportunity to address the concerns over the corrupting influence of money in politics and public policy and pass real campaign finance reform.

Shays-Meehan is the real campaign finance reform bill that closes loopholes in our current system. It’s time to pass this legislation and reform a political system that is awash in money. I urge my colleagues to support this important measure.

Mr. KNOLENBERG. Mr. Chairman, I rise today to express my concerns with the campaign finance legislation introduced by Representatives SHAYS and MEEHAN. This legislation is derived from the same mindset that produced our current campaign finance laws that so-called reformers object to: money is bad, all politicians are corrupt, and the American people are not capable of making rational decisions.

The supporters of the Shays-Meehan bill would have you think that those of us with other ideas for reform do not really support reform. This is simply not true. Let me be clear, Mr. Speaker, I support real reform with no loopholes and full disclosure—not just lip service to reform.

Attempting to avoid a conference with the Senate, Shays-Meehan is not the path to true reform. A conference would provide the opportunity to work out the imperfections in this bill and ensure that the reforms are truly effective and constitutional.

While I respect and share the intentions of the sponsors of this bill, today’s legislation suffers from numerous defects, not the least of which is that several parts are patently unconstitutional. And what happened with the 1970s-era campaign finance reform will happen with this bill—parts will be stricken by the courts, opening new loopholes and creating a greater mess.

This bill fails to effectively ban soft money as supporters claim by allowing up to $60 million in soft money per donor nationwide via the states. Plus, it is conveniently scheduled to go into effect the day after the November 2002 elections.

Furthermore, this legislation does nothing to protect union employees who do not want their dues used to support political causes they personally oppose. I also have serious concerns that this bill restricts political speech at the time that voters are listening just before elections. It transfers the constitutional right to discuss issues from the people to the media. I do not know what will be heard and who will hear it and when. It empowers the media and special interests to use independent expenditures to influence campaign while limiting average Americans.

When citizens send their resources to an issue-advocacy organization to promote a cause they believe in, they and the organization they are supporting are exercising both their right to free association and their right to free speech. Shays-Meehan seeks to curtail those rights by imposing these harsh restrictions on grassroots issue discussion. It is essential that all Americans, not only rich individuals and PACs have the right to advocate positions.

Mr. Chairman, let’s pass real campaign finance reform that holds federal lawmakers accountable to their constituents by requiring full and frequent disclosure, decreasing the role of soft money, removing unrealistic contribution limits, and opening our political process to the many voices that exist in this country.

Mr. COSTIGAN. Mr. Chairman, I rise today in support of H.R. 2356, the Bipartisan Campaign Finance Reform Act. Concerns over the corrupting influence of money on politics have long been an issue of national debate, centered on high campaign costs and reliance on interest groups for needed campaign funds. I believe rising election costs have led to uncontrolled spending, with too much time spent raising funds and the appearance that elections and public policy are bought and sold. Debate has also focused on the role of interest groups in campaign funding, especially through political action committees. I believe one way to fix our campaign finance system is through more regulation with spending limits.

I have been pushing campaign finance reform since the last Congress and introduced my own legislation H.R. 462, the Campaign Finance System Reform Act, during the 105th Congress. This legislation set voluntary spending limits at $600,000 per election cycle, banned public financing of campaigns through the use of individual contributions, and required that 100 percent of funds raised must come from the congressional district in which the candidate is running.

In July 2001, the House Republican leadership initially scheduled a debate on campaign reform. The bill that was offered was work-unfair because it broke the Shays-Meehan bill into 14 separate parts to be voted on individually. Following the defeat of this rule, the Republican leadership announced it would not bring the bill back to the floor for consideration. A discharge petition was circulated, forcing the bill back to the House floor for debate.

The Bipartisan Campaign Finance Reform Act is the only legislation before the House which effectively deals with the dual problems of soft money and sham issue advertisements. Though the Shays-Meehan bill would level the playing field so that anyone can participate in the political process by allowing unlimited soft money contributions to political parties, thus closing the soft money loophole and restoring public confidence in our system. These donations totaled nearly $500 million in the last election. Much of this money was used to fund negative commercials, called issue ads, that attack candidates running for office, and required that evade spending limits that apply to each candidate’s official campaign.

Some opponents say this bill will inhibit voter participation. However, this bill seeks to increase voter turnout by allowing state parties to collect limited amounts of soft money to be used for voter participation and get-out-the-vote activities. Under the bill, state and local parties would have sufficient funds for get-out-the-vote activities, but could not divert this soft money into sham issue ads.

The Ney-Wynn substitute is an honest but not sufficient attempt at reform and is at this point solely a way for the Republican leadership to kill the Shays-Meehan and McCain-Feingold reform bills. This substitute does nothing to curb wealthy special interests on the political process by allowing unlimited soft money contributions to local parties and creating a huge loophole that undermines reform. Furthermore, Ney-Wynn does nothing to halt issue ads.

Mr. Chairman, I have pushed for a fair vote on this important issue and have put forth legislation which will truly reform the system. I acknowledge this legislation is not perfect. However, this legislation is an opportunity to enact reforms that are critical at this time. For these reasons, I support this legislation and encourage my colleagues to pass it.

Mr. ETHERIDGE. Mr. Chairman, I rise today in support of meaningful campaign finance reform.

I strongly support serious reform of the campaign finance system. We must eliminate the corrupting influence of special interest money from our political system and restore the faith of the American people in our public institutions. Neither party can claim total innocence of Washington misdeeds, and I believe the people of North Carolina sent me to Congress to work in a bipartisan manner to serve the public interest. That is what I try to do every day as a United States Representative.

At the beginning of the 105th Congress, my freshman class agreed that we would work on a bipartisan basis to reform the way that campaigns for political offices fund this country. Since then 5 years have passed and we have yet to see any campaign finance reform signed into law.

Today we have a chance to pass legislation sponsored by Representatives SHAYS and MEEHAN that is a bipartisan substitute for the Senate-passed legislation sponsored by Senators McCAIN and FEINGOLD. If we are able to pass this legislation without too much change we can send this legislation directly to President Bush who has promised to sign it. I sincerely hope that the Republican Leadership is working to alter, weaken and undermine the responsible campaign finance reform legislation sponsored by my colleagues Representatives SHAYS and MEEHAN in order to send it to a Conference where it is sure to die yet again.

The people of this country are discouraged by this type of cynical behavior from this Congress and will not be fooled by this attempt to bury campaign finance reform legislation.

Mr. Chairman, the American people deserve a campaign election system with integrity. I sincerely hope that the Republican Leadership is working to pass real campaign finance reform that will be signed into law before the end of the 107th Congress.

Mr. STARK. Mr. Chairman, I rise today in strong support of H.R. 2356, the Shays-Meehan Bipartisan Campaign Reform Act of 2001. Campaign Finance reform is long overdue and I am very pleased, after such a long struggle with those who oppose reform, to see this bill on the floor today.

Money has become far too important to our campaigns and reform is certainly necessary. We should allow the public campaign financing system altogether and publicly fund political campaigns. This would level the playing field so that anyone could participate in the political process.

Though the Shays-Meehan bill doesn’t go far enough, it certainly moderates the impact of soft money contributions to local parties and creates a huge loophole that undermines reform. Furthermore, Ney-Wynn does nothing to halt issue ads.
known for years: there is too much money in politics. In the last election, the average winning House candidate raised $919,649 toward his or her election. The average winning Senate candidate raised $7,345,468. With this much money in politics, it is virtually impossible for elected officials to remain unaffected by the influence of those who wield tremendous wealth. If only we were raising these millions of dollars to provide health insurance for our nation’s children. Now that would be a worthy expenditure of funds.

If our government is truly to remain “of, by and for the people,” we must ensure that the people, not corporate donors, are responsible for electing their leaders. The Bipartisan Campaign Finance Reform Act of 2001 will go a long way toward ensuring this goal. I will vote for this very important bill and I urge my colleagues to do the same.

Mr. DINGELL. Mr. Chairman, I rise today in strong support of the Shays-Meehan substitute. This is historic legislation, one of the most important reform bills in a generation. I also wish to thank Mr. SHAYS and Mr. MEEHAN for their hard work and dedication to ensuring that we have a fair process and the opportunity to make meaningful reforms to our campaign finance laws this year. I also congratulate Mr. turner and the Blue Dogs on a successful discharge petition.

Mr. PAUL. Mr. Chairman, the Republican and Democratic parties raised nearly half a billion dollars in soft money during the 1999–2000 election cycle. Of this amount, over 473 million was given by 147 individuals in amounts of $50,000 or more. This influx of unregulated soft money, not where it belongs—under the control of the people, not corporate donors, is responsible for electing their leaders. The Bipartisan Campaign Finance Reform Act of 2001 will go a long way toward ensuring this goal. I will vote for this very important bill and I urge my colleagues to do the same.

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Mr. SHAYS. Mr. Chairman, I rise today in strong support of the Shays-Meehan Campaign Finance Reform Act and urge my colleagues to vote against all “poison pill” amendments that will be offered today. I am proud to cosponsor this bipartisan legislation, which represents the best, real opportunity to reform our broken campaign finance system.

The issue of campaign finance reform cuts to the core of our democracy. Our unique American political system will not survive without the participation of the average American citizen. Unfortunately, more and more Americans are dropping out—with each election, fewer Americans are voting. They are doing so because they no longer believe that their vote matters. As they see more and more money pouring into campaigns, they believe that their voice is being drowned out by wealthy special interests.

Despite the cynicism of the American public, Congress has failed to enact significant campaign finance reform legislation since 1974. In that year, in the wake of the Watergate Scandal, Congress imposed tough spending limits on direct, “hard money” contributions to candidates. Unfortunately, no at that time foresaw how two loopholes in the law would lead to a gross corruption of our political system.

The first loophole is “soft” money—the unregulated and unlimited contributions to the political parties from corporations, labor unions, and individuals. The problem of soft money is self-evident. It allows wealthy special interests to skirt around “hard” money limits and dump unlimited sums of money into a campaign.

The unfolding Enron scandal provides a clear example of the pervicuous influence of soft money. In the 2000 election cycle, Enron executives contributed $1.7 million—70 percent of which came in the form of soft money. Most Americans see a clear link between these contributions and Enron’s quest for special treatment by Congress. Clearly, the Enron scandal has eroded the public’s confidence in their government.

Soft money is used to finance the second loophole in campaign finance law: sham issue advertisements. This loophole allows special interests to spend huge sums of money on campaign ads advocating either the defeat or re-election of a candidate. As these ads do not use the magic words “vote for” or “vote against,” they are deemed “issue advocacy” under current law and therefore not subject to campaign spending limits or disclosure requirements.

During the 2000 elections, the television and radio airwaves were flooded with these sham issue ads—many of which were negative attack ads. Americans who see or hear these ads have no idea who pays for them because there is no disclosure of who paid for them. They drown out the voices of American democracy, voice control, and even sometimes of the candidates themselves. Without reform, we can certainly expect a huge increase in these sham issue ads.

The Shays-Meehan bill begins to restore public confidence in our electoral system by closing these two egregious loopholes. The bill bans all contributions of soft money to federal campaigns. Specifically, it bans national party committees from soliciting, receiving, directing or spending soft money.

Shays-Meehan also closes the “issue advocacy” loophole that presents the absolutely absurd definition of electioneering activity, or “issue advocacy,” to include any communication that refers, in support or opposition, to a candidate. This would not prevent public organizations from running advertisements, but would ensure that ads clearly designed to influence an election are regulated under federal law. We have laws clearly designed to regulate and disclose campaign donations and expenditures, and no one should be allowed to evade them. Shays-Meehan would ensure that everyone involved in influencing elections plays by the same rules.

Opponents have argued that the Shays-Meehan bill undermines the First Amendment right of free speech. However, the Supreme Court has ruled that Congress has a broad ability to protect the political process from corruption and the appearance of corruption. It has upheld as constitutional the ability to limit contributions by individuals and political committees to candidates. The Supreme Court has also clearly permitted Congress to distinguish between issue advocacy on the one hand, and electioneering or “express advocacy” on the other.

The Meehan-Shays proposal will not cure our campaign finance system of all its evils—and I certainly support more far reaching restrictions on campaign contributions and expenditures. However, the bill will take a modest but significant first step toward restoring integrity in our political system. It will limit the influence of wealthy special interests and help to restore the voice of average citizens in our political process. In short, enactment of this legislation is essential to the survival of American democracy.

Mr. PAUL. Mr. Chairman, the Enron bankruptcy and the subsequent revelations regarding Enron’s political influence have once again brought campaign finance to the forefront of the congressional agenda. Ironically, many of the strongest proponents of campaign finance reform are among those who receive the largest donations from special interests seeking state favors. In fact, some legislators who were involved in the government-created savings and loan scandal of the late eighties and early nineties today pose as born again advocates of “good government” via campaign finance reform.

Mr. Chairman, this so-called “reform” legislation is clearly unconstitutional. Many have pointed out that the First amendment unconstitutionally grants individuals and businesses the free and unfettered right to advertise, lobby, and contribute to politicians. The Bipartisan Campaign reform legislation blows a huge hole in these First amendment protections by criminalizing criticism of elected officials. Thus, passage of this bill will import into American law the totalitarian concept that government officials should be able to use their power to silence their critics.

The case against this provision was best stated by Herb Titus, one of America’s leading constitutional scholars, in his paper Campaign-Finance Reform: A First Amendment Analysis: “At the heart of the guarantee of the freedom of speech is the prohibition against any law designed to protect the reputation of the government to the end that the people have confidence in their current governors. As seditious libel laws protecting the reputation of the government unconstitutionally abridge the freedom of speech, so also do campaign-finance reforms.”

The damage this bill does to the First Amendment is certainly a sufficient reason to oppose it. However, one also demonstrates in his analysis of the bill, the most important reason to oppose this bill is that the Constitution does not grant Congress the power to regulate campaigns. In fact, article II expressly authorizes the regulation of elections, so the omission of campaigns is glaring.

This legislation thus represents an attempt by Congress to fix a problem created by excessive government intervention in the economy with another infringement on the people’s personal liberties. The real problem is not that government lacks power to control campaign financing, but that the federal government has excessive power over our economy and lives.

It is the power of the welfare-regulatory state which creates a tremendous incentive to protect one’s own interests by “investing” in politicians. Since the problem is not a lack of federal laws, or rules regulating campaign spending, more laws won’t help. We hardly suffer from too much freedom. Any effort to solve the campaign finance problem with more laws will only make things worse by further undermining the principles of liberty and private property ownership.
Attempts to address the problems of special interest influence through new unconstitutional rules and regulations address only the symptoms while ignoring the root cause of the problem. Tough enforcement of spending rules will merely drive the influence underground, since the stakes are too high and much is to be gained. Money is frequently spent illegally or not. The more open and legal campaign expenditures are, the easier it is for voters to know who's buying influence from whom.

There is a tremendous incentive for every special interest group to influence government. Every individual, bank, or corporation that does business with government invests plenty in influencing government. Lobbyists spend over a hundred million dollars per month trying to influence Congress. Taxpayer dollars are endlessly spent by bureaucrats in their effort to convince Congress to protect their own empires. Government has tremendous influence over the economy and financial markets through interest rate controls, contracts, regulations, loans, and grants. Corporations and others are free to participate in the process out of greed as well as self-defense—since that's the way the system works. Equalizing competition and balancing power—such as between labor and business—is a common practice. As long as this system remains in place, the incentive to buy influence will continue.

Many reformers recognize this and, either like the system or believe that it's futile to bring about changes. They argue that curtailing influence is the only option left, even if it involves compromising freedom of political speech and financial freedom. It's naïve to believe stricter rules will make a difference. If members of Congress resisted the temptation to support unconstitutional legislation to benefit special interests, this whole discussion would be unnecessary. Because members do yield to the pressure, the reformers believe that more rules regulating political speech will solve the problem.

The reformers argue that it's only the fault of those trying to influence government and not the members of Congress who yield to the pressure, or the system that generates the abuse. This allows members to avoid assuming responsibility for their own acts, and instead places the blame on those who exert pressure on Congress through the political process—which is a basic right bestowed on all Americans. The reformer's argument is "Stop us before we succumb to the special interest groups.'

Politicians unable to accept this responsibility clamor for a system that diminishes their need for them to persuade individuals and groups to "contribute money to the campaign of their choice," and try to pass legislation that will allow them to "compete" in a political system that must be removed or we risk devolving into an oligarchy like so many other republics before us. It is the constant money chase and submission to the special interests that corrupts our system and makes our constituents lose faith in our government. It is this disinterest in politics back home and such low voter turnout. Our constituents don't think we care about them. They think we only care about raising money. They believe that their participation, their voices, cannot count against the power of big money, and recent experience says they are right.

Once upon a time, when someone wanted to run for office, the first question we used to ask was what kind of political support can you get. Now the first question we ask is how much money can you raise. Better yet, we find a rich candidate who will finance his or her own campaign. It's impossible to run on good ideas alone anymore, you need millions of dollars to go with them. With this system we risk electing candidates less attuned to their communities and contributors. This is not a perfect bill, but it is a good first step. If we do not take this 1st step today, the history books may eventually say that like the Roman Republic, the United States had a good 200 to 250-year run at democracy, and then it degenerated into an oligarchy like all the rest. Don't let that happen. Pass Shays-Meehan and begin to restore integrity to our political process.

Mr. CUNNINGHAM, Mr. Chairman, today we are being asked to vote for a campaign finance reform bill that does not address the root of the problem—corruption. I cannot support the means. What good is closing one loophole only to create 50 more in the process? Today, I implore my colleagues to look at the facts and take a moment to understand what this legislation does. Please, look past the smoke and mirrors and understand the many problems with the Shays-Meehan bill.

Wide intentions do not equal good legislation and passing bad legislation does not fix a problem but merely creates another. Americans deserve better than the pretense of reform and I would hate to see this bill pass the House today, only to revisit the issue next year after we wake up to realize the monster we have created.

The Shays-Meehan legislation does not remove soft money from politics. Rather, it bans this contribution at the federal level, only to allow a union or a corporation to give up to $10,000 at the county and state level. This means that a single union or corporation will be able to give more than $30 million per election. In my estimation, not only does this not help the problem, it actually makes it worse. Instead of having a single national party collecting soft money, we will have 50 state parties collecting soft money. Not the fault of the members of Congress who vote on it. It merely drives the influence underground, since the streets of DC with union and corporate lobbyists throwing a parade with $10,000 checks raining down like tickertape for every state party. Is this closing a loophole or making a mockery of our system?

Accountability is the key to reform. The problem with soft money is that it is hard to know where it is spent. When voters cannot discern where elected officials are getting the money to finance their campaign efforts, there is no accountability. By restricting the way that unions and corporations can participate in the political process openly, these interest groups will resort to issue advocacy and independent expenditures, activities that do not fall under any laws. Unlimited and unregulated resources can be devoted to these types of expenditures. With the passage of Shays-Meehan, accountability is out the window. We will push campaign-related activities made on behalf of candidates by outside groups into an abyss of unregulated anonymous money.

Mr. Chairman, I cannot in good conscience vote for a bill that is going to put more loopholes in a campaign finance system that has enough problems on its own. We need good legislation that still allows for political participation and that demands accountability, it is for this reason that I support the Ney-Wynn substitute. This legislation does not prohibit participation or force disclosure into oblivion. Rather, it sets reasonable caps on soft money contributions to national parties. Ney-Wynn allows national parties to perform one of their key functions of getting-out-the-vote efforts and voter registration drives. These are efforts that are financed by soft money. Ney-Wynn allows soft money to national parties, but only to be used for these purposes. Furthermore, it regulates the types of independent expenditures that can be made by outside corporations, specifically limiting television ads for longer than the mere 60 days as mandated under Shays-Meehan.

Ney-Wynn reforms our system of financing candidates without loopholes but with sound policy. Mr. Chairman, I urge my colleagues to closely examine these two pieces of legislation. Bad legislation with a nice name is still bad legislation. The Ney-Wynn substitute contains real reform and real reform is what we need.
friends—Representatives SHAYS and MEEHAN—for their persistence on this issue. During my first term, every day the House was in session, I gave a statement on the floor in support of campaign finance reform. I hope that the House will have the courage to pass true reform this year.

Without question, there is too much money in our current political system. Running for office has become increasingly expensive, forcing candidates to spend unacceptable amounts of time fundraising, and discouraging qualified challengers from running for office because they cannot afford the price of admission. What should be a competition of ideas has become a battle of wealth. In 2000, the national party committees raised $495 million in unregulated soft money, almost twice the amount raised in 1996. At this rate, it will not be long before billion dollar campaigns are commonplace. Though opponents of reform say the public does not care about this issue, the residents of Wisconsin’s Third District tell me otherwise. They see where our system is headed and demand reform from Congress, Shays-Meehan heeds their mandate by banning soft money donations to the national parties, and imposing tight limits on the collection and use of soft money by State and local parties.

Unfortunately, those of us that would like to see genuine changes in the campaign finance system must contend with the false reform legislation supported by the House leadership. This legislation does not truly change the current system and does nothing to stem the rising tide of soft money that circumvents and erodes it. For example, under the Nney-Wynn substitute, Enron and its executives would still have been allowed to give 76 percent of the money they gave in 2000 to national parties.

Right now we stand on the brink of historic reform. Reform that will put the power of democracy back in the hands of ordinary Americans. Reform that will force politicians and political parties to get back to the grassroots level. Mr. Chairman, the American people have waited long enough. Now is the time for positive bipartisan action on this bill. This is the chance to make the changes our political system needs. Mr. GEORGE MILLER of California. I rise today in the strongest possible support of the Shays-Meehan campaign finance reform bill to ban ‘‘soft money.’’

Individual rights are the hallmark of our country. As nations across the globe struggle to end oppressive dictatorships, our political system shines as a model of equality. Every person, regardless of race, income, or religion is afforded a vote and every vote is equal.

Unfortunately, the bedrock of our democracy is compromised by the constant assault of financial contributions to the political system. Instead of placing the vote, campaign contributions are taking our system towards a one dollar, one vote system.

Every aspect of our life is impacted by the influence big contributions are having on elected officials. Enron is a case study in how huge corporate contributions undermine the public’s confidence in our democracy.

The shadow of doubt grows each day that Vice President CHENEY refuses to release meeting records related to the development of the Bush administration’s energy policy. We need to reform campaign finance law to ensure that corporations and special interest groups are not allowed to purchase political influence, turning Congress and the Presidency into a ‘‘cash and carry’’ operation.

A recent article in the Washington Post tells a story which should send a chill down the spine of every American who cherishes our democratic system. According to the February 10, 2002, Washington Post article, ‘‘Hard Money, Strong Arms and Matrix’: How Enron Dealt with Congress, Bureaucracy.’’ Enron turned campaign finance contributions into a science. According to the article, ‘‘With each proposed change in federal regulations, lobbyists punch details into a computer, allowing Enron economists in Houston to calculate just how much a rule change would cost. If the final figure was too high, executives used it as the cue to stoke their vast influence machine, mobilizing lobbyists and dialing up politicians who had accepted some of Enron’s million in campaign contributions.’’

To raise campaign cash, Enron relied not just on individual contribution but also on a well-funded political action committee that distributed money among parties of both parties... Since 1990, Enron’s political committees have given federal candidates and parties more than $1 million.

Mr. Chairman, campaign finance reform comes down to just one, very important thing—protecting the democracy.

Because of large, unregulated contributions, known as ‘‘soft money,’’ special interests and corporations often get special representation by elected officials, special representation that often is in conflict with the larger public interest.

Critical issues in our society are directly affected by the undue influence of narrow special interests, particularly when there is money at stake. Energy companies, for example, can negotiate a $30 billion tax cut while the Bush Administration is trying to cut funding to Congress that actually cuts the total level of funding for the historic education reforms that just one month ago he signed into law.

Pick any issue that you care about. Campaign finance reform is needed to allow those issues to have their day in Congress and the White House. Issues such as health care, making child care affordable and of high quality, protecting the environment, protecting Social Security or providing a real prescription drug benefit through Medicare and care for Seniors. Instead of a system that gives the greatest deference to those in greatest need, the voices of narrow special interests use large unregulated political contributions to drown out the voices of our average citizens. Things have got to change.

Today, the House of Representatives will again take up legislation to significantly reform our campaign finance laws.

Last year, the Republican leadership resorted to parliamentary tricks to water down bipartisan campaign finance reform legislation which had passed the Senate. However, support for the legislation was not deterred. It took 218 Members of the House, including me, to sign a ‘‘discharge petition’’ that forced the Republican leadership to bring this important matter before the entire Congress again for a vote.

While we are assured a vote today, opponents of reform, including the Republican leadership of this House, are working hard to once again use parliamentary tricks to block or weaken meaningful campaign finance reform.

My hope is that the collapse of Enron is the straw that will break the back of opposition to real campaign finance reform. We need reform that will shine the light on the shadows of democracy, by allowing soft money contributions to drown out the voices of their constituents and doing their jobs.

The reform legislation we introduce today strengthens First Amendment values. It will ensure that elected officials are not beholden to special interest groups, but responsive to the voices of their constituents and do not appear beholden only to big money. As your own constituents would surely tell you, stemming the tide of soft money would improve their access to government—and enhance their First Amendment rights—by allowing them to participate in the process. And it will keep good people interested in serving in Government. Neither the First Amendment nor Nation is served by large soft money donations that drive citizens away from voting in elections and campaigns finance in them. So, this is not only a campaign finance reform bill, it is a democracy revitalization bill.

Let’s look at the growth of soft money in our campaigns. According to Common Cause, in 1988, the two parties raised a total of $45 million in soft money. In 1992, the figure rose dramatically to $84.4 million. In 1996, soft money contributions ballooned to $235.9 million—almost a quarter of a billion dollars. In this past presidential election, the total amount of soft money raised by both parties climbed to $473 million—a nearly double the soft money contributions of the previous presidential election and ten times the amount raised only a decade ago.
These vast amounts could not have been raised directly for a candidate’s campaign under current law, which subjects individual contributions to an aggregate $25,000 annual limit and a $1,000 per candidate per election limit. Despite these clear caps on legal contributions, additional amounts were contributed in excess of $100,000 and $250,000. Moreover, unions and corporations—entities that are barred from giving directly to candidates from their general treasuries—are responsible for many of these contributions.

Opponents of reform argue that this flood of soft money does not corrupt our politicians and does not even appear to corrupt the political process. They argue that soft money contributions are technically made to political parties, and not to candidates, and thus any exchange of favors for contributions is unlikely. Soft money may not be used to advocate expressly for a candidate, they argue, so there is less chance that soft money donors will actually influence candidates, or at least appear to influence them.

That argument elevates form over the substance most Americans ruefully see. First, even though the money often goes to parties, it’s the candidates themselves and their surrogates who solicit soft money. The candidates know who makes these huge contributions and who benefit. Donors expect candidates not only solicit these funds themselves, they meet with big donors who have important issues pending before the government; and sometimes, the candidates—or the party’s position appear to change after such meetings. Additionally, the soft money candidates raise for their political parties is often directed back into their campaigns. This creates the appearance of corruption that pervades politics today—on both sides of the aisle. Let me discuss some powerful reminders of this distressing fact about our democracy.

“Let’s take the already infamous Enron story as an example: in the 1999/2000 election cycle Enron contributed over $2 million in soft money to the national parties—$1.4 million to the Republicans, and $600,000 to the Democrats. These large soft money gifts have cost a pall of doubt over the many elected federal officials who raised or received Enron’s money. The Enron example proves that the appearance of impropriety has the same corrosive effect as actual impropriety. Federal officeholders, knowing that their reputations are being tainted and their good character being questioned by receipt of Enron contributions are rushing headlong to return contributions they were only too willing to accept before the scandal broke. The actions and motives of government officials who did deal with, or have an effective official with, the tobacco industry are being scrutinized. The actions and motives of the government officials who did deal with Enron, are being called into question. For example, The New Yorker asks whether Administration officials, who might have taken actions that would have cushioned the impact of Enron’s fall on employees and the economy, were acting to protect precisely because they were afraid the public would conclude their actions were motivated by the large soft money contributions Enron gave to the Republican Party. The Washington Post asks whether the policy views of a Senator Lieberman were influenced by his receipt of contributions. Even in the investigations into Enron do not yield convincing proof of a particular quid pro quo, the Enron contributions have brought leaders of both parties into dispute in the eyes of the public. Let’s also recall the Hudson Casino story. A few years ago, three bands of Wisconsin Indian tribes wanted to open a casino in Hudson, WI, near the Minnesota border. A neighboring tribal council fit in with the Hudson plan, because the Wisconsin casino would compete with their profitable casino. These Wisconsin tribes gave large sums of soft money to the Democratic National Committee. This gave them instant access to the Chair of the DNC, who promised to get the Administration to help. He immediately called a high-ranking White House official, who in turn contacted the Department of the Interior—immediately after the Minnesota tribes had made substantial contributions to the DNC. This chain of events, and Interior’s rejection of the Wisconsin application, created the strong appearance of impropriety even though Interior career staff had decided the case on the merits. This led to an independent counsel investigation and two debilitating congressional investigations into whether the government was for sale.

The tobacco industry provides another example. As the Thompson Committee Minority Report makes clear, in the 1996 election cycle, the tobacco industry gave roughly $10.1 million in political contributions, of which $6.8 million was spent during six successive election cycles, the industry divided its campaign contributions equally between the parties, but in 1996 over 80 percent went to the Republicans. The GOP collected $5.8 million in soft money from tobacco, $400,000 from the National Security Council, which strongly opposed this plan, and $6 million from the National Security Council (NCSA). A study published in the Journal of the American Medical Association noted that “House members receiving the most tobacco money were 14.4 times as likely to vote with the industry as members receiving the least; in the Senate the number was 42.2. In the 104th Congress, the Republican majority defeated legislation that would have raised taxes on tobacco and preserved millions of dollars in subsidies for the industry. Again the appearance of improper influence is overwhelming.

Finally, we have Roger Tamraz. He served as a Republican fundraiser during Republican Administrations and a Democratic Trustee in the 1990s during a Democratic Administration. In 1996, Tamraz has already contributed $200,000 to the Democratic National Committee, and made it clear he was considering donating an additional $400,000. These promises enabled him to hold six private meetings with the President to discuss Mr. Tamraz’s proposed oil pipeline project in the Caucasus. Although the National Security Council, which strongly opposed this plan, ultimately opposed it, Mr. Tamraz may have made it clear that giving money to employees of the Department of Energy and the National Security Council making it very clear that a change in policy would mean “a lot of money for the DNC.” Tamraz unabashedly explained why he gave—to gain access to officials in power. At the Thompson Committee hearings Tamraz spoke plainly—“I think next time I’ll give $600,000. . . . [Y]ou set the rules, and we are following the rules. . . . This is politics as usual. What is new?”

Sadly, there are other blockbuster stories like these. But, as Representative Eric Fingerhut wisely reminded us a few years ago, people often focus just on “the grand-slam example of the influence of these interests. But you can [also] find a million singles . . . regu

change, banking committee legislation . . . a change in when you get audited. . . . Think of the committee and you can think of the interest group or the company that will have an interest. . . .” Let’s all be honest with ourselves: we have all been in situations where we have been approached with a contributor than risk losing our her donation. When, as a result of a Member’s efforts, someone makes a significant donation to the party, and then the donor calls the Member a month later and wants to meet, it’s very difficult to say no, and few of us do say no.

A majority of the Supreme Court correctly observed in its Colorado Republican II decision, which upheld limits on the coordinated expenditures of political parties, that the parties “act as agents for spending on behalf of those who seek to produce obligated officeholders.” The Supreme Court quoted former Senator Paul Simon, who explained: “I believe people contribute to party committees on both sides of the aisle for the same reason that Federal Express [and other industries do], because they want favors.” The former Senator also recounted a debate over a bill favored by Federal Express during which a colleague exclaimed “we’ve got to pay attention to who is buttering our bread.” The Supreme Court concluded in Colorado Republican II that it would be myopic to refuse “to see how the power of money actually works in the political structure.”

Mr. Chairman, the massive soft money loophole that has eviscerated the campaign finance laws is having an insidious effect on the health of our democracy. Our democracy is dependent on its willingness to engage—citizens who care, citizens who vote, citizens who run for and serve in office. But look what is happening.

The current system has turned voters off—they are increasingly cynical about politics and politicians, and fewer are exercising their right to vote. In poll after poll, voters express their cynicism about politics and the campaign finance system. A recent Time magazine poll found that in 1961, 76 percent of Americans said they trusted the government; in 2001, only 24 percent expressed trust in government. A 1997 New York Times poll found that 89 percent of Americans believe the country’s campaign finance system is in need of fundamental changes, 75 percent polled believe that their public officials make or change policy decisions as a result of money received from major contributors. A Fox News poll in May 2001 found that over 80 percent of the public believes that big companies and PACs have too much control in Washington.

As former Senator George Mitchell has said: “The public has now lost its confidence in Congress. Members of Congress are not responsive to their constituents, but rather are responsive to those who contribute the funds that help members of Congress get elected. It is a corrupting view, in that it corrupts the trust and confidence that people must have in a democratic society. If a democratic society is to thrive, members of Congress have to recover its confidence.”

These views have supported our future leaders—our young generation—from going to the polls. In 1972, the first time 18-year-olds could vote, 50 percent of 18–24 year-olds cast a vote. By 1996, that number
had fallen to 32 percent. There is much evidence—and our own experience with our constituents—confirms—that one of the major reasons citizens increasingly fail to vote is their perception that their vote makes no difference because of the role of money in politics and the influence that special interest groups have. A survey asking young people why they do not vote, a plurality said “they don’t think their vote makes a difference”; 64 percent agreed that “government is run by a few big interests looking out for themselves, not for the benefit of all of us.” [l]est we rest our hopes on a black box model of interest groups. Many emphasized that politicians can’t be trusted, that money plays too large a role in politics, and that special interest groups disproportionately influence policy.

It is vital to the continued health of our democracy that the citizenry remain alert and involved and participate by, among other things, voting in federal elections. The need to reverse the lack of confidence voters feel in their elected representatives has grown so galling in the political process is a compelling justification for banning soft money contributions. The Supreme Court would seem to agree. In its recent Shrink Missouri decision it said: “[t]he open and inherent impropriety of improper campaign contributions is obvious and need not be answered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance.” Our Supreme Court has consistently held that view for 25 years. In Buckley v. Valeo, the Court observed that even where the influence of money does not rise the level of bribery, it can work subtly to erode public confidence in the system to the detriment of our democracy.

It is also important to the health of our democracy that qualified citizens be elected to run for office. Without a healthy competition of ideas and views, we lose the very foundation of our democracy. The campaign finance system allows special-interest groups to influence elections. It is a fictional distinction.

The soft-money ban that forms the core of this legislation aims to restore public faith in our democracy. By enacting this legislation, we will, in Senator McCain’s words, “change the public’s widespread belief that individuals have no greater purpose than [their] own re-election.” We have a historic opportunity here not only to end the appearance of corruption, but to reinvigorate our democracy by making individual citizens’ votes count, and by encouraging the most qualified candidates to run for election.

Mr. Chairman, since the 1971 passage of the Federal Election Campaign Act and the Buckley decision, there have been strict limits on contributions given by individuals and political action committees to federal candidates. But, as many have recognized, the soft-money loophole undermines these curbs. As the Washington Post put it: “The national party or PACs have spent nearly $1 billion in the last election cycle to work on behalf of their candidates funds that the candidates are forbidden to raise and spend themselves. It’s a fictional distinction.” Although FECRA provides clear contribution limits, candidates and parties easily circumvent the law by raising soft money. In its most recent decision on campaign finance, the Supreme Court observed that our political parties are “in a position to be used to circumvent contribution limits that apply to individuals and PACs, and thereby to exacerbate the threat of corruption and apparent corruption that those contribution limits are aimed at reducing.” In a recent memorandum of Soft Money Rulemaking, the Federal Election Commission’s General Counsel found that “national party committees rely in large part on the access they can provide to federal officials, or on the more direct influence of federal officeholders and candidates, to solicit large sums from corporations, labor unions, and other donors that provide most of their soft money.”

Mr. Chairman, it is vital for our democracy that we act today to ban soft money. Soft money has reintroduced into the Federal campaign finance system the very kinds of contributions that the federal laws intended to exclude—namely donations from corporations, unions, as well as large individual contributions. Soft money is not just a loophole, it is the loophole that ate the law. Let’s send a clear message today that our democracy—and our integrity—is not for sale.

Mr. BLUMENAUER. Mr. Chairman, this evening’s legislation is near and dear to my heart. I began my political career in college working on election reform. Two years later, I was the author of Oregon’s legislation establishing campaign spending limits. It was my proposal that prohibited the insidious practice of holding legislation hostage until individuals and interest groups paid for “get out the vote” campaigns to influence legislation. So, in recent years, I have been saddened that narrow and, I think inappropriate, readings of the Oregon and U.S. Constitution have restricted the ability of the political process to police itself.

Our current campaign financing system is doubly troubling for me because it symbolizes not only what is wrong with campaigns but also what is wrong with the decision-making process in Congress. It is appalling the lengths to which the political process has been twisted and the money that is spent opposing reasonable legislation and moderate candidates. The extreme, hard-edged and too-often hidden opponents of the public interest which are financed by soft money and anonymous contributions create a situation where the sheer volume of expenditure drowns rational discourse.

A campaign finance system where large contributors and special interest groups have the loudest voice threatens the foundation of our democracy. It calls into question the integrity of our elections and of our government. We have a responsibility to strengthen our democracy by eliminating the influence of soft money. Large soft-money donations and anonymous political attack ads have a corrosive influence on the political process. Soft money is bad for the people who give it, bad for the people who receive it and bad for the American people.

I have supported the Shays-Meehan legislation since I came to Congress. We need to reduce the amount of time that is taken away from legislative business in order to pursue the mad chase for campaign dollars. The legislation before us is the best way to start. Keeping an open and accountable campaign finance system in this country is an ongoing struggle which too seldom commands the attention of either the Congress or the public in ways that it should. Today we’ve broken through that barrier.

Ms. HARMAN. Mr. Chairman, for ten years, I have supported every meaningful bill on campaign finance reform. Today, the House has a chance to make history by passing a bill that can become law.

Many say this bill does not go far enough—and they are right. But it is a bill that the Senate and House can focus their efforts on passing legislation that can become law.

I say enough.

Shays-Meehan can pass today. The time has come.

Ms. LEE. Mr. Chairman, I rise today in strong support of H.R. 2356, the bipartisan Shays-Meehan campaign finance reform legislation. I believe it is time that we take the soft money out of our political system.

In fact, not only do I support eliminating soft money, but I support full public financing for campaigns. I am hopeful that once Shays-Meehan passes and is signed into law that we can focus our efforts on passing legislation to provide for public financing.

I am proud to be a cosponsor of Shays-Meehan and a signer of the discharge petition to bring this important legislation to the floor today. We have put to rest the notion that this legislation especially for committing to voter registration and get-out-the-vote activities, which are essential for the election of minority candidates.

The Enron scandal has shown us once again the importance of passing meaningful campaign finance reform. While Enron and Arthur Andersen executives and the corporations donated over $11 million to political campaigns since 1989, workers at Enron lost their jobs and their life savings. This is an outrage and it again shows the need for corporate responsibility and of course for passage of Shays-Meehan.

Let’s get the money out of politics. That’s what campaign finance reform is all about. That means banning soft money and certainly raising hard money. Let’s make these amendments that take us in the wrong direction, those that take us away from real reform.

I urge my colleagues to vote for a clean Shays-Meehan bill and to defeat all poison pill amendments.
represents a watershed in our democracy. Today, we can remove from campaigns the shadow of special interests and move toward an electoral system in which every American will have an equal voice in our democratic process.

For too long, our nation’s campaigns have been tainted by soft money sleight-of-hand, campaigns in which large amounts of money are solicited from a few contributors and mysteriously distributed.

For too long, we have winked as soft money came in by the truckload for “party financing activities” when it was common knowledge that it really was used for “issue ads” that came uncomfortably close to supporting candidates.

Many took advantage of the soft money loophole to gain inordinate access to our country’s leaders and lowered our nation’s political parties to little more than middlemen for moving soft money for corporations and wealthy individuals.

In the past few weeks, in my capacity on the Energy and Commerce Committee’s Subcommittee on Oversight and Investigations, I have had the opportunity to observe how some corporations have attempted to escape scrutiny in part by taking advantage of the loopholes in our campaign system. I have seen how the company’s dealings have raised questions regarding the regulators of America’s political process.

I would like to commend my colleagues for their persistence and perseverance in their effort to get their bill passed. They have compromised on important measures in order to gain bi-partisan support. Their efforts to move this legislation forward are a tribute to those who have fought and died for a free and just nation, to those who have struggled for an open and honest political system.

I urge my colleagues to not let this moment pass us by, to vote for the Shays-Meehan bill and for a reformed campaign finance system that will clean up our campaigns and give our political process back to the people.

Mr. BENTSEN. Mr. Chairman, as one who has consistently supported the Shays-Meehan Campaign Finance Reform bill (H.R. 2356) and who signed its discharge petition, I rise in strong support of this critical reform legislation.

I would like to recognize the leadership of Chris Shays and Marty Meehan, as well as my Texas colleague, Jim Turner, on this issue.

Mr. Chairman, our campaign finance laws must be reformed to reduce the influence of money in politics and restore the balance originally achieved by the Federal Election Campaign Act of 1974 (FECA). Since coming to Congress in 1995, I have come to believe that our political process faces the very real risk of being hijacked by the prevalence of “soft money” contributions. In the last election cycle alone, the two major parties took in nearly $500 million in soft money. Certainly, such huge, unregulated “soft money” contributions to political parties threaten to corrupt the integrity of our political process. Mr. Chairman, Shays-Meehan represents an extraordinary opportunity to give voice to citizens whose individual voices are increasingly being drowned out by unregulated issue ads that purport to provide voters with information but are actually not-so-veiled efforts at influencing the public’s view of a certain political candidate.

H.R. 2356 strikes a critical balance between the need to protect our rights to free speech, guarantee a level playing field, and the need to make meaningful reforms to our political system. Shays-Meehan would ban the raising of soft money by national parties and federal candidates that is currently outside the restrictions and prohibitions of the federal regulatory framework. H.R. 2356 would, however, allow State and local parties to accept annual donations of $10,000 per individual for get-out-the-vote and voter-registration efforts in federal elections, so long as such efforts do not mention a federal candidate. Additionally, Shays-Meehan places new limits on aggregate contributions to political parties and candidates for president and Congress at $95,000. Of that, no more than $57,500 of that could be given to party organizations, and $37,500 to candidates. I am also pleased that H.R. 2356 requires greater FEC disclosure of independent expenditures as the expenditures of more than $1,000 made within 20 days of an election. I do not believe disclosure, in and of itself, stifles Free Speech.

Though I support Shays-Meehan, I recognize that it is not perfect. One troubling aspect of this bill is that it does not put hard money limits on contributions to Senate candidates to $2,000 but maintains the $1,000 for hard money limit contributions to House candidates. The last time we were slated to consider Shays-Meehan in the House, I submitted an amendment to the House Rules Committee to maintain the hard money limit of $1,000 for all candidates for Federal elective offices. Though I strongly believe that my amendment would have enhanced Shays-Meehan, it was blocked by the Republican leadership. Alternatively, the Re- publicans offered the LUC proposal as a way of ensuring that House candidates can raise more than $2,000 per cycle. While I strongly oppose the disparity between the House and Senate, I do not support raising hard money limits to $2,000, as proposed in the Wamp amendment. I cannot see how increasing more hard money into our political system advances the goals of the underlying bill, Mr. Chairman, be assured that once Shays-Meehan clears the House, I will continue to work at having the disparity in hard money limits to be fully addressed.

Additionally, I would note that I have some concerns over how the measure restricts independent advertisements within 60 days of an election by unions, corporations and nonprofits but allows political action committees (PACs) associated with unions and corporations to dole out soft money for such ads as long as the ads do not expressly advocate support or opposition for a candidate. Though I believe that a blanket prohibition on direct expenditures by unions, corporations and nonprofits may raise some constitutional questions, I support this provision because it will create greater transparency in the crucial days before an election.

Finally, in recent days, I have heard from a number of local Texas broadcasters who voiced serious concerns about how Shays-Meehan’s lowest unit charge (LUC) provision will impact their abilities to sell broadcast ads. Under Shays-Meehan, stations would be compelled to sell air time to Federal candidates at the best advertising rate of last 180 days. Having campaigned in a major media market, I can use the goal of this provision to ensure that candidates are not priced out of tele vision, a powerful medium to reach voters. That being said, I am concerned that extending special treatment exclusively to federal candidates would result in state and local candidates, and for that matter small businesses, becoming priced out of the market. For this reason, I am supporting an amendment offered by my colleague, Gene Green, to maintain the current LUC rules which qualify political candidates to the same rate as the broadcaster’s most favored commercial advertiser.

Mr. Chairman, despite my concerns about individual provisions, the train has left the station on this issue, leaving members with two choices. They can hop aboard or get out of the way. As Mr. Chairman said, the critical issue is that this body beat back the efforts of those among us who would try to derail the process, by offering amendments that are sure to divide the fragile coalition for reform. While Shays-Meehan may not be perfect, it does represent our best chance at instituting the broadest reforms of our Nation’s campaign finance laws in a quarter century. Mr. Chairman, I strongly urge my colleagues to get behind this effort and approve Shays-Meehan.

Mr. WU. Mr. Chairman, I absolutely support H.R. 2356, the Bipartisan Campaign Finance Reform Act.

Our current campaign finance system contributes now to a culture of cynicism. It hurts our institutions, it hurts our government, and it is an attack on the integrity of our political process. Our Congress must be unbought and unbossed.

That’s why I want to stop the flood of unregulated and unreported money in campaigns. I want to eliminate the undue influence that special interests have on elections. I want to encourage strong grassroots participation. And I would like to return power to where it belongs—with the people.

The Shays-Meehan bill does this: It bans soft money raised by national parties and by candidates for Federal office. It ends issue ads, which are really attack ads under the guise of “issues.” And, it clarifies what election activities non-profits can do on behalf of our candidates for Federal office.

We must ban soft money. It is nothing more than an indoor window dressing, an election gift. It is meaningless, and for that matter small money spent on fundraising when it could be spent on doing what is important—passing legislation to improve our health care, our education system, and our economic stability.
We must do more to address the fact that the largest voting block in America is the non-voters. Campaign Finance Reform can deal with this cynicism. I urge my colleagues in the strongest way to pass Shays-Meehan. It will be one of the best things we can do for our democracy.

Mr. KIRK. Mr. Chairman, I rise today in strong support of the Shays-Meehan Bipartisan Campaign Finance Reform Bill. We must take action now to clean our political financing system by eliminating corrupting special interests and enhance accountability. As we have seen in years past, the role of soft money on our campaign system extends far beyond our nation’s borders. Not only are corporations and unions able to pump exorbitant amounts of soft money into Federal campaigns under current law, but so too are foreign nationals across the globe.

In the last ten years, China has stood out as the most infamous contributor of soft money funds, particularly during the 1996 election cycle. Beginning in 1995, reports indicate that Chinese officials planned on channeling more than $2 million in to U.S. presidential and congressional campaigns. By supporting Shays-Meehan, we have a genuine opportunity to shut down this source of funds that has become synonymous with the 1996 Presidential election. Foreign nationals in China took advantage of the massive soft money loophole to funnel illegal funds into Federal political campaigns through campaign committees, and as current law states, nothing will stop them from repeating these practices. Because there are no current disclosure requirements for the funding sources of issue ads, foreign governments could finance advertising efforts with complete anonymity.

We must pass comprehensive legislation that eliminates this soft money loophole and the growing potential influence of nations such as China. The Shays-Meehan bill will completely ban soft money fund-raising for national parties. If the Shays-Meehan bill had been in effect in 1996, China’s negative role in influencing campaigns could have been avoided.

In the wake of September 11, global security is one of the highest priorities for the United States. We must not undermine our nation’s security process by leaving a gaping loophole for foreign nationals to exert their potentially harmful influence. The sooner we pass the Shays-Meehan campaign finance bill, the sooner we will be able to eliminate the negative influence of governments on our nation’s democracy.

Mr. UDALL of Colorado. Mr. Chairman, this will be one of the most important votes of the year—in fact, it likely will be one of the most important for years to come. The legislation before us addresses one of the most serious threats to the continued health of our democracy—the perception that the national government is for sale to the highest bidder.

I say perception, because I think all of us are motivated by a sincere desire to make decisions that are in the best interests of our country and that are based on the best information available. I know that my judgment is not for sale, and I am confident that goes for every one of our colleagues as well.

But I also understand why many people think otherwise.

They know that since 1988 both parties have increasingly used funds that are supposed to go for party-building—so-called “soft money”—to instead support or oppose candidates through the unsubtle subterfuge of so-called “issue ads” and similar devices. And they know that past attempts to stop that subterfuge have been stopped by a veto or by obstruction.

So, it is not surprising that many people think that money talks so loudly that they cannot be heard.

All too often, that is the perception—and as we all know, when it comes to public opinion perception is reality. I want to change that perception by once and for all closing the “soft money” loopholes in current law. I believe we need to get rid of unlimited “soft money” contributions and act to open the election process to all.

This is not a new position for me. Starting with my first year as a Member of Congress, I have been a cosponsor of the Shays-Meehan campaign finance legislation. I have consistently voted in support of similar legislation since 1999. I signed the discharge petition that has brought the bill to the floor today.

And I supported the Shays-Meehan substitute and opposed amendments to it because I want the House to pass a bill as similar as possible to the McCain-Feingold bill that has already passed the Senate. I think that was essential because otherwise there would have been too great a risk that the bill will die in conference.

I am well aware that this legislation is not perfect. But no legislation is perfect, and this bill makes crucial improvements in campaign-finance laws. It deserves and needs to be enacted.

And so now, as we come to the time for a final decision, I urge all our colleagues to join me in voting for passage of this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 2356 is as follows:

H.R. 2356
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SECTION 101. SHORT TITLE—This Act may be cited as the “Bipartisan Campaign Reform Act of 2001.”

SECTION 102. INCREASED CONTRIBUTION LIMITS.

(a) NATIONAL COMMITTEES.

Subtitle A—Electioneering Communications

Sec. 201. Disclosure of electioneering communications.

Sec. 202. Coordinated communications as prohibited contributions.

Sec. 203. Prohibition of corporate and labor disbursements for electioneering communications.

Sec. 204. Rulemakings to certain targeted electioneering communications.

Subtitle B—Independent and Coordinated Expenditures

Sec. 211. Definition of independent expenditure.

Sec. 212. Reporting requirements for certain independent expenditures.

Sec. 213. Independent versus coordinated expenditures by party.

Sec. 214. Coordination with candidates or political parties.

TITLE III—MISCELLANEOUS

Sec. 301. Use of contributed amounts for certain purposes.

Sec. 302. Prohibition on fundraising on Federal 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 availability of lowest unit charge for Federal candidates attacking opposition.

Sec. 307. Software for filing reports and prompt disclosure of contributions.

Sec. 308. Modification of contribution limitations.

Sec. 309. Donations to Presidential inaugural committee.

Sec. 310. Prohibition on contributions by mi-

Sec. 311. Study and report on Clean Money Election laws.

Sec. 312. Clarity standards for identification of sponsors of election-related advertising.

Sec. 313. Increase in penalties.

Sec. 314. Statute of limitations.

Sec. 315. Sentencing guidelines.

Sec. 316. Increase in penalties imposed for violations of conduit contribution ban.

Sec. 317. Restriction on increased contribution limits by taking into account candidate’s available funds.

Sec. 318. Clarification of right of nationals of the United States to make political contributions.

Sec. 319. Prohibition of contributions by mi-

Sec. 320. Definition of contributions made through intermediary or conduit for purposes of applying contribution limits.

Sec. 321. Prohibiting authorized committees from forming joint fundraising committees with political party committees.

Sec. 322. Regulations to prohibit efforts to evade requirements.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

Sec. 401. Severability.

Sec. 402. Effective date.

Sec. 403. Judicial review.

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

Sec. 501. Internet access to records.

Sec. 502. Maintenance of website of election reports.

Sec. 503. Additional monthly and quarterly disclosure reports.

Sec. 504. Public access to broadcasting records.

SECTION 101. SOFT MONEY OF POLITICAL PARTIES.

(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:

SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

“(a) NATIONAL COMMITTEES.—
(1) IN GENERAL.—A national committee of a political party (including a national congressional 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, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) APPLICABILITY.—The prohibition established by paragraph (1) applies to any such national committee, any officer or agent acting on behalf of such a national committee, and any entity that is directly or indirectly established, financed, maintained, or controlled by such a national committee.

(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), 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 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.

(2) APPLICABILITY.—

(A) NOTWITHSTANDING CLAUSE (I) OR (II) OF SECTION 301(20)(A), AND SUBJECT TO SUBPARAGRAPH (B), PARAGRAPH (1) SHALL NOT APPLY TO ANY AMOUNT EXPENDED OR DISBURSED 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, THAT IS NOT SUBJECT TO THE LIMITATIONS, PROHIBITIONS, AND REPORTING REQUIREMENTS OF THIS ACT.

(B) CONDITIONS.—Subparagraph (A) shall only apply if—

(i) the activity does not refer to a clearly identified candidate for Federal office;

(ii) the amounts expended or disbursed are not for the costs of any broadcasting, cable, or satellite communication, other than a communication which refers solely to a clearly identified candidate for State or local office;

(iii) the amounts expended or disbursed are made solely from funds raised by the State, local, or district committee which makes such expenditure or disbursement, and not from any other funds provided to such committee from—

(I) any other State, local, or district committee of any State party,

(II) the national committee of a political party (including a national congressional campaign committee of a political party),

(III) any officer or agent acting on behalf of any committee described in subclause (I) or (II), or

(IV) any entity directly or indirectly established, financed, maintained, or controlled by any committee described in subclause (I) or (II).

(C) PROHIBITING INVOLVEMENT OF NATIONAL PARTY HOLDERS, AND STATE PARTIES ACTING JOINTLY.—Notwithstanding subsection (e) (other than subsection (e)(3)), amounts specifically authorized by a person described in subsection (b)(iii) meet the requirements of this subparagraph only if the amounts—

(i) are not solicited, received, directed, transferred, or disbursed by an individual holding Federal office, or a State, local, or district committee of a political party or any individual holding State or local office, individual holding Federal office, or an individual holding State or local office that promotes or supports a candidate for State or local office is also mentioned or identified and that promotes or supports a candidate for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such individual or to any other candidate for the State or local office sought by such candidate, or both.

(2) FUNDRAISING COSTS.—

(A) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party) may not solicit, receive, direct, transfer, or disburse funds in connection with an election for Federal office (including expenditures or disbursements for Federal election activity); or

(B) AN 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

(2) AN ORGANIZATION DESCRIBED IN SECTION 527 OF SUCH CODE (OTHER THAN A POLITICAL COMMITTEE, A CAMPAIGN COMMITTEE OF A POLITICAL PARTY, OR THE AUTHORIZED CAMPAIGN COMMITTEE OF A CANDIDATE FOR STATE OR LOCAL OFFICE).

(3) FEDERAL CANDIDATES.—

(A) IN GENERAL.—A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not—

(i) solicits, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

(ii) solicit, receive, direct, transfer, or spend funds in connection with any election for State or local office that promotes or supports a candidate for Federal office or disburse funds in connection with such an election unless the funds—

(I) are not in excess of the amounts permitted with respect to contributions to can-

didates and political committees under para-

graphs (1), (2), and (3) of section 313(a); and

(II) are not from sources prohibited by this Act from making contributions in con-

nection with an election for Federal office.

(B) STATE LAW.—(1) Paragraph (1) does not apply to the solicitation or spending of funds by an individual described in such paragraph who is also a candidate for a State or local office solely in connection with such election, if the solicitation, receipt, or spending of funds 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 sought by such candidate, or both.

(2) FUNDRAISING EVENTS.—(A) IN GENERAL.—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.

(B) LIMITATION APPLICABLE FOR PURPOSES OF SOLICITATION OF DONATIONS BY INDIVIDUALS TO CERTAIN ORGANIZATIONS.—In the case of the solicitation of funds by any person described in paragraph (1) on behalf of any entity described in subsection (d) which is not specifically for purposes 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 but is applicable for purposes of a donation of funds by an individual shall be the limitation set forth in section 315(a)(1)(B).

(C) TREATMENT OF AMOUNTS USED TO INFLUENCE OR CHALLENGE STATE REAPPORTIONMENT.—Nothing in this subsection shall pre-

vent or limit an individual described in paragraph (1) from soliciting or spending funds to be used exclusively for the purpose of influ-

encing the reapportionment decisions of a State. If the financing plan which relates exclusively to the reapportionment deci-

sions made by a State.

(2) STATE CANDIDATES.—

(A) IN GENERAL.—A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or indi-

vidual may not spend any funds for a com-

munication described in paragraph (1), (2), or (3) of section 301(20)(A)(ii) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

(B) EXCEPTION FOR CERTAIN COMMUNICATIONS.—(1) Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for 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.

(2) FEDERAL ELECTION ACTIVITY.—

(A) IN GENERAL.—The term ‘Federal elec-

tion activity’ means—

(i) 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 con-

ducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a can-

didate for State or local office also appears on the ballot), and 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 in the communication); and

(iii) the period that begins on the date that is 120 days before the date of an election for State or local office in which a candidate for State or local office appears on the ballot (regardless of whether a candidate for Federal office appears on the ballot), and 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 in the communication); and

(iv) the period that begins on the date that is 120 days before the date of an election for State or local office in which a candidate for State or local office appears on the ballot (regardless of whether a candidate for Federal office appears on the ballot), and 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 in the communication); and
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 identifiable candidate for State or local office; 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 designated or used to pay for a Federal election activity described in subparagraph (A);
  
  "(iii) the costs of a State, district, or local political convention;
  
  "(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs or depiction only of a candidate for State or local office; and
  
  "(v) the cost of constructing or purchasing an office facility or equipment for a State, district, or local committee of a political party.
  
  "(21) GENEenic CAMPAIGN ACTIVITY. — The term 'generic campaign activity' means a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.
  
  "(22) PUBLIC COMMUNICATION.—The term 'public communication' means a communication that is made by any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone call to the general public, or any other form of general public political advertising.
  
  "(23) MASS MAILING.—The term 'mass mailing' means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.
  
  "(24) TELEPHONE BANK.—The term 'telephone bank' means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF NONFEDERAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMITS FOR STATE COMMITTeES OF POLITICAL PARTIES.—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 (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 "or"; and
  
  (3) in subsection (b) at the end 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.

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

SEC. 103. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

  "(e) POLITICAL COMMITTEES.—

  "(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party that has authority to nominate a candidate (as determined under section 320(a)(1)) applies shall report all receipts and disbursements during the reporting period.
  
  "(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 320 APPLIES.—Each political committee to which section 320 applies shall report all receipts and disbursements made for activities described in section 320(a).—

  "(B) DISCLOSURE BY STATE AND LOCAL PARTIES OF CERTAIN NONFEDERAL AMOUNTS PERMITTED TO BE SPENT ON FEDERAL ELECTION ACTIVITY.—Each report by a political committee to which subparagraph (A) of this subsection applies shall report all receipts and disbursements made for activities described in section 320(a).
  
  "(C) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of $200 for a calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A)(ii) and (B)(iv) of section 1301.
  
  "(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B).

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(B)) is amended—

  (1) by striking clause (viii); and
  
  (2) by redesignating clauses (ix) through (xx) as clauses (viii) through (xiv), respectively.

TITLe II—NONCANDIDATE CAMPAIGN EXPENDIiTURES

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 by section 103, is amended by adding at the end the following new subsection:

  "(D) DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.—

  "(1) STATEMENT REQUIRED.—Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of $10,000 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 person 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 of the person making the disbursement, if not an individual.
  
  "(C) The amount of each disbursement of more than $200 during the period covered by the statement and the identification of the person contributing the amount made for the disbursement.
  
  "(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.
  
  "(E) If the disbursements were paid out of a segregated bank account which consists of an aggregate amount of $1,000 or more to individuals who are United States citizens or nationals or lawfully admitted for permanent residence 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 shall be construed to affect the use of funds in such a segregated account for a purpose 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—

  "(A) in general.—(i) The term 'electioneering communication' means any broadcast, cable, or satellite communication which—

  "(I) refers to a clearly identified candidate for a Federal office;

  "(aa) is 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) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided hereunder, 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 the office sought by the candidate (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 affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

  "(B) EXCEPTIONS.—The term 'electioneering communication' does not include—

  "(i) a communication which constitutes an expenditure or an independent expenditure under section 102(c)(1)(A) or (B) of the Nationality Act (8 U.S.C. 1304(b));

  "(ii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission which solely promotes a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

  "(iv) any other communication exempted under regulations prescribed by the Commission which may promulgate (consistent with the requirements of this paragraph) to ensure the
appropriate implementation of this para-
graph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 301(20A)(A)(ii).

(C) TARGETING TO ELECTORAL
TAR—For purposes of this paragraph, a com-
munication which refers to a clearly identified
candidate that is targeted to the relevant electorate if the com-
munication can be received by 50,000 or more persons.

(i) in the district the candidate seeks to
represent, in the case of a candidate for Rep-
resentative in, or Delegate or Resident Com-
mission of Congress;

(ii) in the State the candidate seeks to
represent, in the case of a candidate for Sen-
ator.

(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 disburse-
ments for the direct costs of producing or
airing electioneering communications aggreg-
ing in excess of $10,000; and

(B) any other date during such calendar
year by which a person has made disburse-
ments for the direct costs of producing or
airing electioneering communications aggreg-
ing in excess of $10,000 since the most re-
cent disclosure date for such calendar year.

(5) CONTRACTS TO DISBURSE.—For purposes
of this subsection, a person shall be treated as having
entered into a contract to disburse if the person has
entered into a contract to make the disbursement.

(6) COORDINATION WITH OTHER
REQUIREMENTS.—Any requirement to report under
this subsection shall be in addition to any
other reporting requirement under this Act.

(7) CONFORMITY WITH INTERNAL
REVENUE CODE.—Nothing in this subsection may be construed to establish, modify, or otherwise
affect the definition of political activities or
electioneering activities (including the defi-
nition of participating in, intervening in, or
influencing or attempting to influence a po-
litical campaign on behalf of or in opposition
to any candidate for public office) for pur-

(8) RESPONSIBILITIES OF FEDERAL
COMMUNICATIONS COMMISSION.—The Federal
Commission shall comply and maintain any information the Federal Elec-
tion Commission may require to carry out section
304(a) of the Federal Election Cam-
paign Act of 1971 (as added by section (a)), and
shall make such information available to the public on the Federal Communication
Commission’s Web site.

SEC. 202. COORDINATED CONTRIBUTIONS AS
CONTRIBUTIONS. Section 315(a)(7) of the Federal Election
Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) any person makes, or contracts to
make, any disbursement for any electioneering
communication (within the meaning of section
301(20A)(i)); and

(II) if a disbursement is coordinated with a candidate or an authorized committee of
such candidate, a Federal, State, or local po-
litical 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 communica-
tion of any such party and as an expen-
diture by that candidate or that can-
didate’s party; and”.

SEC. 203. PROHIBITION OF CORPORATE AND
LABOR DISBURSEMENTS FOR ELEC-
TIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting ‘‘or
for any applicable electioneering communi-
cation’’ before including

(b) APPLICABLE ELECTIONEERING
COMMUNICATION.—Section 316 of such Act is amend-
ed by adding a new paragraph—

“(c) RULES RELATING TO ELECTIONEERING
COMMUNICATIONS.—

“(1) APPLICABLE ELECTIONEERING COMMU-
NICATION.—For purposes of this section, the
‘term ‘applicable electioneering communica-
tion’ means an electioneering communica-
tion (within the meaning of section 304(f)(3)) which is made
by any entity described in subsection (a) of this section or by any other person using funds donated by an entity
described in subsection (a) of this section.

“(2) EXCEPTION.—Notwithstanding
paragraph (1), the term ‘applicable electioneering communication’ does not include a communica-
tion by a section 501(c)(4) organization or a political organization (as defined in sec-
tion 527(e)(1) of such code) under section 304(f)(3) of such Act if the com-
munication is not independently expenditure by funds provided directly by individuals who are United States citizens or nationals or law-
fully admitted for permanent residence as defined in section 1101(a)(2) of title 8 of title 8 of the Immi-
gration and Nationality Act (8 U.S.C. 1101(a)(2)).

For purposes of the preceding sentence, the term ‘provided directly by individuals’ does not
include the term ‘provided funds of which is an entity described in subsection (a) of this
section.

“(3) SPECIAL OPERATING RULES.—

“(A) DEFINITION UNDER PARAGRAPH
1.—An electioneering communication shall be treat-
ed as made by an entity described in sub-
section (a) if it is described in sub-
section (a) directly or indirectly disburse-
any amount for any of the costs of the com-
munication.

“(B) EXCEPTION UNDER PARAGRAPH
2.—A section 501(c)(4) organization that derives
organization (within the meaning of section
304(f)(3)) that is distributed from a television
station 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 Presi-
dent or Vice President, is targeted to the re-
evante electorate.

“DEFINITION.—For purposes of this
paragraph, a communication is ‘targeted to the relevant electorate’ if it meets the re-
quirements 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 strik-
ging paragraph (17) and inserting the fol-
lowing:

“INDEPENDENT EXPENDITURE.—The term ‘independent expenditure’ means an ex-
penditure by a person—

“(A) expressly advocating the election or
defeat of a clearly identified candidate; and

“(B) that is not made in concert or co-
operation with, at the request or suggestion of,
or pursuant to any general or particular
understanding with any candidate or can-
didate’s authorized political committee, or
their agents, or a political party committee or
its agents.

SEC. 212. REPORTING REQUIREMENTS FOR CERT
INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of the Federal Election
Campaign Act (2 U.S.C. 434) (as amended by section 201) is amended—

(1) in subsection (c)(2), by striking the un-
designated matter after subparagraph (C); and

(2) by adding at the end the following:

“(g) Time for Reporting Certain
Expenses.—

“(1) EXPENDITURES AGGREGATING $1,000.—

“(A) INITIAL REPORT.—A person (including
a political committee) that makes or con-
tacts to make independent expenditures ag-
gregating $1,000 or more after the 30th day,
but more than 24 hours, before the date of an
election shall file a report describing the ex-
penditures within 24 hours.

“(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 $1,000 with respect
to the same election as that to which the ini-
tial report relates.

“(2) EXPENDITURES AGGREGATING $10,000.—

“(A) INITIAL REPORT.—A person (including
a political committee) that makes or con-
tacts to make independent expenditures ag-
gregating $10,000 or more at any time up to
and including the 20th day before the date of an
election shall file a report describing the ex-
penditures within 24 hours.

“(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 re-
spect to the same election as that to which its
initial report relates.

“(3) PLACE OF FILING; CONTENTS.—A report
under this subsection—

“(A) shall be filed with the Commission;

“(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 to strike the period at the end of the second sentence of subsection (c)(3).

SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) by striking “and” and inserting “;” after (3) and (4); 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 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(7)) with respect to the candidate during the election cycle.

“(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee, on or after the date on which a party nominates a candidate, has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

“(C) APPLICATION.—For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees, State political committees, and other political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be committees of the political party.

“(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not use any funds on hand, or transferred to the party by another political committee, to make any transfers to or from a political committee as defined in section 301(4) and (5) of the Federal Election Campaign Act of 1971 (as added by subsection (a) and section 301(17)(B) of such Act (as amended by section 462 of the act)), except to a local committee of a political party.

“(E) EXPENDITURE COMMISSION.—(1) Within 90 days of the effective date of this Act, the Federal Election Commission shall promulgate new regulations to enforce the statutory standard described in section 301(8) of the Federal Election Campaign Act of 1971 (as added by subsection (b) and section 301(17)(B) of such Act (as amended by section 462 of the act)), and the regulations shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall include—

(A) payments for the republication of campaign materials;

(B) payments for the use of a common vendor;

(C) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party;

and

(D) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party.

“(2) The regulations on coordination adopted by the Federal Election Commission and published in the Federal Register at page 76138 of volume 65, Federal Register, on December 6, 2000, are repealed as of 90 days after the effective date of this Act.

“(F) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (44 U.S.C. 316(b)(2)) is amended by striking “shall include” and inserting “includes a contribution or expenditure, as those terms are defined in section 301, and all activities described in subparagraph (A)(ii) and subparagraph (B)(i).”

TITLE III—MISCELLANEOUS

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 313 and inserting the following:

“SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

“(a) PERMITTED USES.—A contribution accepted by a candidate, and any other donation received 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 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;

“(4) for transfers to a national, State, or local committee of a political party.

“(b) PROHIBITED USE.—(1) A contribution or donation described in subsection (a) shall not be converted by any person to personal use.

“(2) CONVERSION.—For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is converted to meet any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office, including—

“A. a home mortgage, rent, or utility payment;

“B. a clothing purchase;

“C. a noncampaign-related automobile expense;

“D. a country club membership;

“E. a vacation or other noncampaign-related trip;

“F. a household food item;

“G. a tuition payment;

“H. admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

“I. dues, fees, and other payments to a health club or recreational facility.”

SEC. 302. 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, it shall be unlawful for any individual 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, 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

(2) in subsection (b), by inserting “or Executive Office of the President” after “Congress”.

SEC. 303. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by striking the heading and inserting the following: “CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS”; and

(2) in 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 expenditure with respect to a contribution or donation, in connection with a Federal, State, or local election;

“(B) a contribution or donation to a committee of a political party; or

“(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 319(6)); 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.”

SEC. 304. MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) INCREASED LIMITS FOR INDIVIDUALS.—
(1) In general.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—
   (A) in subsection (a)(1), by striking ‘‘No person’’ and inserting ‘‘any candidate for election to the office of Senator as provided in subsection (i), no person’’; and
   (B) by adding at the end the following:

   ‘‘(1) INCREASE.—
     ‘‘(A) IN GENERAL.—Subject to paragraph (2), the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) (in the case referred to as the ‘applicable limit’) with respect to that candidate shall be the increased limit.
     ‘‘(B) THRESHOLD AMOUNT.—In this subparagraph, the applicable limit with respect to an election cycle of a candidate described in subparagraph (A) shall be equal to the sum of—
       ‘‘(i) $150,000; and
       ‘‘(ii) $0.04 multiplied by the voting age population.
   ‘‘(ii) VOTING AGE POPULATION.—In this subparagraph, the term ‘voting age population’ means the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under section 315(e)).
   ‘‘(C) INCREASED LIMIT.—Except as provided in clause (i), the applicable limit of subparagraph (A), if the opposition personal funds amount is over—
     ‘‘(i) 2 times the threshold amount, but not over 10 times that amount—
       ‘‘(I) the increased limit shall be 3 times the applicable limit; and
       ‘‘(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and
     ‘‘(ii) 10 times the threshold amount—
       ‘‘(I) the increased limit shall be 6 times the applicable limit; and
       ‘‘(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and
     ‘‘(iii) 10 times the threshold amount—
       ‘‘(I) the increased limit shall be 6 times the applicable limit;
       ‘‘(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and
       ‘‘(III) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party shall not apply.
   ‘‘(D) OPPOSITION PERSONAL FUNDS AMOUNT.—The opposition personal funds amount is an amount equal to the excess (if any) of—
     ‘‘(I) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) that an opposing candidate in the same election makes; over
     ‘‘(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.
   ‘‘(2) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—‘‘(A) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate’s authoriz
   ed committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1) 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
   ‘‘(B) EFFECT OF WITHDRAWAL OF AN OPPOSING 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.
   ‘‘(3) 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 limits and any contributions otherwise expended in connection with the election with respect to which such contributions were accepted and party expenditures previously made under the increased limits under this subsection for the election cycle preceding the period in which the opposition personal funds amount—
       ‘‘(I) is amended by adding at the end the following:
   ‘‘(B) RETURN TO CONTRIBUTORS.—A candidate or a candidate’s authorized committee shall return the excess contribution to the person who made the contribution.
   ‘‘(C) LIMITATION ON REPAYMENT OF PERSONAL FUNDS.—Any candidate who incurs personal loans made after the date of enactment of the Bipartisan Campaign Reform Act of 2001 in connection with the campaign of the candidate shall be repaid (directly or indirectly), to the extent such loans exceed $250,000, such loans from any individual, other than another candidate or any authorized committee of such candidate after the date of such election.
   ‘‘(D) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—
     ‘‘(1) by redesignating subparagraph (B) as subparagraph (C); and
     ‘‘(2) by inserting after subparagraph (A) the following:

   ‘‘(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—
     ‘‘(1) DEFINITION 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.
     ‘‘(2) NOTIFICATION.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will be held, the State-by-State competitive and fair campaign formula with—
       ‘‘(I) the Commission; and
       ‘‘(II) each candidate in the same election.
     ‘‘(3) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under paragraph (2), the candidate shall have an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed $10,000.
     ‘‘(4) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.
   ‘‘(E) 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:

   ‘‘(25) ELECTION CYCLE.—The term ‘election cycle’ means the period from 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 date of the next election for that office or position.
   ‘‘(26) PERSONAL FUNDS.—The term ‘personal funds’ means an amount that is derived from—
     ‘‘(1) any asset 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 had equal access to or control over, and with respect to which the candidate had legal right of access to or control over, and with respect to which the candidate had legal right of access to or control over; and
     ‘‘(ii) a salary and other earned income from bona fide employment;
     ‘‘(iii) dividends and proceeds from the sale of the candidate’s stocks or other investments;
     ‘‘(iv) income from trusts established before the beginning of the election cycle in which the candidate is the beneficiary;
     ‘‘(v) income from trusts established by a person who is related to, or an equitable interest; and
     ‘‘(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
   ‘‘(F) IN GENERAL.—Subject to paragraph (26), a candidate and the candidate’s spouse equal to the candidate’s share of the asset under the instrument of conveyance or
   ‘‘(G) IN GENERAL.—Subject to paragraph (26), a candidate and the candidate’s spouse equal to the candidate’s share of the asset under the instrument of conveyance or
   ‘‘(H) IN GENERAL.—Subject to paragraph (26), a 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. 305. 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 a 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, shall be based on the use of such candidate for nomination for election, or election, to such office shall not exceed, during the periods 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 election) for the same amount of time for the same program.

(b) RATABLE 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 redesignating subsection (c)(1) of such Act, as redesignated by subsection (c)(1) of this section, is amended by inserting "a television broadcast station, and a provider of cable or satellite television service", before the semicolon.

(c) STYLISH AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking "in General.—" before "If applicable"; and

(2) by redesigning subsection (e) as subparagraphs (A) and (B), respectively, and inserting "(A) FILING REQUIREMENTS.—\n
...\n
(b) ELECTION CAMPAIGN CONTRIBUTIONS.—For purposes of this paragraph, the terms 'amendments to the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(h))' shall be defined as follows:

(1) IN GENERAL.—With the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

(b) CONFORMING AMENDMENT.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)1(A)), as amended by this Act, is amended by inserting "subject to paragraph (3)," before "during the forty-five days before the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to broadcasts made after the date of enactment of this

SEC. 307. SOFTWARE FOR FILING REPORTS AND PROMPT DISCLOSURE OF CONTRIBUTIONS.
Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following:

"(A) IN GENERAL.—The Commission shall—

(1) promulgate standards to be used by vendors to develop software that—

(1) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement; and

(2) allows the information recorded under subsection (1) to be transmitted immediately to the Commission; and

(3) makes the information recorded under subsection (1) available to each person who files a designation, statement, or report required under this Act in electronic form.

(C) RECORDED USE.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate’s authorized committee) shall use 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. 308. MODIFICATION OF CONTRIBUTION LIMITS.
(a) INCREASE IN INDIVIDUAL LIMITS FOR CERTAIN CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(1)) is amended—

(1) in subparagraph (A), by striking "$1,000" and inserting the following:

"$2,000 (or, in the case of a candidate for Representative (or Delegate or Resident Commissioner to the Congress, $1,000);"

and

(2) in subparagraph (B), by striking "$20,000" and inserting "$35,000".

(b) INCREASE IN ANNUAL INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(3)), as amended by section 102(b), is amended by striking "$30,000" and inserting "$37,500".

(c) INCREASE IN SENATORIAL CAMPAIGN COMMITTEE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by striking "$17,500" and inserting "$35,000".

(d) ENHANCING OF CONTRIBUTION LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) 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:

“(B) Except as provided in subparagraph (C), in any case after 2002:

“(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (b) shall be increased by the percent difference determined in paragraph (f); and

“(ii) each amount so increased shall remain in effect for the calendar year; and

(iii) 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 subsection (a)(1)(A), (a)(1)(B), (a)(3), 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 the last 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

(2) in paragraph (2)(B), by striking “means the calendar year 1974” and inserting “means the calendar year 2001”;

“(ii) for purposes of subsections (b) and (d), calendar year 1974; and

“(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), and (a)(3), calendar year 2001;”;

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

SEC. 309. DONATIONS TO PRESIDENTIAL INAUGURAL COMMITTEE.

(a) In General.—Chapter 5 of title 36, United States Code, is amended by—

(1) redesignating section 510 as section 511; and

(2) inserting after section 509 the following:

“§ 510. Disclosure of and prohibition on certain donations.

“(a) In General.—A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of subsections (b) and (c).

“(b) Disclosure.—

“(1) IN GENERAL.—Not later than the date that is 180 days after the date of an inaugural ceremony, the committee shall file a report with the Federal Election Commission disclosing any donation of money, the amount of value made to the committee in an aggregate amount equal to or greater than $200.

“(2) CONTENTS OF REPORT.—A report filed under paragraph (1) shall contain—

“(A) the amount of the donation;

“(B) the date the donation is received; and

“(C) the name and address of the person making the donation.

“(c) LIMITATION.—The committee shall not accept any donation from a foreign national (as defined in section 310(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)).

(b) REPORTS MADE AVAILABLE BY FEC.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 103, 201, and 212 is amended by adding at the end the following:

“(h) REPORTS FROM INAUGURAL COMMITTEES.—The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the Commission website and on the Internet not later than 48 hours after the report is received by the Commission.”;

SEC. 310. PROHIBITION ON FRAUDULENT SOLICITATION.

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 with intent to induce the public for the purpose of soliciting contributions or donations; or

“(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.

(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) STUDY OF CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General shall determine—

(i) the number of candidates who have chosen to run and the number 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 submit a report to the Congress detailing the results of the study conducted under subsection (b).

SEC. 312. CLARITY STANDARDS FOR IDENTIFICATION OF SPONSORS OF ELECTION-RELATED 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 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, cable, or print medium; or outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever;”;

(ii) by striking “and inserting “a disbursement”; and

(iii) by striking “direct”; and

(B) in paragraph (3), by inserting “and per¬ manent street address, telephone number, or World Wide Web address” after “name”; and

(2) by adding at the end the following:

“(c) SPECIFICATION.—Any printed communi¬ cation described in paragraph (a) shall contain—

“(1) be of sufficient type size to be clearly readable by the recipient of the communica¬ tion;

“(2) be contained in a printed box set apart from the other contents of the communica¬ tion; and

“(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

(d) ADDITIONAL REQUIREMENTS.—

(1) AUDIO STATION IDENTIFICATION.—

“(A) CANDIDATE.—Any communication de¬ scribed in paragraphs (1) or (2) of subsection (a) that 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 statement and the candidate has approved the communication.

“(B) OTHER PERSONS.—Any communication described in paragraph (3) of subsection (a) that is transmitted through radio or tele¬ vision shall include, in addition to the re¬ quirements of that paragraph, in a clearly spoken manner, the following statement: candidate is responsible for the content of this advertising.” (with the blank to be filled in with the name of the political committee or other person paying for the communica¬ tion and the name of any connected organi¬ zation of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the back¬ ground and the printed statement, for a pe¬ riod of at least 4 seconds.

“(2) TELEVISION.—If a communication de¬ scribed in paragraph (3) of subsection (a) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that

“(A) appears at the end of the communica¬ tion in a clearly readable manner with a rea¬ sonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

“(B) is accompanied by a clearly identifi¬ able photographic or similar image of the candidate.

SEC. 313. INCREASE IN PENALTIES.

(a) In General.—Subparagraph (A) of section 309(d)(1) of the Federal Election Cam¬ paign Act of 1971 (2 U.S.C. 459(d)(1)(A)) is amended to read as follows:

“(A) Any person who knowingly and will¬ fully commits a violation of any provision of this Act which involves the making, receiv¬ ing, or reporting of any contribution, dona¬ tion, or expenditure—

“(1) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

“(2) aggregating $25,000 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 viola¬ tions occurring on or after the date of enact¬ ment of this Act.

SEC. 314. STATUTE OF LIMITATIONS.

(a) In General.—The United States Sent¬ encing Commission shall promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with para¬ naph (d), and the courts shall apply the provisions of the Federal Election Campaign Act of 1971 and related election laws; and

(b) SUBMIT TO CONGRESS AN EXPLANATION FOR A DEFERENCE PROMULGATED UNDER PARAGRAPH (1) AND ANY LEGISLATIVE OR ADMINISTRATIVE RECOMMENDATIONS REGARDING ENFORCEMENT OF THE
(b) CONSIDERATIONS.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and procedures reflect the seriousness of such violations and the need for aggressive and appropriate law enforcement actions to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(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 governmental funds; and

(E) an intent to achieve a benefit from the Federal Government.

(3) Ensure a sentencing enhancement for any violation by a person who is a candidate or a high-ranking campaign official for such candidate.

(4) Ensure reasonable consistency with other relevant directives and guidelines of the Commission.

(5) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancement.

(6) Ensure the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) Enforcement Authority To Promulgate Guidelines.—The Commission shall promulgate guidelines under this section not later than the later of—

(1) 90 days after the date of enactment of this Act;

(2) 90 days after the date on which at least a majority of the members of the Commission are appointed and holding office.

(3) EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—The Commission shall promulgate guidelines under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under such Act has not expired.

SEC. 316. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUCT CONTRIBUTION BAN.
(a) INCREASE IN CIVIL MONY PENALTY FOR KNOWN VIOLATION.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following—

"(D) Any person who knowingly and willfully violates any of the provisions of this Act or any amendment made by this Act, and the application of the provisions and amendment to any person or circumstance, shall be held to be unconstitutional, 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 holding;"

SEC. 317. RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE’S AVAILABLE FUNDING.
Section 315(i)(1) 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 CAMPAN FUND—

(1) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate’s authorized committee.

(2) GROSS RECEIPTS ADVANTAGE.—For purposes of clause (i), the term ‘gross receipts advantage’ means—

"(I) 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 the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

"(II) 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 NATIONAL ASSOCIATIONS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 441c) is amended by inserting after "as defined in section 101(a)(22) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(c)(3) of such Code, or any organization described in section 501(c)(4) of such Code, and any organization described in section 501(c)(4) of such Code, and any organization described in section 527 of such Code."

SEC. 319. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 441c) is amended by inserting after "as defined in section 101(a)(22) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(c)(3) of such Code, or any organization described in section 501(c)(4) of such Code, and any organization described in section 527 of such Code."

SEC. 320. DEFINITION OF CONTRIBUTIONS MADE THROUGH CANDIDATE OR CONDUCT DUIT FOR PURPOSES OF APPLYING CONTRIBUTION LIMITS.

The first sentence of section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended by striking "including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate," and inserting the following: "including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, or solicited by such candidate to support the candidate’s election and arranged or suggested by such candidate to do so through an intermediary to support or assist the candidate’s election."

SEC. 321. PROHIBITING AUTHORIZED COMMITTEE FROM FORMING JOINT FUND-RAISING COMMITTEES WITH POLITICAL PARTY COMMITTEES.
Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

"(E) No authorized committee of a candidate for Federal office may form a joint fundraising committee with any political committee of a political party.

SEC. 322. REGULATIONS TO PROHIBIT EFFORTS TO EVADE REQUIREMENTS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 441) is amended by adding at the end the following new section:

"(E) REGULATIONS TO PROHIBIT EFFORTS TO EVADE REQUIREMENTS—"SEC. 325. The Commission shall promulgate regulations to prohibit efforts to evade or circumvent the limitations, prohibitions, and reporting requirements of this Act."

SEC. 401. SEVERABILITY.
If any provision of this Act or amendment made by this Act, or the application of a provision of this Act or amendment made by this Act, to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE.
(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 30 days after the date of its enactment.

SEC. 403. JUDICIAL REVIEW.
If a person is aggrieved by any of the provisions of this Act or any amendment made by this Act, or the application of the provisions and amendments to any person or circumstance, the person may bring a civil action in an appropriate Federal court for an order directing such person to comply with any provision of this Act or any amendment made by this Act, or enjoining any person to refrain from any practice prohibited by any provision of this Act or any amendment made by this Act.

(b) In any civil action under this section, any person aggrieved by the application of the provisions of this Act or any amendment made by this Act, or the application of the provisions or amendments to any person or circumstance, shall be held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SEC. 404. EFFECTIVE DATE.
(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 30 days after the date of its enactment.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL COMMITTEE—"SEC. 326. The 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 with respect to the spending of such funds by such committee:

(1) During the period which begins on such effective date and ends March 31, 2001, the committee may transfer such funds without limit to any committee of a State or local political party, any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, or any organization described in section 527 of such Code. Nothing in this paragraph may be construed to permit any committee or organization to which such funds are transferred to use such funds in a manner inconsistent with any of the applicable provisions of this Act or the amendments made by this Act.

(2) During the period which begins on such effective date and ends March 31, 2001, the committee may transfer such funds without limit to any committee of a State or local political party, any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, or any organization described in section 527 of such Code. Nothing in this paragraph may be construed to permit any committee or organization to which such funds are transferred to use such funds in a manner inconsistent with any of the applicable provisions of this Act or the amendments made by this Act.
the provision or amendment becomes effective) brings an action which names the United States as the defendant for declaratory or injunctive relief to challenge the constitutionality of the provision or amendment within the 90-day period which begins on the date of the enactment of this Act, the following rules shall apply:

(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 United States Supreme Court. Such appeal shall be taken by 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) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent 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 a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party 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 any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

SEC. 501. INTERNET ACCESS TO RECORDS.

(a) Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(11)(B)) is amended to read as follows:

"(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public through the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission."

SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION REPORTS.

(a) In General.—The Federal Election Commission shall maintain on its website a central site on the Internet to make accessible to the public all publicly available election-related reports and information.

(b) Election-related Report.—In this section, the term "election-related report" means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)).

(c) Coordination With Other Agencies.—Any Federal executive agency receiving election-related information on which 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 MONTHLY AND QUARTERLY DISCLOSURE REPORTS.

(a) Principal Campaign Committees.—

(1) Monthly Reports.—Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended by striking clause (iii) and inserting the following:

"(iii) additional monthly reports, which shall be filed not later than the 15th day after the last day of the month in which the election to which the communication relates occurred and shall be complete as of the last day of the month, except that monthly reports shall not be required under this clause in November and December and a year end report shall be filed not later than January 31 of the following calendar year."

(2) Quarterly Reports.—Section 304(a)(2)(B) of such Act is amended by striking "the following reports" and all that follows through the period and inserting "the treasurer 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 the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(4)) is amended by adding at the end the following flush sentence: Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B)."

(c) CONFORMING AMENDMENTS.—

(1) Section 304.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(A) in paragraph (3)(A)(ii), by striking ‘‘quarterly reports’’ and inserting ‘‘monthly reports’’; and

(B) in paragraph (8), by striking ‘‘quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)’’ and inserting ‘‘monthly report under paragraph (2)(A)(iii) or paragraph (4)(A)’’.

(2) Section 309.—Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(b)) is amended by striking ‘‘calendar quarter’’ and inserting ‘‘month’’.

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) 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 public office; or

"(B) communicates a message relating to any political matter of national importance, including—

"(i) a legally qualified candidate; or

"(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; or

"(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 running for; and

"(F) the names 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 public file as soon as possible and shall be retained by the licensee for a period of not less than 2 years."

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

5504. A communication from the President of the United States, transmitting notification to reallocate funds previously transferred from the Emergency Response Fund; and

(H. Doc. No. 107—181); to the Committee on Appropriations and ordered to be printed.

5505. A letter from the Director, Program Analyst, Department of Transportation, transmitting the Department’s final rule—Type Certification Procedures for General Products [Docket No. FAA—2001—8994; Amdt. Nos. 11—45, 21—77, 25—99] (RIN: 2120—AF68) received February 8, 2002, pursuant to 5 U.S.C. 301(a); to the Committee on Resources.

5506. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America 2001 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

5507. A letter from the Director, Policy Department, Department of Justice, transmitting the Department’s final rule—New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for $T" Nonimmune Status (RIN: IIIS5—AG19) received January 31,
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2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.


5509. A letter from the Program Analyst, FAA, Department of Transportation, transmitt- ing the Department’s final rule—Revis- ion of 33 CFR Parts 67 and 168 to Incorporate Requirements for Air Carriers that are Certified to Operate at International Airports; Special Conditions for International Air Carriers [Docket No. FAA–2001–16664; APAR No. 90–1] (RIN: 2120–AI64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A) ; to the Committee on Transportation and Infrastructure.


5511. A letter from the Senior Regulations Analyst, Department of Transportation, transmitt- ing the Department’s final rule—Process Manual for Site Certification (Transportation Security Administration) [Docket No. FHWA–2001–10885] (RIN: 2160–AD06) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A) ; to the Committee on Transportation and Infrastructure.


5515. A letter from the Secretary, Depart- ment of Transportation, transmitt- ing the Department’s report entitled, “Buckle Up America: The Presidential Initiative for In- creasing Seat Belt Use Nationwide. Fourth Report To Congress and Second Report to the President”; to the Committee on Transportation and Infrastructure.

5516. A letter from the Associate Adminis- trator for Procurement, National Aeronau- tics and Space Administration, transmit- ting the Administrator’s final rule—Mis- cellaneous Administrative Revisions to the NASA FAR Supplement— received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A) ; to the Committee on Science.

5517. A letter from the Association of Community Service Programs, Inc., on behalf of the National Aeronautics and Space Administration, transmit- ting the rule—grant for the Hurricane Research Division's research prog- ram; to the Committee on Science.

5518. A letter from the Chief Counsel, Bu- reau of the Public Debt, Department of the Treasury, transmitting the Department’s final rule—Revisions to the Electronic Treasury Bonds Notes, and Bills [Dep- artment of the Treasury Circular, Public Debt Series, No. 2–66] received November 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A) ; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were submitted to the Clerk for printing and reference to the proper calendar, as follows:

(Febuary 14 (legislative day of February 13), 2002)

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 347. Resolution providing for consideration of the Senate amendments to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes (Rept. 107–359). Referred to the House Cal- endar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for him- self, Mr. EVANS, Mr. SIMPSON, Mr. REYES, Mr. FILNER, Mr. BAKER, Mr. PICKERING, Mr. SHOWS, Mr. KING, Mr. SANDERS, Mr. BALDACCI, Ms. CARSON of Indiana, Mr. REYNOLDS, and Mr. MOORE):

H.R. 3731. A bill to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and other programs of education administered by the Department of Veterans Affairs; to the Committee on Vet- erans’ Affairs.

By Mr. PAUL:

H.R. 3732. A bill to amend title 31, United States Code, to limit the use by the President and the Secretary of the Treasury of the Exchange Stabilization Fund to buy or sell gold without congressional approval, and for other purposes; to the Committee on Fi- nance, and severally referred, as follows:

By Mr. EVANS (for himself and Mr. REYES):

H.R. 3733. A bill to amend title 38, United States Code, to allow for substitution of parties in the case of a claim for benefits pro- vided by the Department of Veterans Affairs when the applicant for such benefits dies while the claim is pending, and for other pur- poses; to the Committee on Veterans’ Af- fairs.

By Mr. REYES (for himself and Mr. EVANS, and Ms. BROWN of Florida):

H.R. 3734. A bill to amend title 38, United States Code, to provide full service-con- nected disabilities benefits for persons dis- abled by treatment or vocational rehabilita- tion provided by the Department of Veterans Affairs and for survivors of persons dying from such treatment; to the Committee on Veterans’ Affairs.

By Mr. REYES (for himself, Mr. EVANS, and Ms. BROWN of Florida):

H.R. 3735. A bill to amend title 38, United States Code, to extend the time for applica- tion for a waiver of recovery of claims of overpayments of veterans benefits and to otherwise improve the administration of overpayments of veterans benefits; to the Committee on Veterans’ Affairs.

By Mr. ACKERMAN of New York:

H.R. 3736. A bill to amend the Securities Exchange Act of 1934 to require the Securi- ties and Exchange Commission to strengthen the Commission’s auditor independence standards; to the Committee on Financial Services.

By Mr. ANDREWS (for himself, Mr. BALDACCI, and Mr. ALLEN):

H.R. 3737. A bill to extend the prohibition on project-based assisted housing contracts at reimbursement levels that are sufficient to sustain operations, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania (for himself, Mr. FATTAH, Mr. BORSKI, Ms. HART, Mr. PETTIERSON of Pennsylvania, Mr. HOLDEN, Mr. WELDON of Pennsyl- vania, Mr. GREENWOOD, Mr. SHUSTER, Mr. SHERWOOD, Mr. KANJORSKI, Mr. MURTHA, Mr. HOEPEL, Mr. TOOMEY, Mr. PITTS, Mr. GEKAS, Mr. DOYLE, Mr. PLATTS, Mr. MASCARA, and Mr. ENGLISH):

H.R. 3738. A bill to designate the facility of the United States Post Service located at 1259 North 7th Street in Philadelphia, Penn- sylvania, as the “Herbert Arlene Post Office Building”; to the Committee on Government Reform.

By Mr. BRADY of Pennsylvania (for himself, Mr. FATTAH, Mr. BORSKI, Ms. HART, Mr. PETTIERSON of Pennsylvania, Mr. HOLDEN, Mr. WELDON of Pennsyl- vania, Mr. GREENWOOD, Mr. SHUSTER, Mr. SHERWOOD, Mr. KANJORSKI, Mr. MURTHA, Mr. HOEPEL, Mr. TOOMEY, Mr. PITTS, Mr. GEKAS, Mr. DOYLE, Mr. PLATTS, Mr. MASCARA, and Mr. ENGLISH):

H.R. 3739. A bill to designate the facility of the United States Post Service located at 925 Dickinson Street in Philadelphia, Penn- sylvania as the “Amos W. Brown Post Office Building”; to the Committee on Government Reform.

By Mr. BURTON of Indiana (for him- self, Mr. WAXMAN, Mr. WELDON of Florida, Mr. NADLER, Mr. GILMAN, Mr. HORN, Mr. DUNCAN, Mr. FRONT, Mrs. MORELLA, Mrs. FUCICINICH, Mrs. JO ANN DAVIS of Virginia, and Mr. TOM DAVIS of Virginia):

H.R. 3741. A bill to amend the Public Health Service Act with respect to the Na- tional Vaccine Injury Compensation Pro- gram; to the Committee on Energy and Com-
By Ms. SCHAKOWSKY (for herself, Mr. DICKS of Washington, Mr. HOYER, Ms. WOOLSEY, Mr. ROYCE, and Mr. HAMRICK): H.R. 3742. A bill to amend the Internal Revenue Code of 1986 to expand the earned income tax credit for individuals with no qualifying children; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. SAXTON): H.R. 3743. A bill to provide for restrictions on travel by diplomatic representatives of the Palestine Liberation Organization while in the United States, and for other purposes; to the Committee on International Relations.

By Mr. GEKAS: H.R. 3744. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

By Mr. NADLER (for himself, Mr. TIBBETT, Mr. SHADDOCK, Mr. COX, and Mr. ROYCE): H.R. 3745. A bill to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Financial Services.

By Mr. HOYER: H.R. 3746. A bill to amend title XVIII to establish a comprehensive centers for medical excellence demonstration program; to the Committee on Ways and Means; and to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. DIX, Mr. UNDERWOOD, Mr. WU, Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. MATSU, Mr. ABERCROMBIE, Mr. BAIRD, and Mr. LARSEN of Washington): H.R. 3747. A bill to direct the Secretary of the Interior to conduct a study of the site commonly known as Eaglesdale Ferry Dock at Taylor Avenue in the State of Washington for potential inclusion in the National Park System; to the Committee on Resources.

By Mr. JOHNSON of Illinois: H.R. 3748. A bill to designate the facility of the United States Postal Service located at 107 South Oak Street in Arcola, Illinois, as the “James E. Case IV Post Office”: to the Committee on Post Office and Civil Service.

By Mr. LOBONDO (for himself, Mr. LAMPSON, Mr. SAXTON, Mr. GRUCCI, Mr. JONES of North Carolina, Mrs. MILLS of Hawaii, Mr. FERGUSON, Mr. KING, Mr. FALLONE, Mr. SHAW, Mr. MCINTYRE, Mr. HORN, Mrs. ROCKEMA, Ms. HARSMAN, Mr. FILNIR, Mr. STUPEK, and Mr. BOYD): H.R. 3749. A bill to amend the Water Resources Development Act of 1986 to limit the non-Federal share of the cost of shore protection projects; to the Committee on Transportation and Infrastructure.

By Mrs. MINK of Hawaii: H.R. 3750. A bill to direct the Secretary of the Interior to conduct a study regarding the suitability and feasibility of establishing the East Maui district of East Maui in the State of Hawaii, and for other purposes; to the Committee on Resources.

By Mr. NADLER: H.R. 3751. A bill to prohibit the importation of dangerous firearms that have been modified to avoid the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Ms. MILLENDER-McDONALD, Mr. CONVERS, Mr. FRANK, Ms. JACOBSON-LEES of Texas, Mr. THOM of Hawaii, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. HOUCKTON, Mr. HONDA, Mr. JACKSON of Illinois, Mr. SMITH of New Jersey, Mr. WAXMAN, Ms. SLAUGHTER, Mr. LANTOS, Mr. RANGEL, Mr. KUCINSCH, Mr. GEORGE MILLER of California, Mrs. LOWE, Mrs. SOLIS, Mr. THOMPSON of Mississippi, Mr. FROST, Mr. BROWN of Ohio, Mr. BALDACCI, Mr. SANDLIN, Mr. McKEE of Idaho, Mr. GILLMORE, Mr. SKELTON, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. OWENS, Mrs. Jones of Ohio, Mr. NORTON, Mr. NUELL, and Mrs. SANDERS, Mrs. THURMAN, Mr. CUMMINGS, Mr. NADLER, Mr. EVANS, Mr. ALLEN, Mr. ROTHMAN, Ms. MCCOLLUM, Mr. GREEN of Texas, Mr. HOOLEY of Oregon, Ms. BALDWIN, Mr. CLEMENT, Ms. LEE, Mr. JEFFERSON, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. BOSWELL, Ms. WATERS, Ms. BERKLEY, Mr. BLAGOJEVICH, Mrs. CAPPS, Mr. RIVIES, Mr. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Mr. HINCHERY, Mr. OLIVER, Ms. MCKINNEY, Ms. SANCHEZ, Ms. HART, Mr. PACRELL, Ms. BROWN of Florida, Ms. DELAURA, Mr. UNDERWOOD, Mr. LIPINSKI, Mr. BONÖR of Illinois, Mr. HOOD, Mr. CAPUANO, Mr. BORSKI, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. McCRONY, Ms. BALDWIN, Mr. KARTHE, Mr. ISRAEL, Mr. LEONHARDT, Mr. WALKER of Wash- ington, Mr. MORAN of Virginia, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. FATTAH, Mr. BAIRD, Mr. WT, Mr. OKBARIH, Mr. HUSE, Ms. ROYBAL-ALLARD, Mr. KILDEE, Mr. SPATT, Mr. UDALL of New Mexico, Mr. HOWER, Ms. WOOLSEY, Mr. FALCON, Mr. WEXLER, Mr. MEZ of Florida, Ms. KAPUR, Ms. LOFRENN, Mr. VELAZQUEZ, Mr. LANGEVIN, Mr. FORD, and Mr. CLAY).

H.R. 3752. A bill to provide housing assistance to domestic violence victims; to the Committee on Financial Services.

By Mr. SWEENEY: H.R. 3753. A bill to restate and transfer a hydroelectric license under the Federal Power Act to permit the redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHUKNECHT: H.R. 3754. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of resuming mining of potassium in the State of Nevada; to the Committee on Energy and Commerce.

By Mr. VITTER: H.R. 3755. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Mr. VITTER: H.R. 3756. A bill to amend the Internal Revenue Code of 1986 to allow a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of the reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. WEXLER: H.R. 3757. A bill to freeze and repeal portions of the tax cut enacted in the Economic Growth and Tax Relief Reconciliation Act of 2001 and to apply savings therefrom to a comprehensive, large-scale outpatient prescription drug benefit; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself, Mr. CONVERS, Ms. NORTON, Mrs. Jones of Ohio, Mr. BONIOR, Mr. PAYNE, Ms. KAPUR, and Ms. BROWN of Florida): H.Con. Res. 328. Concurrent resolution expressing the sense of the Congress with respect to coverage of outpatient prescription drugs under the Medicare Program and with respect to providing for appropriate new budget authority for such coverage; to the Committee on Ways and Means, and inadiddion to the Committee on Energy and Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisios as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN (for herself, Mr. CANTOR, Mr. HANSEN, Mr. LANGEVIN, Mr. DAW MILLER of Florida, Mr. MOORE, Mr. SHREEMAN, Mr. STARK, Mr. TRAPFIANT, Mr. WAXMAN, and Mr. WYNN): H.Con. Res. 329. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Mr. VITTER: H.Con. Res. 330. Concurrent resolution honoring the State of Louisiana’s oil and gas industry on the occasion of its 101st anniversary; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule X, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCCRARY: H.R. 3758. A bill for the relief of So Hyun Jun; to the Committee on the Judiciary.

By Mrs. THURMAN: H.R. 3759. A bill to provide for the reliquiation of a certain drawback claim relating to juices; to the Committee on Ways and Means.

By Mrs. THURMAN: H.R. 3760. A bill to provide for the reliquiation of a certain drawback claim relating to juices; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule X, two sponsors were added to public bills and resolutions as follows:

H.R. 602: Mr. UNDERWOOD and Mr. MATHISON.

H.R. 671: Mr. WEXLER.

H.R. 739: Mr. KILDEE and Mr. MORAN of Virginia.

H.R. 747: Mr. SCHIFF.

H.R. 830: Mr. Wilson of South Carolina.
H.R. 951: Mr. Weldon of Pennsylvania.
H.R. 959: Mr. Issa.
H.R. 969: Mr. Reyes and Mr. Boozman.
H.R. 978: Mr. billick.
H.R. 1070: Ms. Carson of Indiana.
H.R. 1143: Mr. Hark, Mrs. Davis of California, Mr. Scarmella.
H.R. 1184: Mr. Owens, Mr. Forbes, Ms. Lee, and Mr. Bowser.
H.R. 1198: Mr. Bar, Mr. G. of Georgia.
H.R. 1214: Mr. Dufaize and Mr. Pitts.
H.R. 1214: Mr. Dufaize and Mr. Pitts.
H.R. 1273: Mr. Wilson of South Carolina.
H.R. 1298: Mr. Wamp, Mr. Boren, and Mr. Tannen.
H.R. 1305: Mr. Souder.
H.R. 1322: Mr. Lipinski, Mr. Cramer, Ms. Solis, and Ms. Carson of Indiana.
H.R. 1490: Ms. Wilson of South Carolina and Mr. English.
H.R. 1470: Mr. Brady of Pennsylvania and Mr. Costello.
H.R. 1501: Mr. Faleomavauga.
H.R. 1699: Mr. Manzullo.
H.R. 1697: Ms. Norton and Mr. Smith of Washington.
H.R. 1673: Mr. Knollenberg.
H.R. 1738: Mr. Price of North Carolina.
H.R. 1744: Mr. Aderholt, Mr. Kelley.
H.R. 1769: Mr. Smith of Washington.
H.R. 1779: Mrs. Davis of California and Mr. McNulty.
H.R. 1795: Mr. Putnam, Mr. Smith of Washington, Mr. Kennedy of Rhode Island, Mr. Terry, and Mr. Hooyer.
H.R. 1808: Mr. Tierney.
H.R. 1836: Mr. DeLauro.
H.R. 1862: Mr. Nadler, Ms. Rivers, and Ms. Carson of Indiana.
H.R. 1904: Mr. Blumenauer.
H.R. 1917: Mr. Bornholt and Mr. Ehlers.
H.R. 1919: Mr. Reberg.
H.R. 1983: Mr. Souder, Mr. Wilson of South Carolina, Mr. D. of Connecticut, Mr. Fishroom, Mr. Wilson of Missouri, Mr. Kildee, Mr. Smith of Nebraska, and Mr. VL.
H.R. 2036: Mr. Brown of Ohio, Mr. Forbes, Mr. Schiff, Mr. Hinchey, Mr. Costello, Mr. Duncan, Mr. Gilman, Mr. Santon, Mr. Levine, Mr. Evans, and Mr. Cooksey.
H.R. 2037: Mr. Dreier and Mr. Hilliard.
H.R. 2074: Mrs. McCarthy of New York.
H.R. 2088: Mr. Serrano.
H.R. 2220: Mr. Thurman.
H.R. 2254: Mr. Shimkus.
H.R. 2282: Mr. Kaptur.
H.R. 2494: Ms. Slaughte, Mr. Fattah, Ms. Lofgren, and Ms. Carson of Indiana.
H.R. 2527: Mr. Cole, Mrs. Mink of Hawaii, and Mr. Boucher.
H.R. 2674: Mr. Diaz-Balart, Mr. Terry, Mr. Clyburn, Ms. McKinny, Mr. Bonior, Mr. Skelton, Mr. Kucinich, Mrs. Maloney of New York, Mr. Evans, Ms. McCarthy of Missouri, Mr. Spratt, Mr. Costello, Ms. Ros-Lehtinen, Mr. Peterson of Minnesota, and Ms. Woolsey.
H.R. 2695: Mr. Schaffer, Mr. Dooley of California, Mr. Calvert, and Mr. English.
H.R. 2807: Mr. Pomoroy.
H.R. 2817: Mr. Gordon and Ms. Carson of Indiana.
H.R. 2909: Ms. Pancoska of Ohio, Mr. Leach, Mr. Davis of Florida, Mr. Lewis of California, Mr. Neel of Massachusetts, Mr. Matsui, Mr. Wynn, Ms. Norton, Mr. Brown of Ohio, Mr. Brescia, Mr. McNeely, Ms. Rodriguez, Mrs. Meek of Florida, Mr. Evans, Mr. Waxman, and Mrs. Clayton.
H.R. 3634: Mr. LaFalce, Mr. Frank, Mr. Watt of North Carolina, Mr. Clay, Mr. Sanders, Mr. Hinchey, Mr. Filner, Mr. Brown of Ohio, Mr. Blagojevich, and Mr. Norton.
H.R. 3645: Mr. Kildee.
H.R. 3659: Mr. Farr, Mr. Pomoroy, Mr. Brady of Texas, Mr. Frost, Mr. Berri, and Mr. Lucas of Kentucky, Mr. Forbes, and Mr. Frelighuysen.
H.R. 3670: Mr. Stark and Mr. Davis of Florida.
H.R. 3684: Mr. Reberg.
H.R. 3686: Mr. Manzullo and Mr. Tiaight.
H.R. 3687: Mr. King.
H.R. 3688: Mr. Platts.
H.R. 3694: Mr. Tauzin, Mr. Dingell, Mr. McKinley, Mr. George Miller of California, Mr. Gary Miller of California, Mr. McCrory, Mr. Calvert, Mr. Blagojevich, Mr. Issa, Mr. Strickland, Mr. Shays, Ms. Lofgren, Mr. Manzullo, Mr. Traicant, Mr. Bar of Georgia, Mr. Gordon, Mr. Deal of Georgia, Ms. Rivers, Mr. Norwood, Mr. Pershing of Minnesota, Mr. Linder, Mr. Brown of Ohio, Mr. Burton of Indiana, Mr. Matsui, Mr. Leach, Mr. Brady of Pennsylvania, Mr. Gallegly, Mr. Fattah, Mr. Ehlers, Mr. Ross, Mr. Gibbons, Mr. Evans, Mr. Galman, Mr. Kausser, Mr. McHus, Mr. Mica, Mr. Watts of Oklahoma, Mr. Hoepfel, Mr. Lucas of Oklahoma, Mr. Coyne, Ms. Hart, Mr. Doyle, Mr. Peterson of Pennsylvania, Mr. Gonzalez, Mr. Weldon of Pennsylvania, Mr. McNulty, Mr. Greenwood, Mr. Hastings of Florida, Mr. Shrewder, Mr. Wu, Mr. Geeka, Ms. Hooley of Oregon, Mr. Engel, Mr. Michaud of New Hampshire, Mr. Wilson of South Carolina, Mr. Rush, Mr. Jenkins, Mr. Lynch, Mr. Bryant, Mr. Kildee, Mr. Forbes, Ms. Solis, Mr. Terry, Mr. Frost, Mr. O'Conora, Mr. Smith of Washington, Mr. Jeff Miller of Florida, Mr. Crowly, Mr. Cunningham, Mr. Delahunt, Mr. Walden of Oregon, Mr. Markey, Mr. Chambless, Mr. Davis of Missouri, Mr. Barrasso, Ms. Eshoo, Ms. Dunn, Ms. Lee, Mr. Farr of California, Mr. Schiff, Ms. Watson, Mr. Baca, Mr. Tierney, Mr. Bishop, Mr. Lewis of Georgia, Mr. John, Mr. Payne, Mr. Inslee, Mr. Towns, Mr. Frank, Mr. Neal of Massachusetts, Ms. McCollum, Mr. Capuano, Mr. Shows, Ms. Woolsey, Ms. Tibbels, Mr. McCran, Mr. Bono, Mr. Stupak, Mr. LaHood, Mr. Hamen, Mr. Upton, Mr. Blunt, Mr. Crenshaw, Mr. Keller, Mr. Stenars, Mr. Tom Davis of Virginia, Mr. Pickering, Mr. McCreary, Mr. Wellker, Mr. Grucci, Mr. Shimkus, Mr. Akin, and Mr. Smith of Nevada.
H.R. 3713: Mr. Green of Wisconsin and Mr. Cooksey.
H.J. Res. 23: Mr. Geeka.
H. Con. Res. 177: Mr. Thompson of California.
H. Con. Res. 304: Mr. Frank.
H. Con. Res. 311: Mr. Peterson of Minnesota and Mr. Rangel.
H. Con. Res. 317: Mr. Ose and Mr. Carson of Oklahoma.
H. Con. Res. 318: Mr. Kleeza, Mr. Petri, and Mr. Holden.
H. Con. Res. 320: Mr. Lynch.
H. Con. Res. 327: Mr. Lantos, Mr. Engel, and Mr. Whipted.
H. Res. 144: Mr. Schrock and Mr. Paul.
H. Res. 225: Mrs. Jones of Ohio, Mr. Tann, and Ms. Lofgren.
H. Res. 325: Mr. Etheridge.
H. Res. 339: Mr. Hinchey and Mr. Cardin.
H. Res. 346: Mr. Strakers, Mr. Weldon of Florida, Mr. Brown of South Carolina, Mr. Terry, Mr. Vitter, Mr. Doolittle, Mr. Chabot, Mr. Wilson of South Carolina, Mr. Boucher, Mr. Cutler, Mr. Anderson, and Mr. Gunkin.
The Senate met at 9:30 a.m. and was called to order by the Honorable Jon S. Corzine, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Blessed God, our Father, You have shown us that there is great spiritual power in prayer. When we praise You, our minds and hearts are opened to Your Spirit, burdens are lifted, problems are resolved, and strength is released. So we join our voices with the Psalmist: “I will tell of all Your marvelous works. I will be glad and rejoice in You; I will sing praise to Your name, O Most High.”—Psalm 63:3-4a. This is a day to praise You, O Lord! Amen.

PLEDGE OF ALLEGIANCE

The Honorable Jon S. Corzine 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jon S. Corzine, a Senator from the State of New Jersey, to perform the duties of the Chair. 

Robert C. Byrd, President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The Acting President pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The Acting President pro tempore. The Senator from Nevada.

Mr. REID. Thank you, Mr. President.

ORDER OF PROCEDURE

Mr. REID. The Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. Without objection, I ask unanimous consent that the following amendment be inserted for purposes of amendment No. 2851, to require the Secretary of Agriculture to make payments to milk producers.

Mr. SPECTER. The Senator from Pennsylvania.

Mr. REID. Mr. President, I thank my distinguished colleague for yielding me the time.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1897 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

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 report. The bill clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, 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.

Lugar (for Kyl/Nickles) amendment No. 2850, 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.

Lugar (for Domenici) modified amendment No. 2851 to amendment No. 2471, to require the Secretary of Agriculture to make payments to milk producers.

Harkin (for Kennedy/Snowe) amendment No. 2852 to amendment No. 2471, to provide emergency disaster assistance for the commercial fishery failure with respect to Northeast multispecies fisheries.

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.

TEXT OF AMENDMENT 2851, AS MODIFIED

On page 2, line 10, after the word “forestry,” insert “or commercial fisheries”.

AMENDMENTS NO. 2837 AND 2850

The Acting President pro tempore. Under the previous order, the hour of 9:40 a.m. having arrived, there will now be a total of 10 minutes debate equally divided on the Conrad amendment No. 2857 and the Kyl amendment No. 2850.
Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, if the Chair would alert me when I have used 4 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. CONRAD. Mr. President, the Conrad amendment states the following:

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 fiscal year 2003 budget the Federal Government is projected to spend Social Security surplus funds 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 $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 for current expenditures or to pay down the debt.

We are in a worse place. There are no surpluses left. This chart, shows, from 1992 to 2012, the fiscal condition of the country. It shows that, while we were able to avoid using Social Security funds or most of the Social Security funds for 4 years, we have now gone back to the old, bad ways of taking every dime of Social Security funds for other purposes—for the President’s tax cuts and for other spending priorities.

This is something we all pledged not to do. It is not just in the context of the economic downturn and the war. It is a condition that will confront us the entire rest of this decade, as this chart shows.

Where did the money go? The Congressional Budget Office tells us over the last year, 42 percent of the reason for the return to deficits is the tax cut the President proposed and pushed through Congress last year; 25 percent is a result of the economic downturn; 18 percent results from the additional defense and homeland security costs necessitated by our response to the attack on our country; 17 percent came about as a result of technical changes, largely underestimated portions of the cost of Medicare and Medicaid.

Last year we were told we would have $27 trillion of non-trust-fund surpluses over the next decade. That is where the President’s tax came from. Now that entire projected surplus is gone, and what we are left with is debt. The debt is not going to be financed by the Social Security and Medicare trust funds under the President’s proposal.

Last year we were told we would be paying down $2 trillion of debt in the next 10 years. Now the administration informs us that will be only $521 billion.

The consequence of more debt is that we are paying $1 trillion more in interest than we were told last year. That means $1 trillion more available to improve the defense of the country or to strengthen homeland security or to pay down the debt.

Now the Senator from Arizona comes and says we ought to dig the hole deeper. The Senator from Arizona says: We ought to make permanent the estate tax elimination that was part of the tax bill last year. That would cost $104 billion over this decade, and over the next decade it would cost $800 billion, right at the time the baby boomers begin retiring in large numbers.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. CONRAD. Mr. President, this is where we are headed. In 2016, the Social Security trust funds turn negative. Then these surpluses that are being used to pay for tax cuts and other expenses of Government are going to vanish, and instead we will have massive deficits.

I urge my colleagues to support the Conrad amendment, to say no to making permanent tax cuts that would be financed out of the Social Security trust funds. Every Member, virtually every Member, has pledged not to do that. This is the time to reaffirm that commitment to the integrity of the trust funds.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, the problem with the argument the Senator from North Dakota is that there is not one shred of truth to it. It is absolutely false to contend that we are going to be spending Social Security surplus funds on “permanentizing the repeal of the death tax.” It is simply false.

I ask unanimous consent to print in the RECORD the budget estimates from President Bush’s 2003 budget submission which demonstrates this fact.

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

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BUDGET ESTIMATES—PRESIDENT BUSH'S 2003 BUDGET SUBMISSION
(In billions of dollars)

<table>
<thead>
<tr>
<th>Year</th>
<th>Baseline non-social security surplus</th>
<th>Baseline social security surplus</th>
<th>Budget estimate</th>
<th>Budget estimate plus</th>
</tr>
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<tbody>
<tr>
<td>2008</td>
<td>17</td>
<td>51</td>
<td>99</td>
<td>395</td>
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<td>2003</td>
<td>14</td>
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</tr>
<tr>
<td>2012</td>
<td>14</td>
<td>95</td>
<td>174</td>
<td>334</td>
</tr>
</tbody>
</table>

Source: President’s 2003 budget, OMB.
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Mr. KYL. Mr. President, what this shows is that during the period of time we are talking about, we are going to have a non-Social Security surplus of almost a half trillion dollars, $463 billion to be exact.

The Senator from North Dakota can’t have it both ways. In his resolution he uses these statistics to calculate how much a permanent repeal of the death tax is going to cost and says it is $104 billion over 10 years. That is what the Senator says. But if you can’t use that statistic and then ignore the other half of the equation, which is that during the same period of time we will have a surplus of $463 billion. That doesn’t count any of the Social Security surplus.

If you subtract 104 from 463, you are not even close to getting to the Social Security surplus. You still have a significant $359 billion surplus, plus Social Security surplus, which is $104 billion.

I ask my colleague this: I would be happy to support his resolution if he would be willing to drop the clause that says it is going to cost $104 billion over the next 10 years, all of which would further reduce the Social Security surplus, since that is a false statement, and also if he would drop the sentence “Under the administration’s fiscal budget, the Federal Government is projected to spend the Social Security surplus for other purposes in each of the next 10 years,” because that also is demonstrably false under the President’s budget submission. Would the Senator from North Dakota be willing to drop those provisions of his amendment, in which case I would be happy to support it and urge my colleagues to do the same?

Mr. CONRAD. I have no intention of dropping those statements which accurately reflect precisely what the President’s budget says.

Mr. KYL. If the Senator from North Dakota is not willing to amend his resolution, then I will have to urge my colleagues not only to oppose his resolution, because it is simply false in its recitations and is an inaccurate portrayal of what was going to be done, but, secondly, it totally misrepresents the effect of our resolution, our sense of the Senate which is very straightforward.

It says: We voted to repeal the death tax. Let’s make that permanent. Let’s not try to play games with the American people and say we did something which we all know is only going to be in effect for 1 year after which it sunsets.

I defer to my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. How much time remains?

The ACTING PRESIDENT pro tempore. Two minutes.

Mr. NICKLES. On the other side? The ACTING PRESIDENT pro tempore. Eight seconds.

Mr. NICKLES. Mr. President, I urge my colleagues to support the Kyl-Nickles-Gramm-Sessions amendment to make the death tax repeal permanent. To say we are going to reduce the death tax for the next 9 years, have it go to zero in the year 2010, and then in the year 2011, we are going to have a big increase and go back to death tax rates of 50 or 60 percent is absurd. We need to make it permanent.

This is a sense of the Senate that says it should be permanent. I believe there is a competing resolution that was referred to my colleagues. Wait a minute. This is going to take Social Security money. That is not correct. My colleague is entitled to his own
opinion. He is not entitled to his own facts. The facts are projected by OMB.

The administration’s estimate by OMB is that we are going to have a $99 billion surplus in the year 2010, $199 billion in the year 2011, and $395 billion in 2012. That is not counting Social Security. That is over and above Social Security. Those are the administration’s estimates. So we ought to be factual. I don’t mind the “therefore, it is the sense of the Senate that the Social Security surplus funds should not be used to make currently scheduled tax cuts permanent or for wasteful spending.” Who is for wasteful spending? The part of this that says the $110 billion would be used to reduce Social Security is not factual.

You should not be using a death tax to pay for Social Security in the first place. But it is not in this resolution or in the amendment offered by my friend and colleague from Arizona.

I urge my colleagues, let’s do something for agriculture that would be positive and repeal the death tax. Talk to your farmers and ranchers and small businesses. Is there something you can do to help them? Yes, repeal the death tax. The Government should not take one-half of somebody’s property just because they die. Let’s make the death tax repeal permanent.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, Senator Kyl talks about the budget baseline. He is not talking about the President’s budget. I submit the President’s budget that shows clearly it will be raiding the Social Security trust fund by $1.6 trillion over the next 10 years, and add to it, if we pass the Kyl amendment.

The ACTING PRESIDENT pro tempore. Time has expired. Under the previous order, the question is on agreeing to the Conrad amendment No. 2857.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

The PRESIDING OFFICER (Mr. EDWARDS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 27 Leg.]

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The amendment (No. 2857) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the next series of votes be 10 minutes in duration.

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

Under the previous order, the question is on agreeing to the Kyl amendment No. 2850.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

The PRESIDING OFFICER (Mr. EDWARDS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 28 Leg.]

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<th>YEAS—56</th>
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The amendment (No. 2850) was agreed to.

Mr. GRAMM. 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.

AMENDMENT NO. 2851, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes debate prior to a vote in relation to the Domenici amendment, No. 2851, as modified. Who yields time?

Mr. LUGAR. Mr. President, I yield 1 minute in favor of the amendment to myself.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the Domenici amendment is a straightforward and simple amendment. It says, if we are going to have a dairy support program in the country, it should be fair and equitable for all dairy farmers. Currently, the bill provides for $2 billion, split 25 percent for New England, although New England provides only 18 percent of the milk. There are other inequities throughout. The Domenici amendment simply says treat everybody the same throughout the country.

It likewise does away with a lot of bureaucratic, complex maneuvers in terms of trying to compute this formula, changing it to a straightforward, once-a-year payment, the same for every dairyman. Because of the equity of the amendment and its simplicity, I commend the amendment to Senators and ask for their vote.

Mr. HARKIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the Domenici amendment is a reflection of failed policies. What it basically says is you pay dairy farmers when markets are bad. But when the markets are bad, as Senator LANDREU has pointed out time and time again, there is too little help for our dairy farmers. That makes absolutely no sense.

Second, we have a balanced dairy program in the bill, carefully crafted, so that no parts of the country are discriminated against. What the Domenici amendment does is it upsets that. It will foster regional fights again and again and again in the future. We do not want that. We have it carefully crafted in this bill.

Third, we just overwhelmingly voted for payment limitations, but in the Domenici amendment, no matter how
big you are, you can get more and more payments. There is no payment limitation whatsoever, no matter the size of the dairy operation.

For those three reasons, I believe the Senate should turn down the Domenici amendment and urge the underlying bill that is fair to the whole country.

Mr. BINGAMAN. Mr. President, I rise today in support of the dairy amendment by my friend and colleague, Senator DOMENICI. I do believe this amendment is an improvement to the dairy provision in the Daschle/Harkin substitute the Senate is now considering. I urge my colleagues to support the amendment.

I believe a market-oriented approach is the right approach for national dairy policy. The existing price support program and the federal milk marketing orders have served the producers and consumers for many years and I am pleased the farm bill extends the price support program until 2006.

The Daschle-Harkin substitute creates a new $2 billion federal dairy payment scheme. Mr. President, the independent Food and Agricultural Policy Research Institute has analyzed the dairy provisions in the substitute. The analysis shows that during the five years of this farm bill, the new federal payments will encourage overproduction and drive down market prices. For the first two years of the farm bill, producer income is up because of the federal payments. By the third year, the federal payments drop off dramatically and producers are actually worse off for the final two years of the farm bill. Moreover, the market prices for milk used for cheese, butter, and powdered milk are lower every year.

I don’t believe the nation will be well served by the new dairy payment scheme in the Daschle/Harkin substitute. That’s why I proposed an amendment last month with Senator LEAHY to change the new dairy payment program. Our amendment failed on a vote of 51 to 47.

Though I do not support creating any new dairy payment program, I support this modest amendment because it recognizes the fact that the dairy industry in America has become one national market. Today, milk and milk products are transported long distances economically to meet the needs of consumers in every state. Mr. President, competition encourages efficiency and consumers benefit from national markets.

Un fortunately, the bill as it now is divides the country into two markets. One for 12 Northeast States where producers receive one federal payment for their milk and another one for producers in the other States with a different federal payment. No other agricultural commodity is treated this way in this farm bill. Producers in the 12 States will receive 25 percent of the federal payments even though they produce less than 18 percent of the nation’s milk. Moreover, farmers in the 12 States are guaranteed a payment of nearly $17 dollars per hundredweight, while payments elsewhere are based on a fraction of the market rates and undoubtedly will be substantially lower. This amendment combines the two regions and treats producers in every State equally.

Another concern I have with the underlying language is that it is not fair to all farmers. Federal payments would be capped at 8 million pounds, which will put producers in New Mexico at a disadvantage in marketing their milk. Because of the cap, producers in New Mexico would receive an average of less than 20 cents per hundredweight for their milk—48th out of the 50 States. Only farmers in Arizona and Wyoming would do worse than New Mexico. Under our amendment, all producers are paid at the same rate.

Finally, we have not fully considered the boundary effects of the new dairy payment scheme. What’s going to happen to producers in States like Ohio and Pennsylvania in the 12-State region? Will the higher federal payment to producers inside the region hurt the producers just outside the region? Under our amendment, there are no boundary effects because there is only a single, nation-wide payment rate.

New Mexico has one of the nation’s fastest growing dairy industries, more than tripling in the past 10 years. In 2001, New Mexico moved up from the 48th to the 12th largest dairy producing State. More recently New Mexico has moved into seventh place. A recent study by Dr. Michael Looper of New Mexico State University showed the dairy industry payroll in New Mexico in 2000 was $25 million per year and the total annual economic impact in the State was $1.6 billion. In Chavez County alone, the economic impact of milk production was a whopping $527 million per year. Dairy is now a critical component of New Mexico’s economy, especially in rural areas. I cannot support any new federal program that could endanger New Mexico’s vibrant dairy industry.

New Mexico tends to have large, efficient dairies, which are the big losers under the current dairy proposal. These are family-owned dairies in rural areas—just like in the other States. They are bigger because New Mexico has the land and resources to support larger dairies. This amendment is good for the dairy farmers in New Mexico and a positive improvement to the underlying bill because it treats farmers in every State equally.

I believe we should work toward a balanced national dairy policy that is fair to all farmers, big or small, in every State against another and large dairies against small producers.

I hope the Senate will soon complete work on this farm bill and I look forward to working with Chairman HARKIN to further improve the dairy programs as the bill moves to conference. I do believe this amendment is a step in the right direction.

I commend Senator DOMENICI for his amendment and urge my colleagues to support it.

Mrs. FEINSTEIN. Mr. President, I spoke on the floor in December about how devastating the original farm bill would have been to the California dairy industry. And I have said California cannot be left out of any dairy equation.

California is the largest dairy State in the nation. Last year California dairy farmers produced 32.2 billion pounds of milk—over 19 percent of the nation’s supply. With over 2,100 dairy farms in the state, California leads the Nation in total number of milk cows at approximately 1.5 million. The original bill agreed to in the Agriculture Committee would have cost California dairy farmers $1.5 billion over 9 years and driven up prices for consumers by $1.5 billion over 9 years.

The bill on the floor, however, will hold California harmless. While it is difficult to project exactly how much income California dairy farmers will receive, I believe that by supporting the underlying language in the farm bill, an even better result can be achieved for California’s dairy farmers. I wish to thank a number of Senators for working together to find a way that the California dairy industry can be held harmless by the dairy provisions in the farm bill.

While the amendment offered by the Senator from New Mexico might seem like a better deal for California than what has been agreed to in the farm bill, I believe the California dairy industry will be better off in the long run if I continue to support the careful balance achieved during the farm bill debate in December. In theory, the amendment offered by the Senator from New Mexico would be good for California because there are no caps, or limitations, on the size of the dairies that will qualify for payments.

However, the California dairy industry is at the point where they believe, like many other farm groups, that we need to get a farm bill passed in the Senate and get to conference. Voting against the Domenici amendment will allow us to pass a bill. A vote for the amendment will bring it down. I will keep a close eye on the conference negotiations and expect California to continue to be held harmless, or made better off.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I move to table the Domenici amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

The PRESIDING OFFICER. The clerk will call the roll.
The result was announced—yeas 56, nays 42, as follows:

[Call Vote No. 29 Leg.]

YEAS—56

Akaka—Dorgan—Lincoln
Baucus—Durbin—Mikulski
Biden—Biden—Miller
Boxer—Feinstein—Nelson (FL)
Breaux—Graham—Reed
Byrd—Gregg—Reid
Cantwell—Harkin—Rockefeller
Carnahan—Hollings—Sanford
Carper—Inouye—Sarbanes
Chafee—Jeffords—Schumer
Cleland—Johnson—Smith (NH)
Clinton—Kennedy—Snowe
Collins—Kerry—Spector
Conrad—Kohl—Stabenow
Corzine—Landrieu—Torricelli
Daschle—Leahy—Wellstone
Dayton—Levin—Wyden

NAYS—42

Allard—Fitzgerald—McConnell
Allen—Frist—Murkowski
Bayh—Graham—Nelson (FL)
Bingaman—Gramm—Nickles
Brownback—Hagel—Roberts
Bunning—Hatch—Seasongood
Burns—Helms—Shelby
Campbell—Hatchinson—Smith (OR)
Cochran—Hatchinson—Stevens
Craig—Inhofe—Thomas
Crapo—Kyhl—Thompson
DeWine—Lott—Thurmond
Ensign—Lucas—Voinovich
Enzi—McColl—Warner

Bennett—Domenici

The motion was agreed to.

Mr. LUGAR. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2852

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in re-
lation to the Kerry-Snowe amendment No. 2852.

Who yields time?

Ms. SNOWE. Mr. President, I am de-
lighted to cosponsor Senator KERRY's important amendment which would provide necessary assistance to a col-
lapsing commercial groundfish fishery. I urge my colleagues to join me in sup-
porting it.

This amendment addresses a very se-
rious problem facing the Northeast, a collapse of its groundfish fishery. This fishery provided over 80 million pounds of food for our Nation last year. This collapse is comparable to a crop failure and is equally deserving of our assistance.

The Federal Government has issued three times the number of permits as the fishery can sustain. The fishermen are now being held accountable for the government's actions and subjected to draconian management measures as a result. We need to help them perman-
ently remove some of this extra ca-
pacity.

In particular, the fishermen who rely on catching cod and other groundfish are in need of assistance. This amendment provides $10 million in disaster assistance for these commercial fisher-

man. It will bring much needed help to those fishermen who need and more im-
portantly want help.

As a voluntary program, this amend-
ment will extend a helping hand to those fishermen who wish to make a transition and permanently exit the multispecies groundfish fishery in the Northeast by giving the Federal Gov-
ernment the means to provide assist-
ance. Additionally, I have worked with Senator KERRY to develop language that ensure the equitable and efficient distribution of this aid.

In my home State of Maine, fisheries are in need of assistance. This amend-
ment will extend a helping hand to fish-
eries in Maine are in trouble and in need of help. This amendment would provide the needed help.

It is not often that we are presented with a fishery situation like we are here. Not only will this amendment provide the funding and flexibility needed to help fisherman, but it will promote conservation of the fishery.

I am pleased to support an amend-
ment that will provide the necessary funding and framework to meet one of the many challenges facing our fisher-
man. Again, I would like to thank Sen-
ator KERRY for sponsoring this amend-
ment, and I urge my colleagues to sup-
port it.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor the Kerry-Snowe amendment, and thank Senator KERRY and Senator SNOWE for their leadership in bringing this proposal before the United States Senate.

The Atlantic Northeast Multispecies Fishermen Permit Buyback Program established under this amendment would allow hard-working New Eng-
land fishermen to exit this econom-
ically stressed industry with dignity, while the work continues to re-
build our fish stocks to sustainable lev-
els.

This fishermen's permit buyback will help end the cycle of boom and bust that plagues our fisheries and assist in developing a long-term sustainable fishery in New England.

Fishing has been an important indus-
try in the United States. In my own state of Massachusetts, as in other states, it is a trade that is rich in tra-
dition. Generation after generation of families has passed on their knowledge of this trade to their children. So it is not just the jobs, but the part of our economy, that is at stake. It is also as much a part of our heritage as the family farm.

Many port cities across the country rely on fishing as their main industry. This is particularly true in Massachu-
estts. Further, the city of New Bedford, Massa-
echussetts is the second biggest fishing port in the United States. And we have in our state more than 10,000 fishermen who rely on the sea to earn a living and care for their families.

Over the last two years, we have taken a number of steps to help these hardworking families and this impor-
tant industry.

The fishermen in Massachusetts did not have health insurance until the State and Federal Government inter-
vened. In fact, even though this is one of the most dangerous occupations in the world, our fishermen did not have health insurance until 1996. Today, as a result of our efforts, Massachusetts fishermen and their families now have health care.

Fishermen have also suffered because of Federal regulations. As a result of federal actions over the past decade, fishing has declined, and the incomes of these families has plummeted as a result.

In recent times, the National Marine Fishing Service has taken steps to help rebuild the fish stocks. The fishing sea-
son has been shortened from twelve months to six months and there are catch limits to prevent overfishing of fragile stocks.

At the same time, fishermen have adapted to the changes and working with scientists at the National Marine Fishing Service to help both the fisher-
men and the government to better un-
derstand the steps necessary to protect fishing stocks, while protecting fishing jobs.

For example, in 1999, the scallop indus-
try off George's Bank was set to be closed because it was believed that the scallop stocks were depleted. Scientists and the fishermen worked with NASA to obtain satellite photographs of scal-
lop beds of George's Bank. They were able to get accurate pictures of the scallop beds and found that stocks were full.

This past year the scallop industry logged a record year, with profits over $350 million. This is an example of how science has helped the fishing industry, and is the kind of cooperation that should be supported.

The fishermen have also made changes to their equipment to mini-
imize damage to the environment and fishing stocks.

Preserving this historic industry will be an ongoing challenge. And the Kerry-Snowe amendment moves us ahead in meeting that challenge.

Mr. HARKIN. Mr. President, we have examined this amendment on our side, and we have no objection to this amendment. We are willing to accept this amendment to help the fisheries in the northeastern part of the United States.

I yield the floor.

The PRESIDING OFFICER. The Sena-
tor from Indiana.

Mr. LUGAR. Mr. President, we are prepared to accept this amendment. We are hopeful that the fisheries that will be helped by it will move toward a healthier situation generally for fish-

We have consulted with our Senators from New England. This is a very im-
portant issue for them and to others in the industry. For these reasons, we are prepared to support the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HARKIN. Yes.
The PRESIDING OFFICER. The question is on agreeing to amendment No. 2852.

The amendment (No. 2852) was agreed to.

Mr. HARKIN. 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAN). Without objection, it is so ordered.

Mr. LUGAR. Madam President, during the time we are attempting to work out the managers' amendment, I would like to take a few minutes to thank the distinguished chairman of the committee, Senator HARKIN, and his staff for their remarkable work and cooperation with members of both sides to ensure that we have worked in the Agriculture Committee. I thank also the leaders, Senator DASCHLE and Senator LOTT, Senator NICKLES, and particularly Senator REID, who has guided this process with great persuasion and effectiveness.

I wanted to mention by name each of the members of the Agriculture Committee minority staff to whom I am greatly indebted for their expertise, their faithfulness, and their patience. I commend Katie Boots, Danny Spellacy, Andy Morton, Carol Dubard, Chris Salisbury, Beth Bechdel, Dave Johnson, Erin Shawn, Michael Knipe, Walt Lukken, Terri Nintemann, Jeff Burnam, Andy Fisher, Mark Tyndall, and Denise Lase, who has headed this effort so ably.

We have also had details to the committee. From GAO, we had Pat Sweeney, and from USDA, Carol Olander, Dave White, and Benjamin Young. I thank them all, as I know my colleagues do, for their remarkable work.

I yield the floor and suggest the absence of a quorum.

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

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

Mr. MCCAIN. Madam President, I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. ROBERTS. I am happy to respond to the distinguished Senator from Arizona. The answer is: No.

Mr. MCCAIN. Madam President, I will be glad to address the first amendment. We will have short debate and discussion. As I said, I would like to debate it at length, but I don't know anything about it. That is the reason I am for a vote. Maybe we will know something about these various amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I think the Senator from Arizona has an excellent point. We are working hard to try to get the bill completed. There are things in the bill that I think are very good and there are things in the bill I do not agree with at all. There are some amendments that a number of people are concerned about that are important, that are legitimate.

I don't think in the effort of expediency we should be throwing everything in this package. I would hope to have a more deliberative process on this bill and future bills on something so important to my State, so important to many of the States.

I realize the managers are pressed to get a bill through in a timely fashion. That is important. But on such an extensive bill I don't think we are serving the people's business well to move through it so rapidly. Maybe we have to go longer in the evenings, voting at night, to get some of these amendments done. This is important legislation. It should not be rushed.

Regarding this bill, there is some of it with which I agree; much of it I do.
not. I hope we do not follow this procedure when we move forward with future pieces of legislation. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I defer for a moment before I propose a unanimous consent request.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I will respond to the Senator from Arizona on the issue he has raised.

I agree fully with the necessity of openness and providing an opportunity for review, and we have certainly sought to do that to make this amendment available. At the same time, we cannot operate as the Senate unless we have an element of trust in those who have been appointed or elected to lead our committees on both the majority and the minority side. That is why we as a Senate delegate to committees both the authority and the responsibility to develop legislation, to have hearings, to come up with the bills and to bring them on the floor.

I ask any Senator, how could we ever operate if every line, every paragraph, every little item in every bill had to be fully debated and discussed and if every Senator is obliged to sit down and go through and debate every item on the floor? It is impossible and we have built up a system involving openness but also trust. That is why when we receive a request for an amendment, if a senator comes from one side and says, he or she wants to put this amendment in the bill, in the managers' amendment, I look at it to make my judgment and then go to Senator LUGAR, the Ranking Member on the other side. I say: Someone on our side is suggesting they want to do this; would you take a look at it, talk to your staff, go to whomever you want and your side and look it over and I go to Senators on my side and see if there are any objections. If no one raises any objections, and it is a good policy we put it in the managers' amendment.

We are also careful that items added through the managers to the bill are not of such major importance that they substantially affect the underlying legislation. That is true of the amendments in here.

The Senator from Arizona is suggesting he wants to have an amendment about billions of dollars being in the managers' amendment. That is simply not so. We have kept within the budget allocation. Nothing in the managers' amendment goes beyond our budget allocation. I asked my staff to add up the total in the managers' amendment, all of the items in there. That is, what additional cost is in the managers' amendment that is not in the pending legislation already? It adds up to only about $38 million over 10 years. These are items that are not large. There are some technical changes, adjustments and so forth. But it is a very small amount of money when you consider we are talking about a $73.5 billion bill.

I say to my friend from Arizona, we must operate on a system of trust and also openness. Obviously, we trust there has to be sunshine. The underlying bill and earlier versions of the managers' amendment have been out there for quite some time. Additional amendments were recently added in order to wrap up the bill. These were carefully drafted. In addition, to the checking I described earlier, any Senator staff or any Senator who wants to come see what is in the managers' package can at any time. They just need to ask. There is no secrecy. That is the way we operate.

I hope the Senator from Arizona is not saying from now on, no matter how available and open we make the process, we will not trust anyone. We cannot trust Senator LUGAR; we cannot trust Senator HARKIN; we cannot trust Senator KOHL; we cannot trust Senator ROBERTS. Everything has to be brought onto the Senate floor for every Senator to debate and vote on the most minute detail. We would never get anything done in this Chamber.

This managers' amendment has been carefully drafted. It has been vetted. It has been fully aired and exposed to the sunshine. It has been out there for people to see as it has been drafted. I did not go to the Senator from Arizona and——

Mr. MCCAIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield for a question.

Mr. MCCAIN. The fact is, we didn't see 30 of these amendments until 10 minutes before the vote. So how can the Senator say they are out there when we did not see them? We have asked to see them. We have told him we want to see them. It is well known we want to see them. How in the world can the Senator from Iowa say they have been out there when we didn't see them until this morning, and we didn't see the other hundred until last night?

The Senator from Iowa is simply not stating the facts as they are.

Mr. HARKIN. I say to my friend from Arizona that my staff tells me that as they have developed the managers' amendment over the last few months, there were various versions. That they have been e-mailed out constantly to the staff of Agriculture Committee members, so that any one who wanted to, at any point in time, could have seen what was being requested and considered as an amendment. As for the later amendments, we have done the best we can to make them available as soon as possible. Again, both Senator LUGAR and I have signed off on them and worked with members on our respective sides. Finally, there is a summary of it is available for review. We are operating under a consensus approach to this managers' amendment. If there is an objection to putting something in the managers' amendment it does not go in. That is exactly the process that applied to the Kerry-Snowe fisheries amendment. It was our understanding that the Senator from Arizona did not want that amendment in the managers' amendment so we put it separately on the floor this morning.

Mr. MCCAIN. If the Senator will yield further, we did not see 30 of the amendments until this morning. They were not available to anyone. It is a little fact, as nothing had seen the 15 amendments that were earmarked in the appropriations bill I complained about. No one had seen them. It is a fact.

Mr. HARKIN. I do not agree with the characterization by the Senator from Arizona. There were not 30 amendments to the managers' amendment dropped on the Senate just this morning—that is a fact. Some additional work on the managers' amendment occurred last evening. It is a fact. The process of putting together such a substantial bill as this legislation is. But any modifications were signed off on and accepted by the minority staff. They have been available for review. And I think that most of them were e-mailed out at around 6 o'clock last night.

Mr. MCCAIN. One hundred were mailed out last night at 6 o'clock, and then 30 more came in this morning. That is a little bit different version of the facts.

Mr. HARKIN. I say to the Senator, I have checked again with my staff. There were no where near 30 amendments of a substantial nature that came in this morning.

Mr. MCCAIN. I will be glad to get a list of those we were given this morning. There are 30 that we were given shortly before the vote, the final vote on the bill that we were apprised of that we had asked for.

Mr. HARKIN. I am not certain what that is all about. I am told there may have been some after 6 p.m. But, again, I say to the Senator from Arizona, these were cleared on both sides. We never kept any from Senator LUGAR. Never kept any from us—not on either side. We have had our staffs look at them. We have checked with other members. That is what I am talking about—openness and availability but the trust and trusting whether or not committee chairmen and their staffs are sensitive enough, and ranking members are sensitive enough, to say: We don't need to burden the entire Senate with this. We can make a judgment, check as appropriate and make the amendment available.

I also say to my friend from Arizona, even though these are in the managers' package—first of all, it is not billions, it is $38 million, I say to my friend.

Mr. MCCAIN. I will be glad to discuss that with the Senator from Iowa. No. 18 is changed from $375,000 to $555 million, and change $50,000 to $50 million. That is just amendment No. 18.
Mr. HARKIN. This was a clear technical amendment. If you look at the underlying bill you will see that previous fiscal year funding was all in the millions. The fact that the latter years were in thousands is obviously a typographical mistake. This did not add any money to the managers' package because it already was scored by CBO as being in the millions.

I say further to my friend—

Mr. MCCAIN. I ask unanimous consent to engage in a dialog with the Senator. If that is agreeable? I just want to make sure we observe the rules of the Senate. I ask unanimous consent to engage in a dialog with the Senator from Iowa.

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

Mr. HARKIN. I am not sure what you would like to debate here.

Mr. MCCAIN. It says technical correction in the Wildlife Habitat Incentive Program, technical correction, mandatory funding language, change it from $375,000 to $355 million, in fiscal year 2006; and change $50,000 to $50 million in fiscal year 2007.

Obviously, this is a technical change. Obviously, it is a change of many millions.

Mr. HARKIN. May I respond? I asked my staff about that. At a cursory reading, as the Senator has done, he says: My gosh, we are going from $375,000 to $355 million in a managers' amendment.

Here is what that is about. In the underlying substitute, there was either a typographical error or a mistake made. It was listed in the legislative language as $375,000, but it was known by everyone to be $375 million, as it was scored by CBO as the correct amount. As I pointed out earlier, if you look at all the funding for WHIP in context it makes sense. There was just a mistake made. So we are correcting the mistake in the underlying bill. A shift was also made of $20 million from WHIP in the managers' amendment, but that did not add to the score in the managers' amendment.

I say to my friend from Arizona, it has already been scored.

Mr. MCCAIN. You are still correcting in the underlying bill some $400 million.

Mr. HARKIN. No, there is $375 million already in the underlying bill that has been scored by CBO.

Mr. MCCAIN. Plus $50 million. I don't care if it has been scored by CBO or not, it is not in the underlying bill.

Mr. HARKIN. It is in the underlying bill as fully understood. The managers' amendment is only a technical correction to conform to the clear understanding.

Mr. MCCAIN. Then you don't need the technical correction. I ask unanimous consent to eliminate technical amendment.

Mr. HARKIN. I object. Because it is clearly a technical correction that you have taken out of context. What you contend is that real money has been added in the managers' amendment and that is not true. What CBO scores does matter because CBO recognized the typo and we fixed it in the managers' amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. In the underlying bill, the amount of money for the Wildlife Habitat Incentive Program funding language was scored by CBO at $375 million. It was a printing error that was made in the text of the bill, it is mistakenly listed as $375,000 in the underlying bill. Look at all the previous funding levels—they are all in the millions. The technical correction here is to make the underlying bill comport with what CBO has already scored. That is what technical corrections are for.

So I say to my friend from Arizona, if this is illustrative of the problems he has with managers' amendments, I say again, that is why you have to have a score kept by a ranking member and in the chairman and our respective staffs, that we are operating above board with openness but also that we are only proposing technical corrections and matters that are acceptable to both sides and not objected to by any member.

Mr. MCCAIN. Let me repeat. It's a technical amendment that adds some $400 million.

Here is another one, authorized to be appropriated, $7 million for each of the fiscal years 2000 through 2006. That is another "technical amendment."

But the larger issue here is—the larger issue is why do we need 396 pages of technical corrections to a bill which is larger than the entire House bill and has 130-some technical corrections? There is something wrong here. There is something fundamentally wrong.

I say to the Senator from Iowa, I have been here almost as long as he has and I have never seen bills that required trust of 396 pages and 130 technical amendments. I have never seen any other farm bill that did, nor has the Senator from Kansas, who used to shepherd these bills through the House.

I am supposed to trust a managers' amendment of 396 pages? I am glad to trust but, in the words of a former President of the United States, "trust but verify" because time after time the amendments put in that are earmarks, specifically for specific areas, specific States, specific congressional districts. I have seen them time after time. It is not only me who is objecting to that. The Citizens Against Government Waste and the Taxpayers Union and every other watchdog organization condemn this practice, and so do I.

I say to the Senator from Iowa, again, I don't know what is done with all those amendments by the Committee staff. I know I have had a longstanding request to see any amendments, and particularly any technical amendments. Either the Senator from Iowa or his staff did not show us those amendments until last night. And there were a number of amendments that were added as short a time as a half hour before the final vote.

Your staff can deny it, but it is a fact. So I will not sit still for that kind of procedure. That is why we will have these votes. I am sorry the Senator does not like the fact that I don't trust 130-some amendments I have never seen that cover 396 pages. I think my constituents deserve better than me "trust"—particularly given all the earmarking and pork-barreling I have seen going on, on the increase over the past several years. I cannot debate these amendments very well because, as I said, I have not seen them because they were not shown to me or other Members of the Senate. That is pretty much the situation. I am sure majority farmers, virtuous, but the fact is there is all kinds of money and programs in here.

There are interesting things in here. There is one. No. 110: Adds "gender" to the list of socially disadvantaged groups covered by section 2001, the outreach program for socially disadvantaged farmers.

Could the Senator, just out of curiosity, tell me what a socially disadvantaged farmer is?

Madam President, will the Senator from Iowa yield for a question? What is a "socially disadvantaged farmer"?

Mr. HARKIN. I know the Senator is being a little creative to make his point. That is OK. There is an existing program to help farmers, including minority farmers, who because of circumstances have a harder time getting credit and making a go of it in farming. While the socially disadvantaged program covers minority farmers, there was not a mention of gender, at least for all of the USDA programs involved. It came to the attention of a member—not me, but someone who wanted us to do this—that women were not adequately covered in existing law.

This was just a correction to put in that program the definition that gender is a basis on which someone may qualify for assistance under the socially disadvantaged program. That way, along with other disadvantaged groups the law would include gender so women in agriculture would receive fair treatment and opportunity. It seems to me to be a very harmless type of amendment to put in there. Again, I don't understand why that should be such a big item. We cleared it on both sides.

I hope the Senator is not saying that every time—maybe he is saying this because no amendment comes to the managers' package that has been cleared on both sides and is mailed out that we have to send a message to his office specifically asking him to look at it. The process is open. If the Senator wants his staff to come over at any time, the door is open. They can look at any amendment they want.
Mr. REID. Madam President, will the Senator yield?

Mr. HARKIN. Without losing my right to the floor.

Mr. REID. If I may correct something, I listened to this. I had a heart-to-heart with the Senator from Arizona earlier today. I think that maybe I am partially to blame for what has gone on. I say that because I have been here with the two managers of the bill for several weeks. The Senator from Arizona is right. I do not know which bill it was, but it was one of the last bills we had before the new year. The Senator asked me if I would in the future when there was a managers' package notify him or his staff. He did ask me that. There is no question about that. Last night I should have done that, and I didn't do that. It is not Senator HARKIN's fault or Senator LUGAR's fault. But the Senator from Arizona did come to me the last time we had this problem and I did not yield the floor to him, because I didn't think that this was a matter for the Senate. I think the Senator from Arizona has a right to be concerned, but his concern should be directed to the floor of the House, because, in fact, the last time he indicated he, in the future, was going to raise objections to the managers' amendment. I should have brought this to his attention.

When we talked earlier today, I indicated he wanted to offer amendments to each one of these. I indicated that the unanimous consent agreement wouldn't allow that.

Certainly the Senator from Arizona can do whatever he wishes, but I think we can get to the heart of this. I think the Senator from Arizona did come to me the last time we had this problem and I told him I would do that. I didn't do it. It is certainly nothing that is deceptive. I simply didn't do it. I forgot. One of the reasons is that I have such great confidence in the two managers of the bill. I do not know on the minority side if there is anyone who I have such great respect for than Senator LUGAR. This man is top of the line. He has worked very closely with us on this bill, as my friend, Senator HARKIN, has spoken about many times.

Mr. COCHRAN. Mr. President, I ask unanimous consent to withdraw my requirement to object and to seek to strike these three amendments, and I will agree to go to final passage.

Mr. REID. If I may correct something, I listened to this. I had a heart-to-heart with the Senator from Arizona earlier today. I think that maybe I am partially to blame for what has gone on. I say that because I have been here with the two managers of the bill for several weeks. The Senator from Arizona is right. I do not know which bill it was, but it was one of the last bills we had before the new year. The Senator asked me if I would in the future when there was a managers' package notify him or his staff. He did ask me that. There is no question about that. Last night I should have done that, and I didn't do that. It is not Senator HARKIN's fault or Senator LUGAR's fault. But the Senator from Arizona did come to me the last time we had this problem and I did not yield the floor to him, because I didn't think that this was a matter for the Senate. I think the Senator from Arizona has a right to be concerned, but his concern should be directed to the floor of the House, because, in fact, the last time he indicated he, in the future, was going to raise objections to the managers' amendment. I should have brought this to his attention.

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When this happens again, I will do my best to make sure that he or his staff are aware of the managers' package. The Senator from Iowa or the Senator from Indiana to be blamed for any of this. I should have on my own brought this to the attention of the Senator from Arizona.

Mr. HARKIN. Madam President, if I might reclaim my time, I thank the Senator from Nevada for that. I harbor no ill will at all. I have great respect for the Senator from Arizona. He knows that. I am just trying to be as open as possible. We all know that legislative matters and requests for changes do get up throughout the process of putting a bill together. Some do come in late, but that is the right of senators to request modifications.

However, nobody is trying to ram anything through that people don't know about. I will say to my friend from Arizona that this manager's amendment has been scrubbed and checked carefully, and another situation within this process just in case something gets through inadvertently that may not have been obvious or to which someone had a serious objection but had not raised it for some reason. We have to go to conference. Everything in this bill is a manager's amendment is out there in that conference. Everything is out there for everybody to see. I say to my friend that there is another level which we are going through. This amendment and this bill are not the final word.

That is the only point I am trying to make.

I yield the floor.

Mr. MCCAIN, I thank the Senator from Nevada. I appreciate his comments on this issue. I say to the Senator from Iowa that I would like to trust everything that goes through this body. I can tell you too many stories of things that went through without my knowledge that cost the taxpayers a whole lot of money. I will tell you about one.

Put into an appropriations bill was a provision that two ships would be built in Pascagoula, MS, in return for which there would be exclusive rights for the ships to sail to the Hawaiian Islands. I never saw that amendment until after it was done. Associated with that was over $1 billion in loan guarantees from the Maritime Administration. I never saw the amendment. The outfit just went bankrupt. The taxpayers have already spent some $300 million-plus which they lost from those loan guarantees, and they stand to lose over $1 billion. I am sure it was a well-meant and a well-intentioned amendment to help both Mississippi and the Hawaiian Islands. I knew it would fail because I know enough about shipbuilding in the United States of America.

Those are the kinds of things that happen time after time—maybe not of that magnitude—because of amendments, which are well-intentioned and probably good in many respects but don't undergo the scrutiny and the hearings and the authorizations necessary to prevent that from happening put into these pieces of legislation. That proposal I told you about would have never cleared either the Commerce Committee or the Armed Services Committee. It never would have gotten through. It was stuck in an appropriations bill which we do time after time. The night I was here, I asked: Does anybody know what is in the managers' package? No. It was late at night. So I said: OK, I don't object. There were 15 earmarks of millions of dollars for specific States. That is my taxpayers' money, too.

I say to the Senator that this system is broken. We are now up to 8,000 earmarks on appropriations bills. That is up from less than 2,000 3 years ago. It is wrong. It is just wrong. It is wrong from the standpoint of fiscal discipline and budgetary reasons, but it is also wrong in the respect that these matters need to go through the proper authorizing and appropriations process. At least this is an authorization bill.

I thank the Senator from Nevada for his comments. I am very grateful for the courtesy that he has shown me, not only now but for many years. I yield the floor. I am prepared to move to final passage.

But I say to the Senator from Iowa one more time that this is unprecedented with 396 pages of technical amendments in the managers' package. It is wrong and 1,130-plus technical amendments is wrong. It is not the right way for us to do business. I hope we can do better in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2859

Mr. HARKIN. Mr. President, I call up the amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. LUGAR, proposes an amendment numbered 2859.

Mr. HARKIN, Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment (No. 2859) was agreed to.

Mr. COCHRAN. 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. Without objection, the substitute amendment is agreed to.

The amendment (No. 2471), as amended, is agreed to.

Mr. HARKIN. Mr. President, 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. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. COCHRAN. Mr. President, I am pleased the Senate is about to complete action on this farm bill. While the bill has some positive and helpful provisions, particularly with respect to
conservation, rural development, research, and nutrition, I plan to vote against the bill.

One of the primary objectives of farm legislation should be to improve the predictability and effectiveness of the financial safety net available to farmers. However, the payment limitation amendment that was adopted by the Senate will reduce the level of price support and shred the safety-net that our farm policy of the past has provided. According to the Congressional Research Service, cotton farmers would be able to receive benefits on approximately 880 acres, and rice farmers would be able to receive benefits on about 490 acres. Any additional acreage planted to these commodities would not be eligible for any government assistance.

Since 1968, the marketing loan program has been the centerpiece of our Nation’s farm policy. The marketing loan program provides reliable and predictable income support for farmers while allowing U.S. commodities to be competitive in the global market. This legislation will make the marketing loan program even more widely available.

Considering the bleak forecast for the farm economy, it does not stand to reason that Congress should pass legislation that imposes new rules and regulations which will restrict government assistance so drastically. I hope we can resolve the differences we have over this bill in conference with the House and bring back a truly beneficial farm bill.

Mr. KENNEDY. Mr. President, I commend Senator HARKIN for his effective work on this legislation. I particularly commend Senator HARKIN for his leadership in including programs in this farm bill that will help farmers across the Nation, including those in the Northeast.

I would like to take a few moments to speak about John Ogonowski, the courageous pilot of American Airlines Flight 11, which was hijacked by terrorists on September 11th and which crashed into the first tower of the World Trade Center that day. At the time of his tragic death, John Ogonowski had been working tirelessly to preserve 33 acres of land that had once been part of the Ogonowski farm in Dracut, MA. The Farmland Protection Program serves as a vehicle to help preserve farmland, and I hope that the funds from this program can be used to preserve the land that John cared so much about. I hope that we can name this program the John Ogonowski Farmland Protection Program.

Mr. HARKIN. Mr. President, I will be honored to work with the Senator to try to preserve the land in memory of John Ogonowski who was a proud farmer and a hero. The land in Dracut, MA would stand as a fitting memorial to him. I will work, as the bill progresses, to encourage the use of Farmland Protection Program funds for this purpose.

Mr. KENNEDY. The land in Dracut is along a road that is traveled by many families, commuters, and tourists. All those who pass by the land will know of John Ogonowski’s life and his family’s love of farming.

John farmed these fields for many years as a young man and was often seen riding his John Deere tractor with a wave and a smile for those he passed. His family continues to maintain substantial farmland in the community, but John was deeply concerned about this portion that had been sold recently. To honor John, the original Ogonowski farm was one of the wonders of the world, and John had worked skillfully and tirelessly to create the Dracut Land Trust to preserve it. Now, in a well-deserved tribute to John Ogonowski, I will work to help the Dracut Land Trust preserve these 33 beautiful acres.

Mr. SARBANES. Mr. President, I would like to clarify that it is the intent of this provision to encourage the development of innovative solutions to the nutrient pollution problem in the Chesapeake Bay. The goals of the program, as envisioned by Bay-area scientists and organizations, is to create new incentives for farmers to reduce the application of nitrogen by at least 15 percent below what is normally considered best practice and to provide financial protection in the event of reduced yields. In order to implement the provision, it is my expectation that the Risk Management Agency will make available the Nutrient BMP Insurance Endorsement that was approved by the Federal Crop Insurance Corporation on December 12, 2001 in the states of the Chesapeake Bay region, with such modifications as necessary to effectuate the purposes of this section.

Mr. HARKIN. The Senator is correct.

The purpose of this provision is to support the development of new and innovative solutions to the Chesapeake Bay’s nutrient enrichment problem. It provides $70 million for States in the Chesapeake Bay watershed to test new practices that could provide major reductions in nutrient pollution. It will clearly require an underlying risk management instrument and we would expect the Risk Management Agency to make its programs available to implement the yield insurance aspect of this provision. I will be happy to work with the Senator from Maryland in Conference to ensure that the mechanisms to carry out this provision are created or made available.

Mr. SARBANES. I thank the Chairman of the Committee. This provision is a win-win situation for the Bay and farmers. It will reduce nutrient inputs to the Bay and it will enable farmers to lower their operating costs by avoiding the cost of unneeded fertilizer, without risking reduced yields and the crops.

Experience gained in this pilot program will allow better understanding of risks and benefits of this practice.

Mr. ROBERTS. Mr. President, in the House, it is my understanding that the section on certification of third party technical providers allows the Secretary to certify providers. The legislative language, regarding the certifying programs run by the United States Department of Agriculture is designed so that the USDA does not run the programs in a manner that directly or indirectly competes with private, long-standing, and highly regarded certification programs like those operated by the Certified Crop Advisors and National Alliance of Independent Crop Consultants.

The intention of the conservation title, and especially this section, as I understand it, ensures that the Nation’s farmers and ranchers will be able to continue to receive high quality conservation technical assistance, and that there will be enough technical assistance to allow the complete and proper delivery of the conservation programs funded in the farm bill.

In addition, it is my understanding that the Secretary of Agriculture will consult with and be advised by representatives from State, local and national agencies as well as representatives from the private and non-profit sectors on an Advisory Council. It is expected that in selecting representatives, the Secretary shall appoint representatives from the following groups:

- Natural Resources Conservation Service,
- Forest Service and Farm Service Agency,
- the National Association of Conservation Districts,
- the Certified Crop Advisors,
- the National Association of State Foresters,
- the National Alliance of Independent Crop Consultants,
- and the American Society of Agricultural Engineers.

Together with other appointed members of the Advisory Council, these representatives will advise the Secretary of the management of certification programs for the provision of technical assistance by third party providers.

Mr. LUGAR. I agree with Senator ROBERTS that those who pass by the land will know of John Ogonowski’s life and his family’s love of farming.

Mr. HARKIN. I also agree with Senator ROBERTS and Senator LUGAR and thank them for working with me on the important work of expanding and enhancing conservation technical assistance. I am a strong supporter of the work done by private third parties including the Certified Crop Advisors and the National Alliance of Independent Crop Consultants. Our bill will allow them to prosper while enhancing technical assistance nation-wide.

Mr. DAYTON. Mr. President, I commend the chairman and ranking member of the Senate Agriculture Committee for accepting my amendment to make the mandatory the National Biodiesel Fuel Education Program.

Biodiesel is a home-grown renewable fuel. Even as world oil prices are tightening, America’s farmers are producing record crops of soybeans. Unfortunately, U.S. soybean prices are now at all-time lows. Building our own biodiesel will help increase these commodity prices while enhancing our Nation’s energy security.
soybeans are the number one cash crop, grown on about 7 million acres. As we increase demand for soybeans, thus boosting market prices, we are also investing in the economic well-being of farmers and rural communities across our country.

Minnesota has been a long-time leader in the production of renewable fuels such as ethanol, wind-generated electricity, biomass, and solar energy. As Minnesota’s Commissioner of Energy and Environmental Protection during the 1980’s, I know firsthand the important role that federal and state programs play in developing these industries during their infancies. So I strongly support legislation that promotes the use of renewable energy and programs that educate the public in order to create demand.

Last June, I, along with Senator Tim HATCH of Arkansas, introduced legislation to provide tax incentives for increased use of biodiesel, a renewable fuel made from soybean oil and other vegetable oils. The biodiesel bill provides a Federal excise tax credit similar to the excise tax credit for ethanol-blended gasoline. The U.S. Department of Agriculture estimates that the resulting increase in biodiesel sales will increase soybean prices by at least 25 percent per bushel. As market prices go higher, the cost of government price supports becomes lower. The savings realized by the Commodity Credit Corporation (CCC) would then be used to cover the cost of the tax credit. My bill directs the savings to the Commodity Credit Corporation to reimburse the Federal Highway Trust Fund for its lost revenues.

Over the past year I have been working with the Senate Finance Committee to include the biodiesel tax credit in the energy tax package that is scheduled to be marked up by the committee this afternoon. I wish to commend the Senator from Arkansas, Mrs. LINCOLN, for her help in this effort. If we are successful in passing this tax credit, an effective education program to educate the public on the benefits of biodiesel fuel will be essential as biodiesel makes the transition from research and development to commercialization.

During the markup of the energy title of the farm bill, the Senate Agriculture Committee passed my amendment that provided mandatory funding for the Biodiesel Fuel Education Program. My amendment will avoid the need to go through the annual appropriations process by providing $5 million in mandatory funding annually in fiscal years 2003 through 2006.

The biodiesel tax credit, together with the Biodiesel Education Program provides a comprehensive approach to facilitate the entry of biodiesel fuels into the marketplace. Working in tandem, these legislative initiatives will educate the public, increase demand for biodiesel, bring手套 higher prices for farmers, lower government outlays, improve the environment, and lower our dependence on foreign oil.

Mr. BINGAMAN. Mr. President, I rise today to comment Senator HARKIN for including in the farm bill a provision that is crucial to the Great Plains region of our Nation. The provision addresses the alarming decline in ground water in the Southern Ogallala Aquifer, which extends under four States: Texas, New Mexico, Oklahoma, and Kansas.

A reliable source of groundwater is essential to the well-being and livelihoods of people in the Great Plains region. Local towns and rural areas are supplied with water usually to drink, for agriculture, and commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. Some development wells have approached 100 feet in aquifer levels during the last half of the twentieth century.

This provision would establish a voluntary 4-year groundwater conservation incentives program for the Southern High Plains Aquifer region. Incentive payments would be made for voluntary land management practices, which may include changes from irrigated to dryland agriculture, changes in cropping patterns to utilize water conservation, and other conservation measures that result in significant savings in groundwater use. Cost-share payments will be made for structural practices that will conserve groundwater resources of the High Plains Aquifer, which may include improvement of irrigation systems and purchase of new equipment.

The provision also requires the Secretary of Agriculture to undertake groundwater education efforts in the area. This way, if quotas did not lease and transfer their quotas, they would be forced to sell them. For whatever reasons, this provision of law has never been enforced by the Secretary of Agriculture. Therefore, quota owners did not sell their quotas to producers. However, since growers could no longer lease and transfer their quotas, they began to rent the land to which the quota belongs. Through a United States Department of Agriculture, USDA, administrative procedure known as reconstitution, growers combined the quota owners’ farms into their own.

Now, the Secretary has determined that USDA will, commencing with the over 6 million acres of irrigated agriculture overlying just the southern portion of the Ogallala. These farms use between 6 and 9 million acre feet of water per year. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted. This provision will take significant steps to addres this serious problem.

Mr. THURMOND. Mr. President, I have a motion to add an amendment by my colleagues from North and South Carolina and Virginia, that will provide temporary relief to flue-cured tobacco growers in our States. I express my appreciation to the chairman and ranking member for accepting our amendment into the manager’s package.

Flue-cured tobacco is produced under a system of acreage allotments and marketing quotas. This system involves both the amount of land on which the tobacco is grown and the amount of tobacco harvested or the yield from that land. Hence, the allotment refers to acreage, while the quota refers to the right to market or sell the poundage produced on the allotted land or harvested from the allotted acreage. For purposes of this system, reference is only made to the term “quota”.

Originally quota was owned by the producers as a tangible asset that could be passed down through inheritance to the owner’s children, his grandchildren, or other heirs. Over time as people left the farm, the producers now own quota owners who no longer have any connection with Flue-cured tobacco production other than that they derive income from the leasing of their quota to Flue-cured tobacco producers.

In the late 1970s and early 1980s, there was a view that the competition for flue-cured tobacco leases was driving up the cost of production. As a result, in 1983 Congress passed Public Law 98–180. Section 205 of that act stated that flue-cured tobacco growers would not be permitted to lease their allotments and transfer their quotas for 1987 and subsequent crops. The rationale was that if tobacco growers could not lease tobacco quota and transfer it to their farms, then it was presumed that tobacco growers would buy the flue-cured tobacco quota from the quota owners. However, since growers could no longer lease and transfer their quotas, they began to rent the land to which the quota belongs. Through a United States Department of Agriculture, USDA, administrative procedure known as reconstitution, growers combined the quota owners’ farms into their own.

Now, the Secretary has determined that USDA will, commencing with the April 13, 2002 CONGRESSIONAL RECORD — SENATE S685
2002 Flue-cured tobacco crop, began enforcing this 1983 law by a strict interpretation of the rules that define a farm and govern farm reconstitutions. This action by the Secretary is causing considerable confusion and concern among tobacco producers and quota owners. Incomes and balance sheets are at risk.

This current effort to enforce the 1983 law to force the sales of flue-cured tobacco quota is most ill times. Current conditions make such a transfer onerous for the tobacco producers to buy. There are two main reasons for this. First, quota owners are receiving “tobacco quota payments” as a result of the National Tobacco Grower Settlement Trust Agreement, also known as the Phase II settlement. Second, The President’s Commission on Improving Economic Opportunity in Communities Dependent upon Tobacco Production While Protecting Public Health has recommended a tobacco quota buyout. Given the current difficile to rotate into new profiles income streams to tobacco quota owners and over and above the quota’s value to tobacco growers, few if any tobacco producers could now afford to buy flue-cured tobacco quota. Moreover, the ultimate objective of the recommendations of The President’s Commission is to completely do away with the system of tobacco quotas. With the uncertainty surrounding the Federal tobacco program, it is very doubtful that any farmer would be willing to lend money to producers purchasing quota.

My amendment suspends the enforcement of this provision of law for one year, for the 2002 flue-cured tobacco crop. Additionally, it addresses a problem whereby certain local USDA offices are requiring flue-cured tobacco farms to buy tobacco forms to follow the rules governing reconstitutions of production flexibility contract farms rather than the realistic ones that considered reconstitutions of flue-cured tobacco farms. It also directs the Secretary of Agriculture to study the issue and report back to the Congress within 90 days of enactment of this bill.

Finally, I would note that while flue-cured tobacco is also grown in Georgia, Florida, and Alabama, my amendment, as a result of a particular set of circumstances, will not have any effect on flue-cured tobacco production in those three States nor on any other type of tobacco production. We shall be doing our Carolina and Virginia flue-cured tobacco farmers and quota owners a great service by adopting this amendment in order to give the Secretary time to review the belated, unintended impact of this 1983 legislation and to allow time for a thoughtful, deliberate implementation or consideration of repeal of the provision.

Mr. McCaIN. Mr. President, let me first express my appreciation and respect for the work of the Chairman, Senator HARKIN, and the ranking member, Senator LUGAR, for their dedication to address the challenging issues facing American farmers. In addition to funding commodity programs, this farm bill addresses the country’s trade policy commitments, goals to improve farming practices through conservation measures, establishes energy and forestry initiatives, and reauthorizes food and nutrition programs.

Every few years we debate a new farm policy, attempting to reach that elusive goal of economic sustainability in the agriculture sector. Yet little seems to change from farm bill to farm bill. We’re always taking one step forward and two steps back. Payments are more generous, new subsidies are created, and the Federal Government’s role is expanding, not shrinking, hurting small farmers, compromising agricultural exports, and penalizing American consumers and taxpayers.

In 1996, we passed a farm bill that was intended to implement a more market-oriented farm policy and wean farmers from government reliance. Instead, five years later, farm subsidies have ballooned by 400 percent. In the year 2000 alone, farm subsidies reached a record level of $22 billion.

Just a few days ago, the Senate approved an amendment that levied a stricter limit on payments to farmers. While certainly laudable, I was disappointed that this amendment does not save the taxpayers any money—the savings are simply redistributed to other farm programs.

Even with this change, it’s quite obvious that farm spending is still unacceptably generous, with an additional $73.4 billion dedicated to commodity and other farm programs over the next ten years, which is new spending over and above the CBO baseline. Although the Senate bill includes a five-year authorization, and the House bill proposes ten years, both bills propose to spend, in one way or another, the full $73.5 billion $73.5 billion included in last year’s budget resolution. That means, regardless of a five-year or ten-year bill, the budget commitment for taxpayers could still tab up to $710 billion in total to pay for current programs and cover the costs for new ones proposed in this farm bill.

That is an enormous federal commitment. Just this past December, the Administration proposed to spend $26 billion for its new education bill, a relatively meager amount to be spent on other programs in comparison to farm programs. What is more incredible is that we are asking American taxpayers to foot this $710 billion bill when other compelling priorities remain backlogged or unfunded.

For example, Indian schools on Native American reservations, suffering from the worst dilapidated school conditions in the country, need $1.2 billion to fix the deferred maintenance backlog at 185 schools.

The Individuals with Disabilities Education Act, which has never been fully funded, would require $10 billion.

And, about $5-6 million a year for Special Subsistence Allowance payments to military households would help get service members off food stamps.

Unfortunately, these will remain low priorities and underfunded as long as farm spending increasingly consumes the federal treasury.

Yesterday, the Senate also voted to suspend budget rules to include an additional $2.4 billion in crop and livestock disaster assistance for 2001 crops in this farm bill. This $2.4 billion is, of course, not subject to budget limitations. This is spending in addition to the $5.5 billion already allocated by the Congress for 2001 crops and $33 billion in ad-hoc or emergency farm assistance provided over the last four years. So, that makes a grand total of $35.4 billion in additional farm spending over and above the $70 billion authorized in the 1996 farm bill. Where’s the reform? Where does this unlimited spending end?

Unfortunately, at the end of the debate, special interests win once again. Let’s take a look at the grab-bag for special interests in this farm bill: this bill restores billions in disaster payments that were eliminated in the 1996 farm bill, potentially spending up to $70 billion for commodity programs for the life of this bill.

A new direct payment program is created for dairy farmers at a cost of $2 billion over a 4-4 year period, with one-quarter of these funds earmarked to the northeast States.

Establishment of a new peanut direct payment program, costing $2.6 billion over 5 years.

Honey, and wool and mohair subsidy programs are reinstated, programs which were either phased out or eliminated in the 1996 farm bill.

Higher loan rates are provided for specific crops such as wheat, corn, cotton, and others.

The Federal sugar subsidy program restores all the additional props in this bill, not only penalizing consumers with artificially high sugar prices but costing taxpayers $254 million to support the program.

New authorization for payments and loans available to producers of dry peas, lentils, and large and small chickpeas.

Addition of new benefits for soybeans and minor oilseeds farmers.

Mandatory country-of-origin labeling requirements for wild fish—a provision that has not been debated or reviewed, but simply included in the manager’s package.

$100 million in emergency assistance for small producers.

Farm spending has gone unchecked for decades. Only until the GAO and other independent taxpayer groups singled out the disparity of farm payments has some light been shed on this unlimited spending.

The GAO’s report, which highlighted the egregious disparity in farm benefits, demonstrated that over 80 percent
of farm payments have been distributed to large and medium sized farms, leaving small farmers in the cold.

Even with changes in this bill for payment limitations, there simply is nothing to prevent farm groups from seeking further relief as a political sinecure pending when their commodity payments are limited as proposed in this Senate bill. It would be nothing short of miraculous if this payment limitation provision survived conference negotiations given the expected resistance from entrenched farm interests. The bottom line is that taxpayers face the threat of a return to basic status quo farm policy, lavishing government payouts to large farming operations and conglomerates.

We had an opportunity to implement a real reform proposal, as presented by my distinguished colleague, Senator Lugar, and I applaud him for his efforts. Senator Lugar fought a brave fight to force the Senate to debate a more responsible farm policy, fighting against a tide of pressure from his colleagues, the distinguished chairmen, and many agriculture groups.

He offered a proposal to substantially reduce federal farm payments and focus assistance on a needs-based approach. He boldly proposed to phase out cherished sugar, peanuts and dairy subsidies. He also suggested that federal assistance is more appropriately focused to those farmers that genuinely need assistance. Sadly, his proposal will never see the light of day beyond this chamber because too many are willing to adhere to the status quo rather than accept progressive policies.

This bill is a great disappointment. While not all of my colleagues are equally budget conscious when passing such comprehensive legislation, more than a few should be concerned about how this bill could potentially impact U.S. trade commitments.

Total agricultural exports account for approximately one-fourth of U.S. farm income. Because of this, removing trader barriers to U.S. agricultural goods is more important now than ever. But as we travel around the world, championing the cause of free trade, we must practice what we preach. We cannot possibly expect foreign governments to reduce barriers to entry for U.S. agricultural products, while the United States Congress continues to erect greater barriers domestically, to reduce competition from foreign products.

I am a supporter of free trade. I want American farmers to be able to sell their goods around the world. This bill continues protectionist policies that raise barriers to foreign goods. These efforts will jeopardize the ability of America’s farmers to continue to export goods abroad and profit from expanded exports. Passage of this legislation could very well lead to violations of international trade rules and undoubtedly complicate the position of the United States in future trade negotiations.

For example, a current one-year ban on catfish imports in effect right now because of a last-minute rider to the agriculture appropriations bill we passed last year. I opposed this ban, but, unfortunately, special interests have also secured a ten-year ban on catfish imports as a provision in this bill. Also included in the managers’ package of amendments is a provision that requires country of origin labeling for “wild fish.” Not many of my colleagues realize how difficult this provision will be to implement because many different fish from different sources are often processed within the same fish processing plant. Fish processors will have to completely change the way they operate their business in order to comply with this protectionist measure. Other such trade distorting programs such as dairy and sugar price support programs remain a constant in farm bills.

Farm policy is among the most volatile and controversial matters we deal with in the Congress. But what seems clear to me is that the farm economy seems unable to operate unless the Congress infuses billions of dollars in the form of direct federal payments, mandates government fixed prices, and imposes distorted quotas.

We continue to spend and spend on farm subsidies, despite the projections from CBO, which indicate that if current tax and spending policies remain in place, the total unified budget will show a deficit of $21 billion in 2002 and $14 billion in 2003, and net surpluses every year thereafter through 2012.

According to CBO, the on-budget accounts are projected to post deficits of $181 billion in 2002, $193 billion in 2003, and declining amounts through 2009. On-budget surpluses do not appear again until 2010. And, let’s face it, medium- and long-term budget projections are worth little more than the paper they’re printed on.

At this time of economic uncertainty, this farm bill is an appalling breach of our federal spending responsibility and our national integrity, while continuing the heavy burden long placed on taxpayers.

I regret that I cannot support this bill. I realize that many agricultural producers in Arizona have relied on some of these farm subsidies and other agricultural programs, particularly from rural development initiatives. Unfortunately, this farm bill, like most other farm bills in years past, tilts benefits toward the bigger farm producing States while Arizona, like many other States, will lose out over the long term.

Sadly this bill fails by all accounts to provide a sound and defensible national farm policy.

Mr. CORZINE. Mr. President, I oppose this legislation, and I wanted to take a few moments of my colleagues’ time to explain why the Hoagland farm bill.

Let me begin by commending the distinguished chairman of the Agriculture Committee, Senator Harkin, for his outstanding leadership on agricultural issues and his strong commitment to farmers. There is no more passionate advocate on these issues in the Senate.

Let me also say that I grew up on a farm—a 120 acre family farm. I understand what it means to wake up early and put in the long, hard hours that go along with family farming. I have tremendous respect for the men and women who put food on our nation’s table. And I represent a state, the Garden State, with an important agricultural constituency, although one less dominant today.

But, in my view, the legislation before us is the wrong way to support America’s farmers. It perpetuates an outdated system of subsidies that distorts the market, unfairly benefits a limited number of producers, and, most importantly, imposes excessive costs on all consumers. It distributes these subsidies in a manner that leaves farmers in states like New Jersey with little compensation. And it does more than other farm bills in recent history, it will use Social Security surpluses for unrelated spending, just when we should be saving to prepare for the baby boomers’ retirement.

I do not believe, as some have claimed, no rational person would design the system of agricultural policies that we now have in place, a system begun during the Great Depression. This system provides that most of the federal assistance goes to four crops: wheat, rice, corn, cotton and rice. If we were starting from scratch, the first question would be: why? What is it about wheat, for example, that justifies giving its producers large subsidies?

The answer is that there is little reason. We have done it in the past. But there is no good reason to give wheat, or any of the other program crops, special treatment that is not provided to other producers.

When Government chooses arbitrarily to favor some products with subsidies, it creates distortions in the market. Farmers might ordinarily be inclined to grow vegetables, soybeans, apples, or other fruits. That may be what consumers want and might make sense economically. But if those fruits do not enjoy government subsidies, many farmers will choose instead to plant more wheat. That reduces the supply of fruit, which raises its price. At the same time, the subsidization of the supply of wheat, which lowers its price.

Under the farm program, moreover, a reduction in the price of wheat then triggers even more Government subsidies. In other words, Government subsidies lead to more Government subsidies, as the market gets increasingly distorted. The end result is often higher prices for consumers and, eventually, higher taxes for everybody.

Let me focus on this last point. This bill provides for a large decrease in overall spending on agriculture: as reported by committee, a total of $73 billion over baseline levels in the next
decade. Note that baseline levels already incorporate the effects of inflation. So a $73 billion increase is a huge amount of money. And the fact is, we cannot afford it.

In large measure because of the tax cuts of last year, we already are looking at deficits for years to come. President Bush’s budget calls for raiding Social Security surpluses of $1.5 trillion over the next 10 years. And I am afraid that this bill will mean that Social Security surpluses are diverted to pay for costly farm subsidies. That, in my view, is wrong.

Our Nation faces a huge demographic bubble, as the baby boom generation moves toward retirement. We simply must save more to prepare for that. This is the wrong time to be calling for huge increases in agriculture subsidies.

I also would point out that this bill, like the existing system of farm subsidies, is fundamentally unfair to my State of New Jersey. The overwhelming bulk of these subsidies in this bill will go for commodities that, by and large, are not produced in the Garden State.

In New Jersey, our farmers grow large amounts of specialty crops, such as blueberry, eggplant and asparagus. In fact, New Jersey ranks second in the nation for blueberry production, and fourth in the nation for eggplant and asparagus production. Yet, though New Jersey’s farmers meet much of the nation’s needs for these crops, none of our blueberry, eggplant or asparagus farmers receive support under the existing commodity programs. That is one reason, Mr. President, that New Jersey got less than one-twentieth of one percent of the total commodity assistance provided by the Federal Government in fiscal year 2001. Less than one-twentieth of one percent!

The people of my State get one of the worst returns on their tax dollar of any State in the Nation. This Congress can be generous when it comes to rural areas in other parts of the country. But our State has very different needs. And, when it comes to supporting urban areas, like Newark, Camden or Trenton, we tend to come up short. Yes, HUD helps some. Yes, there are some subsidies for transit. But, overall, the Federal government is not treating my State equitably. We are continuously the 49th of the 50 States in our return on the Federal dollar. That bothers a lot of New Jerseyans. And it bothers me.

Having said that, I recognize that if you simply compare this bill to existing law, there are a few provisions that represent improvements. I do support most of the conservation and nutrition provisions. And I acknowledge the hard work of Senators LEAHY and TORICELLI in pushing for more fairness for specialty crops.

Yet at the end of the day, the existing system of farm subsidies essentially remains intact in this bill, and the subsidies for favored crops are only increased. That means we will continue to subsidize a limited number of producers. We will continue to distort the market. We will continue to impose higher costs on consumers and taxpayers. We will continue to invade the Social Security Trust Fund. And we will continue to treat my State of New Jersey unfairly.

For these reasons, I cannot in good conscience support this legislation. And I hope that, in time, we can revisit a failed farm policy and achieve real, needed reform.

Mr. NELSON of Nebraska. Mr. President, I rise today to commend my colleagues and the Senate leadership for bringing this legislation, the new federal farm bill, to the floor so early in the year. I think the priority this bill received on the calendar reflects its priority to the Nation, our economy, and especially our rural and agricultural regions.

In my State of Nebraska, 55,000 families earn their living on the farm. In total, one in four jobs in Nebraska is connected to agriculture. To say the farm bill and Federal farm programs are important to my state is an understatement.

Which is why I was part of a group of sensible, concerned Senators that pushed this body to consider, and pass, a new farm bill last year. We knew that we had to act fast to remedy the problems associated with Freedom to Farm. I know first hand, serving as governor of a rural state during the implementation of that program, that it was a failure and needed to be fixed.

We wanted the farm bill last year for two reasons. First, we wanted to give farmers and their lenders as much time as possible to plan for a new federal program. Second, time was running short on the Federal budget clock and in order to maintain an acceptable level of funding for the farm bill, we needed to get it done before the budget authority expired for $73.5 billion in new farm bill funds we had secured. But, that didn’t happen. We had an administration that we should wait, and a merry band of Senators agreed. So, for reasons still unclear to me, the farm bill was defeated last year, and the only people who suffered were the farmers all across the country who depend on these programs to thrive.

Now, we are here on the precipice of progress. We have addressed the concerns that were raised last year and we have a new farm bill this week. I must say it’s been an interesting process. As the debate on the farm bill was underway last December, simultaneous debates on how best to boost the nation’s economy out of a recession were conducted.

I was part of the economic stimulus discussions, and a part of the farm bill proceedings in the Agriculture Committee. I couldn’t help but notice the parallel goals of both bills: to stimulate the economy and to stimulate the agriculture economy.

An argument might be made that the best economic boost for my state, Nebraska, is something to generate activity in the agriculture economic sector. Anything that improves the agricultural economy stirs the overall economy in my state. That is why I am here now. I am here to say that this farm bill represents the best economic hope for a future agriculture-based, states like Nebraska.

Commodity prices for crops remain at historic lows for the fourth straight year. Livestock producers—the largest sector of agriculture in my State—are facing costly new environmental regulations with frightfully few federal resources to help share the burden.

This farm bill addresses these concerns and will have a positive impact on the rural economy. This farm bill is the right thing to do, even if it’s a few weeks late.

We have made great strides with this bill. I am proud to say we have nearly doubled conservation spending—encouraging agriculture to improve soil and water management for the first time providing incentives for conservation on land in production.

This farm bill promotes trade, promotes conservation and competition. It breathes new life into our commodity programs and funding—to rural development. For example, it reauthorizes the programs for sugar beet growers, which is so critical to the 550 sugar beet families in western Nebraska. It also provides nutrition programs for hungry families and especially our intermediate national food donation and trade efforts, and protects millions of acres of environmentally sensitive land, among other important priorities.

The farm bill before us makes a real commitment—both in programs and funding—to rural development. This farm bill removes barriers to the school lunch program for military families by eliminating an accounting glitch that uses their housing allowance to prohibit their participation.

I am pleased that despite the obstacles laid down before us, the Senate is about to do the right thing and pass this needed and important legislation. I urge my colleagues to support the people who feed our nation and the nations around the world, our farmers and ranchers, by supporting the new farm bill.

Mr. WELLSTONE. Mr. President, today I opposed the sense-of-the-Senate amendment offered by Senator Kyl’s amendment called for the removal of the sunset date for the estate tax changes made in last year’s tax cut package. I opposed it because the proposal was both unfair and unaffordable.

The Senator’s proposal was unfair because only a tiny number of Americans pay the estate tax under current law. In fact, in 1999 only 636 Minnesotans paid any estate tax whatsoever. This is simply not a burden that falls on many families. That does not mean that I don’t support raising the estate tax exemption to a higher level to shield smaller estates—particularly the few
small business owners and farmers who end up being affected by the tax. I would support raising the exemption immediately to $4.5 million, with perhaps higher exemptions for small businesses and farms.

The Kyl amendment, as amended last summer, provides for much slower and uneven estate tax relief. It has made the estate tax process much more complicated—not less. And when full repeal phases in in 2010, it will shield the wealthiest estates in America—with tens of millions of dollars—from any tax liability. That’s what the Kyl amendment proposed we make permanent and I think it would be terrible policy.

And it is made all the more terrible because it is so expensive. The Kyl proposal would cost $104 billion over the next 10 years—literally to protect a few thousand ultra-wealthy families. Even worse, from 2013–2022 it would cost other taxpayers over $800 billion to provide this relief. Most of this cost would be financed out of the Social Security surplus and at precisely the moment that the baby boomers start to retire in large numbers.

It will not jeopardize Social Security—millions of Americans rely upon their—grant tax breaks to the heirs of multi-millionaires and billionaires.

Mr. SARBANES. Mr. President, I rise today to support S. 1731, the 2002 farm bill. This legislation makes much needed changes to the failed farm policy adopted under the 1996 Freedom to Farm Act and charts a course that promises a better future for all of America’s family farmers.

The 2002 farm bill takes significant steps in ensuring that the family farmers throughout my State and across the Nation are able to carry on in the face of a rural economy that has continued to lag behind the general economy for two decades. Over the past several years, the Congress has repeatedly had to intervene with a series of ad hoc disaster relief measures in an attempt to remedy the failed farm policy instituted under the so-called “Freedom to Farm Act.” The 2002 farm bill takes significant steps toward ensuring that Federal support is provided to those farmers who are most in need. The legislation seeks to reform the farm system to provide an income safety net to provide more support in difficult years and during good years. It contains provisions to help ensure that commodity payments that individual farmers can receive reach those who need them most: our small and medium sized farmers.

Agriculture plays a vital role in Maryland. It remains the State’s largest commercial industry, providing over $17.5 billion in annual revenue. In all, agricultural related industries employ about 350,000 residents, including those who own and operate Maryland’s 12,400 farms. And 2.1 million acres, or 33 percent of the total area of my State, is used for farming. This represents the largest single land use in Maryland.

The commodity title of the farm bill contains a number of provisions that are of particular importance to Maryland. First, it authorizes a $70 million nutrient reduction pilot program to encourage the development of innovative solutions to the nutrient pollution problem in the Chesapeake Bay. Nutrient over-enrichment from agricultural operations and other non-point sources is one of the most serious problems facing the Chesapeake Bay.

In 1987, the Chesapeake Bay Program established a goal of a 40 percent reduction of controllable loads of nitrogen and phosphorus entering the bay by 2000—a goal that was unprecedented in this country. Over the past 15 years, farmers in the six-state Bay watershed, along with assistance from the Conservation Reserve Enhancement Program or so-called CREP and other USDA conservation programs, have made substantial progress in reducing nutrient inputs. From 1985 to 2000, total nitrogen loads into the bay were reduced by 51 million pounds, with the largest percentage of this reduction coming from agriculture.

Unfortunately, we continue to fall short of the nutrient goal. If we are to reduce nutrient pollution in the bay, additional reductions from agricultural sources must be made and that will only be accomplished with new and innovative programs.

A recent summit of leading agricultural and marine scientists from across the Nation convened in Maryland concluded that the most effective means to reducing nitrogen losses from agricultural lands is to reduce the over-application of nitrogenous inputs that do not use. Because some agricultural crops are relatively inefficient nitrogen users at high yields, the last pound of nitrogen applied to a crop is the least helpful to a farmer’s yield, but the most likely to run off into our nation’s waters. By providing incentives and financial protections for farmers to accept slightly reduced yields in some years, the Nutrient Reduction Pilot Program will reduce farmers’ risks, lower their operational costs and at the same time substantially decrease nitrogen losses to the environment.

The principal focus of the Nutrient Reduction Pilot Program, as conceived by bay-area scientists and organizations, is to create new incentives for farmers to reduce the application of nitrogen by at least 15 percent below what is normally considered best practices. This reduction in the event of reduced yields. The way the program is envisioned, farmers in an area would bid in and say how much money they would demand for each pound of nitrogen reduced so long as the 15 percent threshold is met. Farmers do not have to agree to farm in any particular way; the only question is have they reduced their nitrogen applications at least 15 percent below recommended levels. The program allows farmers the flexibility in actual nutrient retention targets through such methods as cover crops, constructed wetlands, stream buffers, and switch grass. The program would be monitored based on actual performance by comparing how much nitrogen is removed in crops. It would also provide rewards based on each increment of superior performance. The program goal is to increase enrollment annually and have one million acres of cropland enrolled in year four. Five to 10 percent of the funding would go toward support promotion and education as well as monitoring and evaluation of program impacts.
I anticipate that in implementing this program, the Department of Agriculture will work with States and the private sector to create the mechanisms to carry out this provision. Specifically, I would anticipate that the Department would work to achieve the following in implementing the program: Target investments in nutrient reductions where they are most cost effective through competitive selection processes and through a bidding process to establish incentive rates; reward producers for each incremental level of nutrient reduction and possibly increasing incentive rates for each incremental level; test a variety of reduction techniques including both decreasing nitrogen inputs by at least 15 percent below land grant university recommended rates and increasing nitrogen removal from agricultural runoff; encourage alternative land use practices that reduce nutrient runoff while still producing income; and develop a complementary nutrient insurance program to provide financial protection to farmers who experience reduced yields due to reductions in nutrient applications.

This is a very important provision that will use market incentives to reduce nitrogen discharge into our Nation's largest estuary. This pilot program is a cutting-edge approach that allows watershed scale testing of a new practice that could provide major reductions in nutrient pollution throughout the Chesapeake Bay watershed while maintaining or enhancing farm viability.

Second, the managers' amendment authorizes the Chesapeake Bay Watershed Forestry Program. Forest loss and fragmentation are occurring rapidly in the Chesapeake Bay region and are among the most important issues facing the Bay and forest management today. According to the National Resource Inventory, the States closest to the Bay lost 350,000 acres of forest between 1987-1997 or almost 100 acres per day. More and more rural areas are being converted to suburban developments resulting in smaller contiguous forest tracts. These trends are leading to a regional forest land base that is more vulnerable to conversion, less able to store water and reduce storm water runoff, erosion and air pollution—all critical to the bay clean-up effort.

Since 1990, the U.S. Forest Service has been an important part of the Chesapeake Bay Program Administered through the Northeastern Area, State and Private Forestry, this program has worked closely with Federal, State and local partners in the six State Chesapeake Bay region to demonstrate how forest protection, restoration and management can contribute to achieving the bay restoration goals. Over the past 11 years, it has provided modest levels of technical and financial assistance, averaging approximately $300,000 a year, to develop collaborative watershed projects that address watershed forest conservation, restoration and stewardship. With the signing of the Chesapeake 2000 Agreement, the role of the USDA Forest Service has become more important than ever. Among other provisions, this agreement requires the signatories to conserve existing forests along all streams and channels, promote the expansion and connection of contiguous forests; assess the bay’s forest lands; and provide technical and financial assistance to local governments to plan for or revise plans, ordinances and subdivision regulations to provide for the conservation and sustainable use of the forest and agricultural lands. To address these goals, the U.S. Forest Service must have additional resources and authority, and that is what this provision seeks to provide.

Specifically, the provision codifies the roles and responsibilities of the USDA Forest Service to the bay restoration effort. It strengthens existing coordination, technical assistance, forest resource assessment, and planning efforts. It authorizes the Forest Service grants program to support local agencies, watershed associations and citizen groups in conducting on-the-ground conservation projects. It also establishes a regional applied urban forestry research and technical assistance program to enhance urban forest land base in the watershed. Finally it authorizes $3.5 million for each of fiscal years 2003 through 2006—a modest increase in view of the six-State, 64,000 square mile watershed.

The 2002 farm bill also authorizes a number of critical programs which will be of great benefit to the people of my State and all Americans. The legislation includes provisions to address the development needs of America’s rural communities. This includes infrastructure improvements to provide new funds for businesses and communities to promote genuine revitalization. It doubles the amount proposed by the administration for nutrition programs, in an effort to ensure that no Americans go to bed hungry.

Finally, I am pleased that the legislation strikes an ill-conceived provision proposed by the U.S. Department of Agriculture to dispose of land at the Beltsville Agricultural Research Center. I am a proud county resident of the Beltsville Agricultural Research Center, the nation’s premier agricultural research facility. The research undertaken at Beltsville has helped ensure the irradiation of certain plant and animal diseases and the production of high-quality agricultural products so that our farmers and agribusinesses can compete in the global marketplace. And the work at Beltsville has led to products and production methods that are safer for both consumers and the environment. Paradoxically, most people do not realize that this on-net carbon sink is one thing we need most in this debate: time. The Department of Energy estimates that over the next 50 to 100 years, agricultural lands alone could have the potential to remove anywhere from 40 to 80 billion metric tons of carbon from the atmosphere. If we expand this to include forests, the number will be far greater—indicating there is a real difference that could be made by encouraging a carbon sink approach.

Other provisions in this bill alone can not solve the climate change dilemma, but as we search for technological advances that allow us to create energy with less pollution, and as we continue to research the cause and potential effects of climate change, it only makes sense that we enhance a natural process we already know has the benefit of reducing existing concentrations of greenhouse gases—particularly when this process also improves water quality, soil fertility and wildlife habitat. It is simply no-regrets like taking out insurance on your house or car. We should do no less for the protection of the planet.
In addition to this carbon sequestration provision, I am also pleased that we will be able to address another pressing environmental issue facing our country and particularly Kansas. Water, so essential to cultivation, is a top priority for Kansas farmers and I am pleased to say that this Farm Bill can help in this vital area as well.

The Kansas Water Authority has been considering ways to extend the usable life of the Ogallala Aquifer and assure ground water will be available to meet the needs of future generations. The long term sustainability of ground water supplies is a concern of mine and I am pleased with the portion of the farm bill that creates the Southern High Plains Aquifer Groundwater Conservation Program. This legislation takes the necessary first step to protect and conserve this valuable resource. A reliable source of ground water is essential to the economy of Kansas. There have been dramatic declines in water levels in the last half of this century. It is projected that if no action is taken the aquifer could in some portions be completely dry in 100 years. Kansas is one of the States where this decline is especially pronounced.

Through this new program in the farm bill, farmers will be given incentive payments for improving irrigation systems, changing from high-water intensity crops to low-water intensity crops and reducing amount of irrigation to dryland farming. Payments will be made as result of a true savings in groundwater resources. I am pleased to have worked with my colleague, Senator JEFF BINGAMAN, in supporting this portion of the farm bill and hope that the rest of our colleagues will see how important this program is to saving the usable life of the Ogallala Aquifer.

The farm bill currently under consideration is not the bill that I would have drafted, independent of the deliberations of this body. However, this effort is an initiative that is desperately needed by America’s farm families. I am hopeful that, working with our colleagues in the other body, we will craft a compromise that protects our priorities. We need a farm bill that can provide a safety net for farmers, but that will not create negative incentives to overproduce and depress crop prices. We must support our farmers and give them the inducement to implement practices that will conserve and protect the land that they use. Without water, the land cannot be productive. We must be concerned about the sustainability of the land for the future. That is why the farm bill that was negotiated in the conference committee has my support.

Mr. KYL. Mr. President, today, the Senate voted 98 to 0, recorded vote No. 27, in support of Senate amendment No. 2857 to S. 1731, the Agriculture, Conservation, and Rural Enhancement Act of 2001.

This amendment contained sense-of-the-Senate language that “no Social Security benefits will be made to [ sic ] currently scheduled tax cuts permanent or for wasteful spending.” I voted aye because I knew that a vote against it would be construed wrongly as a statement in favor of dipping into the Social Security trust fund.

Factual inaccuracies in the amendment deserve to be noted. It states that “permanent extension of the inheritance tax repeal would cost, according to the administration’s estimate, approximately $194 billion over the next 10 years, all of which would further reduce the Social Security surplus.”

This statement is factually incorrect. In fact, the confiscatory inheritance— or more accurately, the estate or death—tax repeal is estimated to reduce Federal revenues by $104 billion over that time period. The resulting surplus, made up entirely of non-Social Security funds, would be $359 billion.

To further illustrate the inaccuracy of the contention that permanent repeal would reduce the Social Security surplus by $104 billion, it is useful to look at the effect of permanence in 2011 and 2012.

In 2011, the Federal Government is projected to generate a $199 billion surplus—a surplus that does not include any Social Security funds. Permanently repealing the death tax would reduce Federal revenues by $25 billion in 2011, which is 12.5 percent of the projected surplus for that year.

In 2012, the Federal Government is projected to generate a $395 billion surplus—a surplus that does not include any Social Security funds. Permanently repealing the death tax would reduce Federal revenues by $25 billion also in 2012, which is 5.4 percent of the projected surplus for that year.

The facts are clear. Making the death tax permanent will not deplete the Social Security surplus. Supporters of the bill have long underestimated the depth of moral opposition to this “virtue tax” on our American families, small businesses, family farmers, and ranchers. Unfortunately, the death-tax supporters are now resorting to outright misrepresentations of the facts in their campaign for permanent repeal. They are attempting to convince the country that making the repeal of this tax permanent will jeopardize our seniors’ Social Security benefits. Not true.

That is shameless and false, and a bipartisan majority of the Senate acknowledged so—in approving, right after amendment 2857, my amendment to make repeal of the death tax permanent.

By a vote of 56 to 42, the Senate memorialized its support for the following statement:

“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. KOHL. Mr. President: I rise today in support of the farm bill and look forward to the House and Senate conferees working quickly to ensure that it is in place for the 2002 crop year. I also rise to explain my opposition to the amendment offered unsuccessfully earlier today by Senator DASHCILE regarding the program included in the Senate version of the farm bill. This amendment would have replaced the dairy program that exists in the farm bill with a program that pays producers regardless of the actual market price of milk. Furthermore, the program failed to set the level of production eligible for a payment.

The Senate version of the farm bill restores a much needed safety-net for farmers and ranchers throughout the country. This measure restores the 1996 farm bill which has left farmers vulnerable to the continued downward spiral of prices. Because of the 1996 bill’s deficiencies, Congress has had to approve billions of dollars in emergency assistance every year. This is not an effective or responsible or fair way to set the farm policy for our Nation, and I am pleased that the Senate has stepped up to the task of providing needed and honest reform. The Senate bill also provides significant new spending for conservation and nutrition programs. And it targets assistance where it is needed, the small family farm, by limiting Federal payments to $275,000 a year. All in all, the Senate bill is a comprehensive measure that will help farmers in Wisconsin successfully weather volatile price fluctuations and other risks associated with farming.

Of particular interest to my State is the dairy title of this bill. It is constructive and provides significant new spending for conservation and nutrition programs. And it targets assistance where it is needed, the small family farm, by limiting Federal payments to $275,000 a year. All in all, the Senate bill is a comprehensive measure that will help farmers in Wisconsin successfully weather volatile price fluctuations and other risks associated with farming.

Another key component of the dairy program currently in the Senate version of the farm bill is the limits on payments. I worked with Senator DASHCILE and Senator HARKIN to make sure payments under our dairy
program were capped so that benefits would not flow primarily to huge farms. We limit payments to 8 million pounds of production or the amount of milk produced in a year by approximately 400 cows. Given that the average herd size in Arkansas is 65, I would have preferred a much lower cap. However, the final number was a compromise capable of winning the support of a majority of the States. Unfortunately, the Domenici amendment would undo this bargain. Why? By removing any limit on the payment a producer can receive. This uncapping of the benefits would have shifted the level of assistance from the small and medium size producers, who need the help the most, to the larger operators. And while that may be popular out west, where dairy herds routinely run to the thousands, it is unfair to the Midwest and Northeast where smaller family farms predominate.

The bill in the Senate bill is not ideal for me nor any other Senator in this body. Yet it represents a significant improvement over previous policies, such as regional price-fixing compacts, and represents a delicate balance between previously warring regions. That is why the committee reected the Domenici amendment and agreed to preserve the dairy program we worked out, perhaps the only dairy assistance plan that can garner majority support. Furthermore, I urge the conference to consider carefully the enormous effort behind and enormous fragility of the dairy section of this bill. I plead with the committee not to return to the days of bitter regional wars over compacts and other special dairy deals. Let this farm bill be remembered as the legislation that marked the beginning of national and fair dairy policy in this country.

Mrs. LINCOLN. Mr. President, it is with great regret that I vote against the farm bill today. As a member of the Agriculture Committee, I have worked extensively on this bill at the committee level and on the floor. I appreciate Chairman HARKIN and his staff, who have been tireless in their efforts to work with me on behalf of Arkansas farmers. The bill we passed out of the Agriculture Committee was a strong bill that was carefully balanced to represent both the diversity of our various regions and the different elements of our dairy program. But passage of the Dorgan-Grassley amendment on payment limitations last week as well as prohibition on packer ownership of livestock make it untenable for me to support this bill.

I won’t go into great detail on the effects of the Dorgan-Grassley payment limitations on Arkansas farmers. Instead, I refer my colleagues to the February 7th CONGRESSIONAL RECORD and the extensive remarks I made during debate on the amendment. In addition, I would like to refer my colleagues to an article from today’s Arkansas Democrat-Gazette, which outlines the effects this amendment will have on Arkansas farmers. This article refers to a Congressional Research Service study which finds that a single farmer growing rice will hit his limit at only 487 acres. As I told my colleagues during debate on the Dorgan-Grassley amendement, many farmers in Arkansas have had to extend their farms over one thousand acres in order to break even because their input costs are so high.

Last week, I cautioned my colleagues that the information they had seen in the eco-lobbyist plastic sandwich bags was misleading. I said that the Environmental Working Group, which was lobbying heavily in favor of payment limitations, did not represent the farmers. Now it seems that at least one editorial writer agrees with me. I quote from the February 11th Washington Times: “Make no mistake. The agenda of the Environmental Working Group and its financial backers is not simply to eliminate unfair public subsidies to the farm lobby. It’s about to cripple agribusiness altogether.”

Freedom to Farm demanded that farmers engage the volatile and subsidized global marketplace and learn how to become more competitive. Now, with the Dorgan-Grassley amendment, the Senate would attempt to penalize America’s farmers and ranchers for taking the very measures they need to complete in that same global marketplace.

Although I voted against the farm bill today, I look forward to working with Chairman HARKIN and members of the conference committee to modify this version of the farm bill so that I might support a more balanced and fair farm bill conference report.

Mr. President, I ask unanimous consent that the editorials to which I refer be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

From the Washington Times, Feb. 11, 2001

BEHIND THE GREEN CURTAIN
(By Michelle Malkin)

Among the political chattering classes, there’s a buzz over a tiny activist organization called the Environmental Working Group.

Both liberals and conservatives, including the left-leaning New York Times editorial page and the right-leaning Wall Street Journal editorial page, have praised the group’s farm policy. The Nation’s Journal notes that the research vaulted the group “into the big leagues and, according to many observers, profoundly shaped the congressional debate on farm legislation.”

Hundreds of stories from The Washington Post on down have cited the group’s findings over the past month.

Posted on the group’s Web site, the Environmental Working Group database documents $71 billion in federal agricultural handouts from 1996-2000. Some of the money has gone to recipients the public might find surprising, including prosperous companies, members of Congress, and part-time celebrity “farmers” such as professional basketball star Scottie Pippen, bank employee David Rockefellers media mogul Ted Turner and ABC news personality Sam Donaldson.

As a longtime critic of government pork, I agree that the group’s database is a commendable public service. But conservative opponents of farm subsidies should perhaps be a little warier of the group, in light of the radical green’s main claim to fame is its anti-chemical fear mongering. It scares pregnant women about the non dangers of eating water and says even one bite of some fruit sprayed with pesticides could cause “dizziness, nausea and blurred vision.” The group has also declared war on nail polish, hairspray, playgrounds, portable classrooms and ABC News correspondent John Stossel.

The Environmental Working Group, a nonprofit, 501(c)(3) charity, thrives on funding from eco-lobbying and those who have backed the Dorgan-Grassley amendment. One of its leading benefactors was the W. Alton Jones Foundation—which failed miserably a few years ago in its widely publicized attempt to scare us into using plastic sandwich bags by claiming they contained endocrine-disrupting chemicals. The group continues to tout the foundation’s efforts and plug its alarmist junk science book, “Our Stolen Future,” on its Web site.

In 2000, the Environmental Working Group received a $1.62 million grant over three years from The Joyce Foundation. On its Web site, the eco-advocacy foundation describes the group’s purpose in a political terms as supporting “a concentrated program of agriculture policy reform.” But in the foundation’s tax filings, the purpose of the Environmental Working Group grant is stated in more explicit detail: “For work on 2002 Farm Bill.”

Under federal tax laws, public charities can engage in limited political activities—but the Environmental Working Group’s zealous legislative lobbying raises questions about its status as a public charity. In a complaint to the IRS that applied to the Group and its former director, Charles Rossotti, the Bellevue, Wash.-based Center for the Defense of Free Enterprise charged that the Environmental Working Group’s “excessive lobbying and political activities are “clearly illegal and should (at a minimum) result in revocation of the organization’s tax-exempt status.”

The complaint charges that the group hid its lobbying political expenditures, failed to register as a lobbyist in California, submitted false or misleading reports with the IRS, and acted as a political action organization to influence the legislation of Senator John Arnold, executive vice president of the Center for the Defense of Free Enterprise, warns: “The Environmental Working Group is not just engaged in lobbying—its goal is power—political power.”

Make no mistake. The agenda of the Environmental Working Group and its financial backers is not simply to eliminate unfair public subsidies to agribusiness, but to cripple agribusiness altogether in favor of “organic” alternatives, increased regulation of farmers, and expanded environmental conservation programs.

Sometimes the enemies of enemies don’t always make the best of friends.
Leahy and Reed are Democrats; Jeffords is the independent whose switch from the Republican Party put the Democrats in control of the Senate.

Leahy, almost sure to be named to the conference committee, could back a higher subsidy cap in exchange for Southern support for the resurrection of a dairy compact that guarantees Northeast dairy farmers a higher price for their products.

"Nobody will be surprised if [Republican Sen. Thad] Cochran [of Mississippi] suddenly likes the idea of a compact. So New Englanders will vote to subsidize rich farmers in Mississippi in return for Southerners voting for the milk drinkers everywhere," the Journal said.

**LIVESTOCK OWNERSHIP**

One of the Senate farm-bill votes Tuesday kept a ban on meatpacker ownership of livestock. That’s an important issue to Tyson Foods Inc. Tyson recently bought IBP to make the Springdale-based company the largest meat producer in the world.

A bid to kill the ban, backed by both Hutchinson and Lincoln, failed 53-46. IDP officials released a written statement expressing disappointment with the vote.

"IDP deplores the livestock operations of all sizes to supply our plants," company officials said in a press release. "While we have no interest in becoming a big player in the livestock feed business, we believe more government regulation, such as those in the proposed ban, will produce unintended consequences and be detrimental to the livestock industry.

The bill would ban packing companies from owning or having control of cattle, hogs or sheep within two weeks of their slaughter.

The provision is wildly popular in the Midwest, where livestock producers fear they are losing their independence and market power as packing houses gain control over livestock production, much as they have already done with the growing of chickens. Poultry was exempt from the Senate legislation.

IBP officials said that without some degree of packer participation in livestock production, some plants may have to close.

The provision is not part of the House-passed farm bill and so would present another issue for the conference committee to settle.

An amendment offered Monday by Hutchinson and Lincoln will not make it to the floor. A Hutchinson spokesman said managers of the bill declined to offer an amendment that deals with double-crested cormorants.

The large, fish-eating birds are causing havoc for many fish farmers in Arkansas. The senators proposed to let farmers apply to the Agriculture Department for permits to rid their farms of the birds. Now those permits must come from the Fish and Wildlife Service.

The Senate voted to add $2.4 billion in disaster assistance to compensate farmers in Montana and Minnesota crops a year after drought last year. The Bush administration has already said the bill costs too much, but the disaster aid was approved 63-30.

**Mr. EDWARDS.** Mr. President, I rise today to offer my support for final passage of this great bill. I want to thank Chairman HARKIN for his hard work and strong leadership in getting this bill through the Senate.

Not a day goes by that a North Carolina farmer doesn’t call my office and tell me that he or she can’t get credit with a local bank and can’t make planting decisions. And you can’t really fault the banks; they are reluctant to make decisions while some here try to play partisan games with farm programs. We must get this bill passed and to the conference committee. We must send a signal to our farmers and our farm lenders that their Government will provide them a safety net. Today we must stress the importance of moving this process along, I still have serious reservations about this measure and the effect the stringent payment limitations enacted here on this floor will have on my farmers.

The Garamendi-Dorgan amendment, which I did not support, could quite literally mean the end for many of North Carolina’s farmers.

Those who supported this amendment did so in an effort to rid the farm subsidy system of abuses and that’s an important goal. I don’t think there is a person, myself included, who would argue against ensuring millionaires aren’t profiting from Government payments. So I don’t question the good faith of those who offered the amendment. But if this amendment remains in the final conference report, it won’t rid the system of abuses. In fact, this amendment would hurt those hardworking men and women who are trying to make a decent living on family farms.

Some people like to call this amendment the “Scottie Pippen amendment” after the basketball player who reportedly received farm subsidies. I am sure we have all heard other stories about millionaires supposedly profiting off of this system. But I want to tell you a story about the real impact of this amendment.

**Kenneth** is a cotton farmer in North Carolina. It costs about $75 to grow cotton in North Carolina, and this year the price was roughly 36 cents per pound. For Kenneth, that meant he lost about $150 an acre—and he would be the first to tell you last year was a good year.

So he got by with subsidies and his Loan Deficiency Payments. Kenneth poured almost every cent of that money back in to that farm. And if this amendment remains in the final bill, Kenneth will no longer be eligible for most of the Government’s assistance programs and I suspect he wouldn’t be able to survive 1 year.

And if you think he should just hang it up, then what should we do for the other families who partner with him to make a living? What do you suggest? Who do you suggest? Who do you suggest? Who do you suggest? Who do you suggest? Who do you suggest? Who do you suggest? Who do you suggest? Who do you suggest?

I am sure if you asked him, Kenneth would tell you he doesn’t like receiving Government payments. I don’t want him to have to give up his farm because we here passed an amendment with unintentional consequences.

Talk to my farmers. Talk to the dozens of people who are calling my office every hour scared to death that if this
amendment remains in the final conference report, they’ll be put out of business. They will tell you the reality. And not a single one of them is a rich, corporate farmer. They are the salt of the earth, hardworking men and women who want to make a decent living on their land.

None of us wants wealthy people to profit from farm subsidies. But payment limitations and gross income caps don’t prevent millionaire athletes from profiting from farm subsidies; they want to enter this business with massive debt and not a penny of cash flow, no matter what they are worth on paper.

I urge the conferees to remove this amendment. I trust the conferees will address this problem before they send their report to the full Senate.

Mr. DOMENICI. Mr. President, water laws are always an issue of great concern. However, they are of even greater concern in this day and age—especially in the West. This was so evident late last November that one of the Reid-Bingaman program, unanswered when it comes to reclamation. For example, does the entity that holds water rights in a reclamation project mean the Secretary of the Interior, the irrigation district or the individual landowner who receives the water under contract with the irrigation district or is the reclamation district or is under a management contract or is leased in accordance with reclamation law? Do all of these parties have to agree? If one landowner enters into an agreement, what happens to the repayment of the irrigation district? Can the irrigation district be forced to transfer water outside district boundaries by the landowner?

Another problem with the Reid-Bingaman program is that it allows the Secretary or a State to use condemnation powers under other authority to further the purposes of this program. I see nothing in this language that prevents either the Federal Government or a State from exploiting compliance and eligibility from them. The comments spoken on the floor of the U.S. Senate that the clear objective of this program is to take water from farmers for urban needs by laundering water for conservation.

The Reid-Bingaman program requires that States have a program to protect in stream flows. New Mexico does not have such a program and states that do have a program may not have as comprehensive a program as the sponsors of this amendment want. The recent legislation has previously defeated legislation that would create any type of water bank or similar program.

State water laws—are especially in the West—are all different. Yet, the thrust of this program seems to be forcing states to conform their water laws into some Federal mold.

Additionally, the Reid-Bingaman amendment allows for the transfer of water to a “designee of the State.” That could be a third party. Presumably, one could be ordered to transfer rights to an urban area or private group or individuals. It is not completely clear, but it seems that state water law, especially as it applies to junior appropriators is being preempted.

The “savings” clause in this amendment is too limited. It does not preserve any limitations under other Federal law, nor does it clearly preserve interstate compacts, treaties and the myriad of regulations that define interstate stream.

Finally, I have heard many claims that this program is strictly voluntary. It is voluntary on its face only. The language is drafted to read that anyone who participates is “willing.” That is not a volitional clause.

I urge the conferees to remove this amendment. I trust the conferees will address this problem before they send their report to the full Senate.

Mr. AKAKA. Mr. President, I rise today as we debate the farm bill to re-mind my colleagues of the vulnerability of American agriculture to acts of biological terrorism directed against livestock and crops, commonly known as “agroterrorism.” In December, I addressed the need for new technologies to detect biological agents that could be used in malicious attacks against our Nation’s agricultural industry.

The hard-working men and women who provide our meat, poultry, and dairy products, our fruits and vegetables, our lives now have a renewed sense of urgency when they consider potential threats to American agriculture. Responding to diseases in plants and animals has always been a fact of life for American farmers and ranchers. Now they are confronted with the possibility of intentional acts to release biological agents that cause disease in crops and livestock.

The impact of an animal or crop disease outbreak could be swift and devastating to the U.S. economy. Although the threat to our Nation’s food supply is a serious concern when discussing agroterrorism, we must remember that the primary purpose of agroterrorism is to inflict economic damage.

The combined annual sales from the U.S. agricultural sector exceed $100 billion. American agriculture accounts for 13 percent of the gross domestic product and nearly 17 percent of domestic employment. The U.S. accounts for about 15 percent of all global agricultural exports.

The impact of agroterrorism is not a just concern for rural America alone. All of America benefits from a healthy agriculture sector. Therefore, all of America must share in protecting our critical agricultural resources.

Agricultural security for American farmers and protection from the intentional release of biological agents that cause disease in crops and livestock are important features of terrorism legislation I am drafting. My legislation will help American farmers and ranchers protect their investments and livelihood by providing grants or loans for security measures on their farms and ranches.

As chairperson of the Subcommittee on International Security, Proliferation, and Federal Services I have held hearings on the need for enhanced coordination of the Federal agencies that respond to acts of conventional terrorism. The same is true for agroterrorism. By strengthening agency coordination and emergency response planning, we will also be preparing the American agricultural sector to deal with both intentional and natural crop and livestock disease outbreaks when they occur.

Many of the diseases that potentially threaten American crops and livestock have been virtually eliminated within the U.S. borders, or have never appeared on American soil. For this reason, a crucial element of agricultural security will involve the surveillance of plant and animal disease outbreaks
in foreign countries. The U.S. Department of Agriculture Animal and Plant Health Inspection Service,APHIS, already serves as an agricultural disease watchdog at our borders and around our farms. We must support ongoing APHIS efforts to detect and eradicate diseases. By establishing stronger connections to the international community of agencies and organizations that monitor plant and animal disease outbreaks.

As a condition of this legislation will involve establishing a legal framework for agroterrorism, including penalties for those who perpetrate destructive acts against crops and livestock. Indeed, acts of biological terrorism are not limited to the intentional release of disease agents to harm humans, livestock or crops. Deliberate and destructive acts against agricultural and forestry research programs are also routinely perpetrated by extremists who oppose biotechnology. These acts of vandalism do not involve the direct use of biological agents, but they can be just as destructive as the intentional release of disease-causing agents.

Recently, States from Washington to Maine have experienced destructive attacks on agricultural research projects. Reports of these acts of vandalism are often suppressed to avoid drawing further attention to the vulnerabilities of Federal and private agricultural research facilities. Unfortunately, the hard work accomplished by researchers who use traditional crop breeding methods is wiped out in these senseless and illegal activities.

In closing, I would strongly urge my colleagues to lend their attention and support to legislative efforts that will benefit all segments of the U.S. agriculture economy. American farmers, Federal and State wildlife managers, law enforcement officers, agriculture researchers, and consumers require our help in addressing concerns about the intentional or inadvertent spread of exotic and emerging agricultural diseases and the economic security of the United States’ agriculture industry.

Mr. HATCH. Mr. President, nothing the Senate does this session will be more important than passing a good farm bill that provides a strong safety net and some certainty for our Nation’s farmers.

I believe that Chairman HARKIN has put forward a sincere effort to accomplish these goals. However, I find that much to my regret, I must vote against this legislation. There are a number of provisions in the bill that lead me to this conclusion, but chief among them is that it puts at risk our system of water rights in the West. I refuse to compromise Utah’s water rights.

Unless this bill passes, farmers would be required to sell or lease their water rights to the Federal Government if they choose to participate in a specific conservation program. This sets a terrible precedent. I strongly oppose using Federal dollars to encourage farmers to give up their water rights. The Federal Government has enormous financial resources with which it could purchase unlimited acre-feet of precious water in the West. It is a very unwise incentive aimed at stripping our farmers of the resource that makes our way of life possible in the West.

The water conservation program I am suggesting would create an unprecedented link between the Endangered Species Act and farm programs. I have no doubt that this will lead to conflicts between the goals of the act and the livelihood of our farmers. From what I have seen, when such a conflict arises, the farmer always loses. Our farm families struggle enough. We shouldn’t add to this burden.

From a broader perspective, I disagree with the overall approach of this farm bill. I believe it is a return to the “farm state” and “ranch state” of the past. As it is written it, 60 percent of farmers will not benefit from the provisions in this bill. The bill provides many billions of dollars on subsidies for overproduced commodity crops such wheat, cotton, and corn. These crops are important, but what about the many crops being grown by other farmers? In my opinion, the Harkin farm bill does too little for farmers of minor crops, who face just as many difficulties as the farmers of the main commodities.

Still, it is very difficult for me to vote against the farm bill today, because there are provisions in it that Utah’s farmers desperately need. I was particularly pleased that the Wool Marketing Loan Deficiency Payment Program for our struggling wool growers was included. This was one of my top priorities. Also important, was the passage of the Baucus amendment, which would extend the sunset provision to the livestock producers and apple growers who have suffered losses due to drought conditions. Finally, I was able to add a provision that would begin the process of creating a free market for state inspected meat products. Of course, I will fight to keep these provisions in the bill as it goes through the conference committee.

These and other aspects of the farm bill are worthwhile. However, I do not believe we should benefit farmers on one hand, and threaten their livelihoods and water rights on the other. That is not what a Farm Bill should do, and for that reason I oppose it.

Mr. KERRY. Mr. President, I rise to make a few remarks concerning my amendment No. 2832 to the farm bill, S. 1731. As chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I am pleased to be joined by my rank and file colleagues, Senator Snowe, in offering this amendment. In addition, I am pleased to be joined by Senators KENNEDY and COLLINS, two other New England Senators, who know all too well the problems that our fishermen face in New England.

This amendment will permanently revoke Northeast multi-species fishing permits using a “reverse auction,” a measure that has been developed to ensure we remove the maximum amount of capacity from the fishery at the lowest possible price to the taxpayers. We have more than 1,600 permits in New England. Approximately 30 percent of these permits allow fishermen to fish for only 88 days each year. The remaining fishermen can fish, on average, 130 days a year based on historical days-at-sea usage. As a result of a similar provision we secured in July of 2000, the National Marine Fisheries Service has begun the process of reducing latent capacity in this fishery, but recent events have indicated the need to expedite the process further.

While the New England stocks are slowly recovering after years of substantial restrictions, additional limits are coming. The most recent scientific advice suggests that we need to cut days-at-sea by 65 percent in order to meet our 10-year rebuilding targets for Gulf of Maine cod. Basically, two-thirds of New England fishermen could be down to 31 days a year of fishing, from the 68 days they are allotted as of a file to limit the bycatch of fish. In this fishery, bycatch largely results from vessel-specific mortality controls called “trip limits.” I must agree, as does every fisherman I know, the idea of throwing fish overboard in order to increase fish abundance is both counterintuitive and wasteful. In order to fix the problem we need to increase the trip limits for our fishermen so they no longer have to waste good fish in order to meet management goals designed to increase fish abundance. I am convinced a second round is needed to build a sustainable fishery.

The capacity reduction program will help the New England Fishery Management Council, but has not ensured that these plans included rebuilding measures required under the management plan nor that conservation groups are consulted in the process. The current permit capacity reduction program created by the New England Fishery Management Council, has not ensured that these plans included rebuilding measures required under the management plan nor that conservation groups are consulted in the process. The current permit capacity reduction program created by the New England Fishery Management Council, has not ensured that these plans included rebuilding measures required under the management plan nor that conservation groups are consulted in the process. The current permit capacity reduction program created by the New England Fishery Management Council, has not ensured that these plans included rebuilding measures required under the management plan nor that conservation groups are consulted in the process.
This is unfortunately a long-term problem for many traditional fishing communities in New England. This money will allow some fishermen to retire with dignity, others no doubt will seek job retraining and enter another profession. I am grateful to the managers of the bill, Senators HARKIN and LUGAR, for agreeing to a voice vote on this amendment. I am confident that this money will allow us to build both sustainable fisheries and sustainable fishing communities in New England in the years ahead.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleagues for their cooperation and for working through this bill. It has taken a good while. But I believe, all in all, we have come out with a well-balanced bill. It is a comprehensive bill, and it does reflect a great deal of bipartisan cooperation.

I especially commend and thank my rank, Senator LUGAR, the former chairman of this committee, for all of his help and his support, his guidance, his suggestions, his very close working relationship to get this bill through. We had an excellent working relationship with the staff. I think that we did expeditiously.

I knew we were going to have to have votes on the floor. As it turned out, we did have quite a few on different parts of the bill. But I believe, all in all, the relationship has been a great relationship. I thank Senator LUGAR and his staff for that.

I also thank Senator REID for all of his help in pulling people together and getting the votes structured and making sure that we had an orderly process on the floor.

I thank our majority leader, Senator DASCHLE, also a member of the Agriculture Committee, for all of his guidance and leadership in bringing this bill to final conclusion.

I thank Senator LOTT on the other side for working with us. There were numerous times when I went to Senator LOTT, and we discussed what we were going to do. I can say, without any hesitation, at no time was he less than most helpful in moving this process along. So I thank Senator LOTT for that.

We have had some disagreements, of course. That is the crucible of democracy that we have. We have had our votes. But what may not have been fully reflected on the floor is the extraordinary degree, I believe, of bipartisan cooperation and collaboration we have had throughout the bill.

As I mentioned a number of times, all amendments that we reported out of the Committee were reported on bipartisan votes. We have a demonstrated bipartisan majority for this bill on the Senate floor.

So, in short, the bill is comprehensive. It is balanced. It is the economic recovery vehicle and jobs bill for rural America. We have met our responsibilities to farm families, rural communities, consumers, and the environment. We have done so while fully complying with our budget limitations.

I believe the highlights of the bill are the following:

First, we restore and rebuild the farm income title that has been missing for the last 6 years.

Second, we have doubled our commitment to conservation. There are more resources devoted to conservation in this bill than any farm bill that has ever come to the Senate. We are proud of that. We have a new conservation program—the Conservation Security Program—that will move us in a new direction in this country, that will expand conservation to every part of America. Whether it is a corn or soybean field in Iowa, an orchard in Michigan, a citrus orchard in Florida, a vegetable farm in New Jersey, or an almond farm in California, this Conservation Security Program is going to promote conservation throughout the country.

Third, on rural development, we include substantial new funding for a variety of rural community development activities. We also create and fund new rural development initiatives, including community capital investments in rural America. Senator LUGAR and his staff, and my staff, have worked closely together to develop this consensus rural development title. I believe it is going to provide for crucial new investment in rural America.

Fourth, we have a new title in the farm bill that has never been in any farm bill, a renewable energy title, with $550 million mandatory spending over 5 years for things such as ethanol and soy diesel, and for biomass, wind energy, and hydrogen energy. If nothing else, we learned from September 11, I think, that we have to address our dependence on foreign oil. This bill will start to do that by developing the renewable energy resources in our country.

Fifth, nutrition. In our bill we now over twice what the administration proposed. The administration proposed $4.2 billion in increased nutrition spending over the next 10 years. We have $8.9 billion in this bill. So we can be proud of the fact that we make this great effort to make sure no one goes to bed hungry in America, to make sure we have an adequate system of nutrition assistance, food stamps, emergency food assistance and commodity distribution, in addition to school breakfast and school lunch and other programs.

Lastly, on credit, agricultural trade, agricultural research—all of these titles make substantial improvements to what we have done in the past.

So, in conclusion, I thank Senator LUGAR. I thank all of the staff. I thank the staff on our side. I want to thank all of them by name: Vershawn Perkins, Frank Newkirk, and Bob Sturm. I especially thank Bob because all of the time we were out of our office in the Hart Building, we crowded into his space. I really thank Bob Sturm for all of his help in working out the situation of taking care of our staff.

I thank Terri Roney, Lloyd Ritter, Charlie Rawls, Erin Peterson, Doug O’Brien, Stephanie Mercier, Mary Lockridge, Jay Klug, Susan Keith, Eric Juzenas, Sara Hopper, Amy Fredregill, Alison Fox, Kevin Brown, Seth Boffelli, Karli Blairstosky, Rich Bender, and, of course, our outstanding staff director, Mark Halverson.

I cannot say enough things about Mark and all of the long hours he has put in. I do not know if he has slept in the last 4 months. I do not know if he has or not, but I think he deserves a break now. He has performed superlatively in guiding, directing, and working with our staffs.

On the other side I will not mention all of the minority staff. I know Senator LUGAR already did. But I do want to mention Keith Luse, the minority staff director, for his leadership and the majority staff director. Again, I thank Keith Luse for all of his wonderful working relationships with me personally, with Mark Halverson, Charlie Rawls, and all the people on our staff. It has just been outstanding. I just want you all to know that the kindness and generosity you have given to me and to our staff throughout this process.

So, Mr. President, this is a bill that we can go to conference with that we can be proud of. It had strong bipartisan support as we came out of committee. We worked our problems out on the floor, and I think we have a bill that will revitalize and renew rural America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the vote on final passage of H.R. 2646 occur at 12:30 p.m. today, with rule XII, paragraph 4, waived.

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

Mr. DASCHLE. Mr. President, we are moving to final passage of the farm bill shortly. I would like to make a couple of comments prior to the time we have the vote.

First, I commend our chairman for the extraordinary job he has done. He has been remarkable over a long period of time. His leadership, his intellect and for his ability to work with people on all sides and all philosophies. Once again, he demonstrated his ability, his leadership, and the kind of person he is each and every day he came to the floor. I commend him as well.

Let me also commend, as Senator HARKIN and Senator LUGAR did, the staff. We are very dependent upon our
staff on all pieces of legislation; in particular, on the complexities of agricultural policy. I must say for the record and emphatically remind my colleagues of the work that they do, especially the staff I am fortunate to have in my office. I am very grateful to them for their work, for their dedication, for their ability to come up with compromises oftentimes when we really had not thought there was one. I thank them publicly and thank them especially today as we bring this debate to a close.

This has been the longest debate on a farm bill in over 30 years. Sometimes it has felt that way. Thanks to the work done in the committee and on the floor, we now have a farm bill and a farm policy that is improved in many ways, providing certainty for producers and increased commitment to conservation, expanded nutrition, provisions making farmers and ranchers more competitive, and needed assistance to our veterans.

I know we have had disagreements over the time period in which we needed to get this farm bill moving. In the end, though, this is a good bill. It will do a lot for rural America that is hurting in large part due to the failure of our current farm policy. Now we need to take the final step and pass it.

Agriculture and the farm economy provide roughly $1.3 trillion to our economy for 21 million jobs. Rural America comprises 80 percent of our Nation’s landmass and 20 percent of our population.

Our Nation literally cannot afford to leave rural America behind. Yet rural America is hurting as never before. Farmers have already seen prices drop every single year since the current farm bill was approved. They are getting roughly half the prices they were receiving in 1996. The record price drop has been seen in recent months and the warnings from USDA that farm income could drop another 20 percent add a level of urgency to this debate.

A recent study by the Bureau of Labor Statistics shows that farmers and ranchers are expected to lose 238,000 jobs over the next 10 years. That is more than any sector of the U.S. economy. That is nearly the population of St. Louis or Pittsburgh or Minneapolis.

We just cannot let that happen. Unless we pass this bill now and get a new law soon, USDA will not be able to implement it for this crop year. Instead, we would leave farm families to rely on a law so flawed that we have had to grant emergency assistance for each of the last 4 years. Make no mistake, passage of this bill is essential for the survival of rural America.

This fall, I was in my State and met a ranch couple named Hight. When disaster struck on September 11, 2001, Adeline Hight of Murdo sold 100 calves and donated the proceeds, about $40,000, to help victims of the attack.

The manager of the local livestock association called their donation “an act of true Americanism.” Rural families have always sacrificed for our country. They have been facing a disaster now for years. With this bill, they have a chance to prove their certainty to provide a fix for the failed farm security net, and help address the challenges we face in rural America.

I urge my colleagues to support this bill so we can move immediately to conference with the House and then present the bill to the President for his signature as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I understand the distinguished Senator from Maine would like to address us. I invite her to do that.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am very pleased that legislation I authored has been included in the final version of the farm bill. The legislation, known as the Suburban and Community Forestry and Open Space Initiative Act, would help to combat the threat of suburban sprawl, which has already consumed tens of thousands of acres of forest land in the southern part of my home State.

I am alarmed by the amount of working forest land and open space that has given way to strip malls and cul-de-sacs. Our State is trying hard to maintain the supply of timber that fuels Maine’s most significant industries. Second, the resources made available would be a valuable tool for communities that are struggling to properly manage growth and prevent sprawl. Currently, if a community were to turn to the Federal Government for assistance, none would be found.

My bill will change that by making the Federal Government an active partner in preserving forest land and managing sprawl, while leaving decisionmaking to States and communities.

Mr. President, by enacting this legislation, Congress will provide a much-needed boost to local conservation initiatives and will help sustain the vitality of our natural-resource-based communities.

I ask unanimous consent that letters of endorsement from the Maine Nature Conservancy, the Maine Audubon Society, and the National Association of State Foresters be printed in the RECORD.

In the event of no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF STATE FORESTERS, Washington, DC, December 5, 2002.

Hon. SUSAN M. COLLINS, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Association of State Foresters, I would like to thank you for your efforts to reduce the impacts of urban sprawl on our nation. Your proposed amendment, the Suburban and Community Forestry and Open Space Initiative, to Chairman Harkin’s Farm Bill (S. 1756) demonstrates and commitment to minimizing conversion of suburban forest lands to non forest uses.

We support the overall concepts of the legislation. NASF does not currently have a position on whether easements or title to land purchased with federal funds should be expanded from state to non-profit entities. However, maintaining forested lands in suburban environments is consistent with NASF’s goals.

As the Southern Forest Resource Assessment recently released by the U.S. Forest Service clearly demonstrates, one of the major threats to forest land is urban sprawl.
The provisions in the Forestry Title of S. 1731 provide important tools to enable landowners to keep their land in trees and sustain the public benefits their forests provide. Your commitment is another tool to address this critical concern.

Thank you for your commitment to sustaining forest management and to reducing suburban sprawl.

Sincerely,

Larry A. Kotchman,
President.

MAINE AUDUBON SOCIETY,

Senator Susan M. Collins,
Russell Senate Office Building,
Washington, DC.

Dear Senator Collins: We are pleased to be able to offer our support of your proposed Suburban and Community Forestry and Open Space Initiative Act of 2001, which would expand opportunities for conserving forestland under the Cooperative Forestry Assistance program. This Act offers a new opportunity to protect some of the remaining actively managed forestlands that provide habitat for many of our native species, and encourages those lands to be managed sustainably, with input and use from the local community. This Act comes at a time when pressure to develop small woodlands in southern Maine is ever increasing, interest in conserving those woodlands is also increasing, but funds for forest conservation are still limited.

Southern and Coastal Maine has the highest level of woody plant and wildlife species diversity in the state. Unfortunately, this area is one of the most desirable for development and increasing development pressures are creating a checkerboard of non-contiguous blocks of developing and non-developing land. Although the overall population is relatively stable in southern Maine, residents of larger towns and cities are moving to surrounding rural communities, with residential development, both permanent and seasonal homes, spreading into large expanses of formerly agricultural and forested open space.

In its final report dated January 1996, the Maine Environmental Priorities Project (MEPP) concluded that “patterns of development throughout southern and coastal Maine and the nation’s zones statewide seriously threatened some species and some rare and critical habitats as well as the overall productivity of Maine’s terrestrial ecosystem.” Protecting forest land throughout southern Maine wildlife.

During the past two years Maine Audubon, in concert with several other state and federal agencies and nonprofit conservation organizations, has been conducting outreach to municipalities and land trusts to encourage the conservation of forestland, including large blocks of undeveloped and unfragmented forestland that provide habitat for a wide variety of Maine’s native plants and wildlife. Although there are providing local communities with information about the high value habitats in their community, and many of those we have spoken with are interested in acting to conserve forest land but have few choices for funding land protection. If the bill passes, we will be able to suggest a new source of funds for their hard work.

Thank you for taking the initiative to help conserve Maine’s forest landscape and all the public benefits they provide amidst the threats forestland face. We look forward to working with you on passage of the bill and on the subsequent rule-making which will speak out just the bill would be implemented.

Sincerely,

Sally Stockwell,
Director of Conservation.

THE TRUST FOR PUBLIC LAND,

Hon. Susan M. Collins,
U.S. Senate, Washington, DC.

Dear Senator Collins: On behalf of the Trust for Public Land, I am pleased to express our support for the Suburban and Community Forestry and Open Space Initiative Act of 2001. This proposal will provide a much-needed focus on working forests that provide important resources in and around Maine’s towns and areas facing significant development pressures. We applaud your foresight in addressing this issue.

As the Trust for Public Land pursues its mission of protecting land for people in Maine, we are acutely aware of the difficult choices many landowners face as land values rise and development intensity. In addition, the forest lands that lie in the path of development are incredibly important to local residents for a variety of resources, including recreation, wildlife habitat, water quality and open space. Your legislation will allow these critical lands to remain intact as community assets by focusing federal assistance to landowners in areas affected by suburban sprawl. This is a much-needed addition to the resource conservation efforts that states, localities and non-governmental partners have been addressing for years and will provide the extra funding leverage needed to successfully meet the challenges of the future.

Our work with willing sellers across the state leads us to believe that the Suburban and Community Forestry and Open Space Initiative Act of 2001 will make a difference in many communities and will leave them in good shape for future generations. Maine’s forest resources are absolutely critical to the quality of life that attracts residents and visitors. Your legislation will allow these critical lands to remain intact as community assets by focusing federal assistance to landowners in areas affected by suburban sprawl.

The Nature Conservancy supports your efforts to bring additional federal funds to projects like these in Maine and throughout the state. Conservation of these great places requires a commitment from the private sector as well as from government. We appreciate your desire to provide leadership on such a vital issue to the people of Maine.

Sincerely,

Jennifer Melville,
Maine Field Office.

DEAR SENATOR COLLINS: On behalf of the Trustees and 13,000 members of The Nature Conservancy of Maine, I am writing to you in support of your recently filed Suburban and Community Forestry and Open Space Initiative Act of 2001.

From the St. John project in Northern Maine to the Machias River downeast to Mt. Agamenticus in the South, the Nature Conservancy is working in partnership with local communities, the state, and federal governments to protect the remaining natural place in our state. As population continues to increase in southern Maine, it is becoming increasingly clear that growth and development could overtake and destroy some of southern Maine’s most outstanding forests and natural areas. Your legislation could play an important role in forever protecting these places in key sites, in particular, come to mind as projects that could benefit from Suburban and Community Forestry and Open Space Initiative funds.


THE NATURE CONSERVANCY,

Hon. Susan Collins,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

Dear Senator Collins: It is with great enthusiasm that I write to express Maine Coast Heritage Trust’s support for your far-sighted Suburban and Community Forestry and Open Space Initiative.

Maine’s rural and suburban lands are changing fast as more people move into Maine or move out of Maine’s urban areas...
and into the rural countryside. This pattern of development is altering the character of our state by diminishing both its traditional villages and surrounding open farms and forests. It has a significant impact on local and state budgets as expensive new schools and roads are built to service these new neighborhoods.

Your initiative would provide important federal funds to be matched by state and private dollars. As you know, Maine voters showed their strong support for conserving open land when they overwhelmingly endorsed the $50 million Land for Maine’s Future bond in 1999. Furthermore, the success of Maine’s 86 land trusts (perhaps the highest number of trusts per capita in the nation) is a testament to Mainers’ commitment to maintaining the rural character of the state. Your proposal would help leverage hard-won public and private dollars.

I was particularly pleased to learn that your proposal would complement the Forest Legacy Program. Forest Legacy has been a critically important source of federal funds for conserving large tracts of Maine’s northwoods. Its continuation is vital.

Thank you ever so much for your creative leadership and hard work on behalf of land conservation efforts in Maine and across America.

Sincerely,

JAMES J. ENY
President.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 2646, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2013.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 1731, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill was to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 30 Leg.]

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The bill (H.R. 2646) was passed.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses.

The majority leader:

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that there be a period for morning business until 2:30 p.m. today, with minutes under the control of Senator BYRD and the remaining time controlled equally between Senators BROWNBACK and TORRICELLI or their designees, and that at 2:30 p.m. today the Senate begin consideration of Calendar No. 235, S. 565, the election reform bill.

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

The President from New Jersey.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, the Congress may now be closer to comprehensive campaign finance reform than at any time in 30 years. It holds the promise of restoring public confidence by reducing the amount of money flowing into American politics while simultaneously reducing the costs of campaigns themselves. It gives a fair chance to challengers, an opportunity for people to bring different ideas and a broader national debate because we end the dominance of special interests money.

This can be an extraordinary, even historic week in the life of the Congress. But the well-crafted balance reached in the Senate is now in jeopardy. Campaign finance reform has meant a change in various institutions within our political culture. One of them is the institutions of the change. I am speaking of the network broadcast industry. Just as political candidates would be challenged under the law to raise less money under stricter limits, and the political parties would operate under different rules, and the American people would operate under more restrictions to assure that money did not dominate the process, the broadcast industry, operating under Federal license in the use of the public airwaves, should be challenged to reduce the costs of advertising for Federal campaigns.

The Congress could have insisted on free air time. We could have insisted that the broadcast industry make available free public debate as in many of the great democracies of Western Europe. Our request was much more modest. Indeed, our request was to put into law that which we believe we had done 30 years ago anyway. In 1971, Congress required that the networks provide advertising rates at the lowest unit rate. Through evasion, by finding loopholes in the law, the television networks have evaded their responsibility under the law. Senators CORZINE and many of my colleagues offered an amendment on the floor of the Senate, adopted 69 to 31, on a bipartisan basis, requiring once again that the networks provide television advertising at the lowest unit rate.

In this debate on campaign finance reform we lower the amount of money raised without lowering the costs of the campaigns themselves, we will have achieved very little. The best funded incumbents will always find the resources to advertise. The question is, What about those candidates for Federal office who do not represent popular ideas or powerful interests? And what of the challengers who would challenge the status quo, represent new ideas or sometimes unpopular ideas? They will never have the resources to enter into the national political debate.

The goal of campaign finance reform is not to lessen the national debate. It is not to bring less political discussion to the country. It is to have a more vibrant debate, of more varied ideas, less
represented by the requirement of political fundraising.

If, indeed, the national broadcasters, represented by millions of dollars' worth of lobbying—and, ironically, the use of their own political contributions—were lobbying for the preservation of campaign finance reform, not only have we achieved very little but we add a new distortion to the national political debate.

In the New York metropolitan area, it is estimated to cost $30,000, $40,000, and $50,000 for a 30-second ad. How will these ads be purchased? This applies in Chicago or Los Angeles or Miami or Boston. We have eliminated soft money; we are adding restrictions to reduce the amount of money. The simple truth is, most candidates will not be able to afford them at all.

The costs have not stopped rising. Since 1996, the cost of political advertising has increased another 30 percent, and it will keep rising as candidates compete not with each other for time but with General Motors or Ford or General Foods or Procter & Gamble.

Where do we go from here? How did it happen? How can it be stopped? The broadcasters say, first, that they do not have the money to finance these ads; second, that they will suffer; third, that their corporate customers will not support them.

There is a precedent to do it. And it is not only fair to put these restrictions on broadcasters. There are no perpetual campaigns, reducing the cost of advertising so there is nothing but campaigns, year to year, year after year. The legislation passed by the Senate only makes the lowest unit rate available 45 days before a primary and 60 days before a general election. There are no perpetual campaigns. The time limits are actually quite strict.

Then the broadcasters argue that this is such an onerous burden that they can financially not survive, they can't deal with the cost of making the lowest unit rate available. They are charging political candidates $1 billion to advertise. It is estimated that this will be a reduction of $250 million. I believe the networks, still collecting three-quarters of a billion dollars in political advertising, are doing quite well by this system.

Indeed, the reduction from making the lowest unit rate available would equal less than 1 percent of the $41 billion in ad revenue. If every other segment of our society can change in order to restore integrity in this political process—the political parties forego soft money, Federal candidates eliminate soft money, the American people live with these restrictions—American business should accept these restrictions—can the broadcasters themselves under Federal license, challenged to use the airwaves for the public good, not accept a 1 percent reduction in ad revenue?

If, indeed, the national broadcasters,为代表ing what is essentially the media, have the moral right to argue that the Congress to change the political fundraising system, having put so much scrutiny on campaign fundraising, has played a vital role in bringing us to this historic moment. But what an irony. While the network anchors rail against the campaign finance system, challenging the Congress to change it, their corporate executives pay millions of dollars in lobbying fees, speak to lobbyists who line the Halls of the House of Representatives, and PAC directors who use the leverage of their political contributions to attempt to intimidate the Congress into eliminating them from this process of change.

I hope this provision of campaign finance reform remains intact. But, if it fails, this Senate will face a difficult moment: The specter of a new campaign finance system in which the candidates are forced to raise the money. But what of the young man or woman who has different ideas, one who represents no political dynasty, who line the Halls of the House of Representatives, and PAC directors who use the leverage of their political contributions to attempt to intimidate the Congress into eliminating them from this process of change. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President reminded the Nation, at great length and in great detail, that we are a nation at war, and that we will stop at nothing to rid the world of terrorism. His words were stirring, his message sweeping.

The war on terror, he said, has only begun:

Strong words—strong words indeed. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorist and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terror-
global terrorism. It is a manifesto that he has stated many times to many differ-
ent audiences in the days following that address. At Eglin Air Force Base in
Florida last week—Feb. 4—the Presi-
dent told cheering troops that “We’re
absolutely resolved to find terrorists
whether they hide behind a curtain or
one by one. . . . History has called us into
action, and we will not stop until the
threat of global terrorism has been de-
stroyed.” Strong words—strong
words, indeed.

Let there be any doubt as to where I
stand, I have been a hawk on defense
issues for all of my 50 years in Con-
gress.

When I came to Congress 50 years ago
this year, I was strongly opposed to the
entry of Red China into the United Na-
tions. I supported the war in Vietnam
and the budgetary requests that Presi-
dent Johnson made. I supported down
to the last penny his budgetary re-
quests for defense.

When I came to this body 44 years
ago, I went on the Appropriations Com-
mittee at the beginning of my service
in this body, and I have been on the
appropriations Committee 44 years
this year.

I spoke highly of President Bush last
Friday in my reference to his speech at
the National Prayer Breakfast. His ex-
pressions concerning faith I com-
plimented on the floor.

But when it comes to national de-
fense, let nobody have any doubts as to
where I stand. I was supporting na-
tional defense and appropriations for
national defense in Congress when our
President, Mr. Bush, was in knee pants.

On two committees, I served with the
late Senator Richard Russell of Geor-
gia. He was chairman of the Armed
Services Committee. He was chairman
of the Appropriations Committee. He
held both positions—not at the same
time but at different times when I was
on him. I was on the Appropri-
ations Committee and I was on the
Armed Services Committee. I sup-
ported Senator Stennis of Mississippi,
who was one of the giants of the Sen-
ate. So I need no one to stand beside
me and bear witness to my support for
national defense.

During the war in Vietnam, I was
majority whip in the Senate during part
of the war. I was also secretary of
the Democratic Conference during part
of that war. There was pretty much
solid, undivided support almost at
first. Then there developed a divisiv-
eness among Senators on the war in
Vietnam.

The late Senator Mike Mansfield
was majority leader of the Senate. I be-
came his assistant in 1967 as secretary
of the Democratic Conference. I sat
on this floor practically every hour of
every day and was always at Mike
Mansfield’s elbow. Then I became the
whip. I carried over his wishes on this
floor to the president’s. I watched the
floor, learned the rules, and Mr. Mans-
field pretty much left the floor to
me as his whip.

There came a time in that war when
the Vietcong were striking at Ameri-
can soldiers from across the Cambod-
ian and South Vietnamese border. I
offered an amendment during a debate
in which the late Senator Church, the
late Senator Cooper on the other side
of the aisle, and others were joined on
the matter. I offered an amendment ex-
pressing support for the President, who
at that time was Richard Nixon, in his
efforts to bomb the Vietcong who were,
as I say, working from enclaves in
Cambodia across the border from South
Vietnam.

The Vietcong would go across the
border and kill American soldiers. I of-
fered an amendment during that de-
bate, in essence, saying that the Presi-
dent of the United States has a duty to
do whatever it takes to protect Ameri-
can boys, who perhaps didn’t ask to go
to a foreign battlefield. But they were
sent into battle and a President has a
responsibility to do whatever it takes
to protect those at risk. So I offered
that amendment and it was de-
fated. I lost on the amendment.

I need no one to attest to my creden-
tials when it comes to supporting de-
fense, particularly from an appropria-
tions standpoint. I have been on that
committee now for 44 years, as I say,
this year.

I have been a hawk on defense issues
for all of my 50 years in Congress.

I fully support the President’s re-
solve to strike back at the terrorists
who caused such devastation, destruc-
tion, and carnage here in our country
on September 11, 5 months and 2 days
today. But I also understand, hav-
ing lived through several wars and
studied the history of many more, that
war cannot be fought or won by rhet-
oric, that true victory is tangible vic-
tory, that words do have meaning, that
words do have consequences, and that a
rhetorical declaration of global war
may well create real global con-
lict, involving horrific loss of life.

It is crucial that we all realize that
the war on terrorism is not just a war
of hot words. This war, like any war,
must have tangible and achievable
goals and objectives. There must be
benchmarks by which to measure
progress in attaining those objectives.
And the American people must clearly
understand what sacrifices must be
made and what constitutes victory.
These essential elements must be more
clearly defined than they have been
thus far. We cannot be left to guess as
to what is meant.

I had the opportunity to discuss the
war on terror with Defense Secretary
Rumsfeld a few days ago. When he ap-
peared before the Senate Armed Serv-
ices Committee, I think it was on Feb-
uary 5. The Secretary appeared before
the Committee to explain and defend
the President’s $379 billion defense
budget request for Fiscal Year 2003.

I asked Secretary Rumsfeld to
define the parameters of our war on
terrorism. What are our goals? What
are our objectives? What are the stand-
ards by which we should measure suc-
cess in this war? How will we know
when we do achieve victory?

Much has been said about bringing
terrorists to justice. We have bombed
Pakistan and Afghanistan for a rub-
ble. We have struck deeply at the
caves. We have already spent $7 billion
in Afghanistan. Where is Osama bin
Laden? How will we know when we do
achieve victory?

Secretary Rumsfeld is an out-
standing Secretary of Defense. I have
seen a good many Secretaries of De-
fense in my time here, and I have a
great respect for Secretary Rumsfeld.
He has been around a long time, too. I
have watched and listened to many of
Secretary Rumsfeld’s briefings on the
war in Afghanistan, and he has im-
pressed me. He is candid, straight-
forward, and to the point. If he cannot
answer the question he says he cannot
answer the question.

Unfortunately, Secretary Rumsfeld
could not answer my questions, al-
though he certainly was candid. I think
he basically told the committee that it
is difficult to say how we will know
when we have won the war on ter-
rorism.

Although he has said the war on ter-
or has just begun, President Bush has
also said on numerous occasions that
we are winning the war in Afghanistan.
Perhaps it was to our good fortune that
there was, one might say, a ready-made
military force on the ground there op-
posing the Taliban.

He has been around, if correct, if winning
means routing the Taliban from the
Government of Afghanistan. But if
winning means destroying the al-Qaida
terrorist network, or if win-
ning means bringing to justice Osama
bin Laden, al-Qaeda, and the rest of the
al-Qaida leadership, then we
may have jumped the gun in such ex-
pressions. By those standards—stand-
ards the President himself has set—we
still have a way to go in Afghanistan.
In fact, many of the al-Qaeda
forces are still in that country. They
have simply switched sides for now.
Should circumstances change, they
may very well switch back again.
Those are the realities of Afghanistan.

Mr. President, facts matter. Stan-
dards matter. Words matter. Words have
consequences. When the President de-
scribes the United States as an
“axis of evil,” and pledged that the
United States will not permit those na-
tions to threaten the world with weap-
ons of mass destruction his florid
words were cause for alarm to many of
our allies. What did the President
mean? Was he signaling a plan to at-
tack one or more of these three na-
tions?
I asked Secretary Powell that question during his appearance yesterday before the committee. Secretary Powell answered: There is no plan.

He was very careful in the way he responded to my questions. He said: There is no plan. There is no such recommendation on the President’s desk today.

I will put the entire transcript of Secretary Powell’s responses, and my questions, in the RECORD at the close of my remarks. But what did the President mean? Was he signaling a plan to attack one or more of these nations?

Secretary Powell, as I said, was very careful in his responses. Secretary Powell has been around a long time. I remember working with then-National Security Adviser Colin Powell when I was majority leader of the Senate in 1987, 1988.

I remember the INF Treaty. I withstood great pressure from the then-Reagan administration, to bring up that INF Treaty. I withstood that pressure and said: I will not be stampeded into calling up the INF Treaty until we have answers to our questions, until Sam Nunn, who was chairman of the Armed Services Committee, has answered to his questions about futuristic weapons and other very key and important questions. I just will not bring up this treaty. Say what you will, I will not bring it up.

I refer to quoting the words from, I believe it was Scott’s “The Lady of the Lake”:

Come one, come all! this rock shall fly
From its firm base as soon as I.

I said: I will not call up this treaty until we have the answers to Sam Nunn’s questions, not until we have the answers to David Boren’s questions—David Boren was chairman of the Intelligence Committee—not until we have the answers to the questions of Senator Pell, who was chairman of the Foreign Relations Committee. I said: We have to have these answers before I will call this treaty up. And I did not call it up until we had the answers.

At that time, Colin Powell was National Security Adviser. He scammed across the ocean to Europe to help get those answers. Colin Powell, as I say, at that time, who was the National Security Adviser, complimented the Senate, and complimented me as leader at that time of the Senate, the majority leader, on staying the course, on standing our ground against being pushed into a premature consideration of that INF Treaty. Mr. Powell, himself, said, the Senate rendered a service. And he complimented me personally.

I have had a long experience here with Mr. Colin Powell. He is now Secretary of State, and I have a great deal of confidence in him. He has had the experience. He was a soldier for 35 years. National Security Adviser, Chairman of the Joint Chiefs. He has led men into battle. He has made command decisions. Here is not a man who blew in by the winds from a cyclone that came from far away. He has been around here a long time. He has the experience that gives him the independence of thought.

Secretary Powell was very careful as to how he answered my questions, leaving me to believe that, indeed, the administration is certainly considering, as an option—that is a conclusion I have drawn from what he said and from what newspaper stories have reported—the administration, indeed, has under consideration—but my reading is, but it would be pretty hard, I think, for others not to reach the same conclusion—that the administration is, indeed, considering, as one of its options in dealing with Iraq and Iran, maybe North Korea—certainly as an option—an attack upon one or more of these states. That is a conclusion I have drawn.

As I said to Secretary of State Powell, does the President have some new evidence of an involvement of the September 11 attacks by these three nations? Those are very strong words. The President seems to be saying that we will attack any nation we consider to be a threat. Perhaps I am reading something into the matter that is not there.

The question is, How do we back up that message if Iran, Iraq, and North Korea do not change their behavior? Does the President intend to invade or strike one of these nations? Why has he included North Korea in that list? It is certainly not clear to me that North Korea was in any way involved in the September 11 attacks on our Nation. Perhaps I am overlooking something.

A Nation’s leaders have a responsibility to think beyond the stirring rhetoric of war, particularly in the case of what could be a long, costly, global conflict which could very well mean a great loss of life. This Nation’s leaders also have a responsibility to obtain the support of the people’s elected representatives in Congress before undertaking endeavors which may claim the lives of the Nation’s sons and daughters.

The U.S. Constitution. I have a copy of it in my pocket—a copy of the U.S. Constitution. May I say to the distinguished Senator who today sits in the chair and presides over this deliberative body with dignity and skill, may I say that his two representatives from the State of Georgia who signed this Constitution were William Few and Abraham Baldwin. This Constitution still lives. That is the mark which will hold us always to the ship of state—the Constitution.

I hope this administration remembers that there is still a Constitution. I hope that we in this body still remember there is a Constitution to guide us.

This Constitution does not mention “consultations” with Congress. This Constitution does not reference the United Nations and what the United Nations may want or not want. But this Constitution, in section 8 of article I, says that Congress shall have the power to declare war, to raise and support armies, to provide and maintain a navy, and so on. So let us in this body remember that there is still a Constitution. It has served us well, and it will always serve us well.

I am going to follow that Constitution closely and as nearly as I can follow it in the days to come; in perilous times, if they come. I will support a Commander in Chief when I think he is right. I will not support any Commander in Chief, be he Democrat or Republican, if I think he is making a mistake in such a very serious matter.

The U.S. Constitution declares the President to be the Commander in Chief. But see what the Constitution declares. The President will do well to obtain the support of the people’s elected representatives in Congress before undertaking endeavors which may claim the lives of our Nation’s sons and daughters.

The Constitution declares the President to be the Commander in Chief, but it is Congress that has the constitutional authority to raise and support armies, to provide and maintain a navy, and to declare war.

It is no accident that the Constitution, in assigning these powers to Congress, includes both the war and the general welfare of the Nation on this list. The structure, the scope, and the cost of the Nation’s defense have an enormous impact on the general welfare of the people. It is Congress and specifically Appropriations Committees of the Congress, that has the responsibility for appropriating the money to fight the war on terrorism.

The President has said that this war is costing American taxpayers over $1 billion a month. We have already spent over $7 billion in the war in Afghanistan. The President’s 2003 defense budget amounts to an expenditure of $379 billion, over $1 billion a day. The President is forecasting continued increases in the defense budget.

I will insert into the RECORD the amounts that are being considered and questioned by the administration over the 10-year defense, and the total over that period, I think we will find, will be nearly $5 trillion. That is serious money. It is made more serious by the fact that we are returning to budget deficits. We are borrowing to support this huge defense budget, and that means we are paying interest on that money that is borrowed, interest on that debt.
How long— we have heard that phrase before— how long, how long can this Nation afford to spend $1 billion a day? We will find that that $1 billion a day will increase substantially over the next 10 years— more than $1 billion a day of the defense budget.

Exactly what level of national security are we buying with that investment of money? What nondefense needs are we forfeiting? As President Bush said in a 1999 speech at the Citadel: "Are we forfeiting? As President Bush
day on defense.

We must be selective in the use of our military. America has other great responsibilities that cannot be slighted or compromised.

I agree with every word of that statement by now-President Bush.

We must not allow a bloated defense budget to eat away at our ability to fund other important priorities such as Social Security, Medicare, health care, and education, to name just a few priorities.

Clearly, the budget that was presented to Congress on February 4 sacrifices a great deal for defense. While domestic discretionary spending increases by only 2 percent, and is essentially flat in some areas, the President has asked for an additional $50 billion in military spending, 15 percent above the last year's defense budget, which was itself 10 percent above the previous funding level for 2001. The size of the requested increase alone is greater than the military spending of many, if not all, of our NATO allies.

Moreover, such a colossal defense budget increase must be justified. It must be approved by Congress. Both Congress and the American people must understand how this money is to be spent and whether it will really enhance our national security.

Let me repeat: Look, again, at my record of support for appropriations for national defense over a period of 50 years. There is no equivocation in that record.

Congress must also understand much, much more about the proposed $10 billion defense reserve fund that is in this budget, including the plans for its use. The President's huge defense budget does not make minimal cuts in a few outdated weapons systems, but it also increases spending on the big-ticket ships and airplanes that account for a good portion of the U.S. defense procurement funds. Do these types of weapons constitute national security strategy in today's world, where asymmetrical warfare and the existence of terrorist cells in more than 60 countries, including the United States, seem to constitute the most serious threat to our national security? Are these big-ticket items that we are purchasing moving us toward a 21st century military, or are they squandering taxpayers' dollars by continuing a cold war military structure?

May I remind ourselves that there has been on the books a law which requires appointments and agencies to audit and to be able to come up with clear audits of their expenses. The Constitutional itself requires a clear accounting of the moneys that are appropriated by Congress. I believe it was last year that I raised this question with Secretary of Defense Rumsfeld. The Defense Department could not identify that the Reserve Fund in 2001 was $7.6 trillion in defense accounts— in accounting entries. Now, if the Defense Department cannot, after a law's having been passed and put on the books requiring Departments to be able to come up with audits of the Defense Department's accounts for $3.5 trillion in its accounts— it doesn't know what the weapons are, what is on hand, what spare parts are on hand, what spare parts it really needs, what monies have and have not been spent— how can the American people have confidence enough to support an additional $48 billion for defense this year? Who can account for this money? How are we going to account for it? Where are we going? And we are denying the American people the answers they need.

Moreover, such a colossal defense budget increase must be justified. It must be approved by Congress. Both Congress and the American people must understand how this money is to be spent and whether it will really enhance our national security.

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No one has explained. These are critical questions for which we have yet to hear clear, concise answers. Congress needs to be given those answers. The American defense budget should not be a cookie jar for every defense contractor lucky enough to afford a hefty lobbying budget. This Nation is again in deficit status, and we have to guard against committing huge sums for weapons that are not needed, which will only drive us deeper into debt and sap our overall economic strength.

The patriotism that runs deep in the veins of Americans, and the horrors of September 11, have aroused our emotions, and heightened our determination to wage a global war on terrorism. But that support could wane, both at home and abroad, if the administration does not carefully weigh its use of broad threats, undefined objectives, and the murky consequences of shackling both our domestic and foreign policies to a militaristic fervor which may or may not reflect realistic possibilities or sound choices.

We would do far better to hear clear explanations of our goals in the war on terrorism, and detailed justifications of our defense budget that use cold logic, rather than a hot head. We are a powerful country. There has never been one so powerful. We cannot hope to eliminate terrorism from the world without other nations on our side. A recognition of our limitations in that regard is critical. We are a rich country— so rich that if the Queen of Sheba were alive to this day and forget about Solomon in all of his glory. We are a rich country, but we can never, never spend our way into perfect national security— I say perfect national security. Our resources are finite and choices have to be made. The President must understand the forces and circumstances in the world that are unpredictable and beyond our control. There always have been and will always be. But we can strive to be a wise nation— one that avoids bombast in favor of methodical analysis, one that understands its extraordinary possibilities as well as its very real limitations on the global stage.

I do not know what these words by President Bush may portend for our future. I do not know whether the chilling possibility that Mr. Bush may be contemplating an invasion of Iraq, or Iran, or Korea? I don't know. Just looking at the words themselves, I cannot understand. Are they meant to be the harbinger of an attack on one or more of these nations? When Secretary Powell testified before the Budget Committee yesterday, he could only give weak assurances that the President has no plan on his desk to start a war with one of these countries. It always will be to see whether the President's strong words will mean some future action against Iran, Iraq, or North Korea, or whether they are just considered as a rhetorical flourish to a war-time speech.

What is for certain is that other countries have reacted to the use of bellicose terms.

Our European allies are now wondering if the United States will soon call upon them to support military action against one of those three countries.

Hasn't Russian leader Putin raised a question, has he not expressed concern about our intentions toward Iraq? Only yesterday I believe, or the day before, I read in the newspaper about his cautionary words. Russia has issued a strong warning against a possible U.S. attack on Iraq. Alliances between nations can be fractured and broken because of rash or insulting statements.

Iranians who voted for moderate candidates in last year's elections joined with hardliners in taking to the streets of Tehran on Monday, February 11, to protest the categorization of their country as "evil."

I read from the New York Times of the day before yesterday.

Millions of Iranians galvanized by President Bush's branding of their nation as part of an "axis of evil" marched in a nationwide pep rally today that hardened back to the edicts of the Islamic revolution, with the American flag burned for the first time in recent memory.

The story goes on to say:
Ever since Mr. Bush designated Iran part of an international terrorist network open to American attack, conservatives in Iran have been greatly buoyed, trying to use a resurgence of America to quash reform at home, daily denouncing Washington and exhorting Iranians to follow suit. This has made it difficult for President Khattami to pursue a more aggressive policy in promotion democracy and rooting out corruption an agenda he emphasized today before he, too, criticized American foreign policy.

I ask unanimous consent that this article in its entirety be printed in the CONGRESSIONAL RECORD at the close of my remarks.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Madam President, I also ask unanimous consent that at the close of my remarks there be printed a transcript of the questions that I asked of Secretary Colin Powell and his answers when he appeared before the Senate Budget Committee.

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

(See exhibit 2.)

Mr. SCHUMER. Madam President, I will my friend from West Virginia yield for a question.

Mr. BYRD. Yes, I yield to the distinguished senior Senator from New York.

Mr. SCHUMER. Madam President, I thank my colleague. Before I ask my question, I wish to thank the Senator from West Virginia for taking to the floor on such an important and timely issue because we are in a grave new world.

No one can doubt the Senator’s fidelity as a patriot and somebody who cares about a strong America, an America that defends itself. I followed his career long before I ever came to the Congress in 1980. It was true then and it is every bit as true, even more true today.

Mr. BYRD. I thank the Senator.

Mr. SCHUMER. Only he could give such a speech with the strength that is needed. I wish to ask the Senator a question, given his knowledge of the Constitution and our history.

Senator BYRD has focused on two issues: the ability to declare war and the ability to spend funds in execution of that war. It is my understanding that if there were ever a part where the Founding Fathers wanted the checks and balances of our system—the consultation of the executive branch with the Congress, the legislative branch—it would be in these two areas.

I wonder if the Senator might address that issue briefly because I think it ties his knowledge of history with the very appropriate and apt words of today.

Mr. BYRD. I thank my friend, the senior Senator from New York, whose State experienced the greatest sacrifice in blood and human lives that has ever been brought to this country by terrorists in its entire history, brought in 1 day in the course of a few hours, and is still suffering from the losses that were visited upon New York City by these men who, indeed, were evil men.

The Founding Fathers were very suspicious of a strong Executive. The Framers of our Constitution were not strong devotees of democracy. They believed in a strong legislative branch. They believed in checks upon an Executive. And so they were rather sparse in the language that they used when it came to enumerating the powers of the Chief Executive, the Chief Magistrate of the country.

Some of the Framers had a concern that a legislature might impinge upon the powers of a Chief Executive; that the vortex of the legislative branch was ever seeking more power. I think in these regards, the Founding Fathers would find that their concerns about a Chief Executive were perhaps well-founded, especially in time of war.

In a time of war, powers and authorities seem to gravitate toward the Chief Executive, and that’s why I ask, Madam President, for his words and his confidence. I wish to ask the Senator a question, given his knowledge of the Constitution and our history.

Mr. SCHUMER. I thank the Senator.

Mr. BYRD. The country is behind the President’s efforts thus far to trace the whereabouts and to bring to justice—to use Secretary Rumsfeld’s word—to bring to justice all and other terrorist leaders. But if, indeed, the President is contemplating an attack on a sovereign nation, the President should contemplate seeking a declaration of war by Congress in advance. I may very well vote for such a declaration, depending upon the circumstances at the time. I would not rule that out.

As Edmund Burke so well stated, “War never leaves where it found a nation.”

The President would be well advised to have the people of the Nation, acting through their elected representatives, send to Congress the needed affirmative vote of approval for any one or more of the nations which he included in his “axis of evil” about which he spoke during his State of the Union Address.

Going to war with Iraq or North Korea would be a very—and the same can be said with reference to Iran—serious undertaking. Given the right cause, I would say let’s go. Given the right cause and the right circumstances, yes, but let us be cautious and prudent.

North Korea is estimated to have the fourth largest military in the world. Iraq has had 11 years since the Gulf War to rebuild what was once touted as the world’s third largest military. Going to war against well-armed foes such as these will require the serious and sustained support of the American people.

The President should not misinterpret the support which he enjoys in poll after poll throughout the Nation to mean that he can thrust the weight of the Nation’s full military power at any one of these three nations and expect this Nation and its elected representatives to follow down that road.
Let us remember the Constitution. It will keep us bound to the mast of our Ship of State.
I yield the floor.

EXHIBIT 1
[From the New York Times, Feb. 12, 2002]
MILLIONS IN IRAN RALLY AGAINST U.S.

TEHRAN, Feb. 11.—Millions of Iranians galvanized by President Bush's branding of their nation as part of an “axis of evil” marched in a nationwide pep rally today that hardened back to the early days of the Islamic revolution, with the American flag burned for the first time in recent memory. Amid cheers of “Death to America!” marking the revolution's 23rd anniversary, President Mohammad Khatami tried to display Iran's milder face, stressing his government's interest in détente.

Ever since Mr. Bush designated Iran part of an international terrorist network open to American attack, conservatives in Iran have been greatly buoyed, trying to force a resurgence of disgust with America to quash reforms at home, daily denouncing Washington and exhorting Iranians to follow suit. This has made it difficult for President Khatami to preserve his reformist agenda of promoting democracy and rooting out corruption as an agenda he emphasized today before the, too, critically design policy.

“Our policy is a policy of détente, Mr. Khatami told the throng clogging all avenues to the rally. “We intend to have ties and peaceful relations with all nations in the world,” except Israel.

Although less strident than his old guard foes, Mr. Khatami suggested that the United States was partly to blame for the Sept. 11 terrorist attacks. “The American people,” he said, “should ask today how much of the world's fearful and painful incidents of Sept. 11 were due to terrorist acts, and how much of it was due to the foreign policy adopted by American officials.”

The threat to Iran originates from the fact that America, or at least some of its officials, see themselves as masters of the world, Mr. Khatami said. Not only that the United States was partly to blame for the Sept. 11 terrorist attacks. “The American people,” he said, “should ask today how much of the world's fearful and painful incidents of Sept. 11 were due to terrorist acts, and how much of it was due to the foreign policy adopted by American officials.”

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pass. In the early days of the Islamic Republic, it would have been read as “America Is the Greatest Satan.” But today the lettering helpfully included its own English translation, including, “America Is Extremely Naught.”

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**EXHIBIT 2**

**HOLDING COMMITTEE HEARING WITH SECRETARY OF STATE COLIN POWELL, FEBRUARY 12, 2002**

Senator BYRD. I think the secretary, and I regret that we have scheduled our votes in such a way that we overlooked the importance of these committees and the importance of the questions and the answers that may result in our attendance here and the imposition on the time of witnesses like Secretary Powell at all.

Let me begin by saying that I join in the commendations that have been expressed by our chairman. I’ve had a long service with Secretary Powell. When we debated the INF treaty, 1988, I believe it was, I was majority leader for the second time, and Secretary Powell at that time I believe was the national security adviser to the president.

Secretary Powell complimented the Senate on the work that the Senate did on that treaty. I refused to be pushed and pressed and scheduled for debate the destruction of that treaty until we had resolved some very, very important questions raised by the then chairman of the Armed Services Committee, the then chairman of the Intelligence Committee, Senator Boren, then chairman of the Foreign Relations Committee, Senator Pell. And I recall that we voted until we got the answering of the secretary of state—now secretary of state, at the time complimented the Senate on taking the time to resolve these important questions. And that time engaged himself and was active in helping to resolve some of these very important questions.

So he is a man who has made command decisions, he has led men in war. I think he speaks independently. He has the kind of experience that affords him that view, that independence of thought. He doesn’t have to just listen to what somebody else says and reports, he has analyzed many of these questions. And I compliment him on his great service for our country.

Our time is limited. There are two questions I would like to ask. Let me premise the first one. You have said with respect to the president he has no plan to attack, there are no recommendations on his desk at this moment. Now, those are very carefully worded responses to the questions by the chairman, and those of us who have been around here anytime at all recognize that they’re not direct answers, and I can understand the secretary.

The president, let me say, though, has made some very bold statements about proscribing those responsible for the September 11 attacks. And the president did say that the terrorists are on the run and that they will find no safe haven, there’s no cave that’s deep enough. He said in the State of the Union address that the terrorists will not escape the justice of this country. I am with the president 100 percent when it comes to punishing the individual terrorists, those who are still living try to kill Americans. Senator Pell on September 11, which was five months ago yesterday—when it comes to punishing those terrorists for the acts of September 11.

But the president has gone further in naming three states that comprise an axis of evil, and you have used that term, Mr. Secretary, already, Iran, Iraq and North Korea, the president has said that these sovereign states threaten the peace of the world.” And he will not stand by as peril grows closer and closer. The United States of America will not permit the world’s most dangerous regimes to threaten us with the world’s most destructive weapons.”

These states have left me wondering, is the president signaling that we will attack one or more of these countries? Congress has not authorized the president to force against those who carried out, assisted or gave safe harbor to those responsible for the attack of September 11. Iran, Iraq and North Korea are not named in that resolution. I’ve heard in the press that some of your staff has said that this axis of evil was responsible for or complicit in the September 11 attack.

Now, if the president seeks to extend this war on terrorism, a case must be made before Congress and the American people that Iran, Iraq and North Korea are engaged in activities that present a danger to our country, and I, for one, am willing to listen to that case. But to carry out the war, the president will need the sustained support of the American people. We saw in Vietnam what the lack of support, sustained support for that war, resulted in. If the president wants to crystallize the American people, he will do well to seek the support and scrutiny, the inquiries that I have been asking him to do.

Now, I can understand the inherent powers of the commander in chief. If there’s an attack about to occur against this country, he has the inherent power to act. But we have time here to discuss these matters, to discuss the case, to debate pro and con. And I personally believe that the president, before he takes such a step, if that’s being considered as an option, we’d better be very careful to bring the American people in on making the case, and we’d better seek a declaration of war, even in the case of a company. That’s going to be a very costly venture, if it occurs, it’s going to be costly in treasure and in blood, and you know that as well, perhaps better than we do. And it’s our job, those of us who support that sustained support, we’ll be engaged in another very costly, dreadful, Vietnam-like venture where the support of the American people vanished. That’s one question.

Let me give you one other question to consider my time, and then you can answer them as you see fit. My other question—well, perhaps you’d better try that one first. (Laughter.)

Secretary Powell. First of all, Senator Byrd, I could not even begin to answer this question without commenting on your opening remarks about the September 11 attacks. I think about the September 11 attacks. And I’ll never forget you looking at me and saying, “We will not be hurried by any summit meeting that you all have scheduled or anything else of that nature, we will do our job.” And the Senate did do its job. And I think that’s one of the great moments of that conference, that guidance and that support at that time.

To get directly to your question, the president’s words in the State of the Union were in itself—historically, it was the first time anyone, nor was he saying he was getting ready to declare war on anyone. In fact, since the State of the Union he has repeated that he had said two times before the State of the Union with respect to Iraq: Let the inspectors in, let the U.N. inspectors in to determine whether or not you were doing the things we are accusing you of, and if you can establish that you are not doing these things, then the world will be a safer place, if you are not doing these actions, we will not help you.

I still think we would be better off with some one other than Saddam Hussein running the country.

So the president has made no decisions—to repeat myself—and no recommendations on his desk, even though, as a matter of prudence, we should be examining options with respect to all of these countries. But the first instance is looking at diplomatic and political means.

We have been eyeball to eyeball with North Korea and now, in the last almost 50 years of that nation, trying to make sure that they are contained, this regime that is a despotic regime. And so I can assure you that the president is very sensitive to the views and perspectives of the American people, and he is very appreciative of the role that Congress plays in such matters.

And I’m sure that if he believes some action is taken, or some action is required, he will consult with the Congress, and as a result of consultations, we will be given to how Congress should be involved in what ever actions are taken, whether it is by declaration of war or a resolution of Congress. And any action that’s pursuant to some United Nations resolution or through the president’s inherent right as commander in chief to engage the armed forces of the United States. You will recall what we did at the time of the Gulf War. Senator, where with a resolution we then got a resolution from both houses. So I’m sure the president would consult, at an appropriate time and determine what he would ask Congress to do, and Congress has, of course, it’s own inherent power and right to do the action that the president has chosen to take.

Senator BYRD. Mr. Secretary, I thank you for that response. Of course, you and I know that the Constitution does not speak about the war powers nor does it speak about resolutions. Those are things that have developed over later time. But the Constitution
still says that Congress shall have the power to declare war.  
And I believe, as I said earlier, that if the president is contemplating attacking one or more countries, we should not just seek consultation, but he seek a decla-
ration of war. And I might very well vote for that, depending on the case that is made at the time.

My second question, I may miss this vote—
I’d do that with regret—but I’m very appre-
ciative of your willingness to listen to me across the table that’s here and to ask these ques-
tions. By the way, I’ve cast more roll call votes than any senator in the history of this 20 years. I’ve cast over 1,000 votes. And the people throughout this country with some of their problems—$5 billion a year in economic and military assistance to the Middle East, the conflicts of Israel and the Palesti-
nians continue to worsen.
It seems to me that our foreign aid dollars to the Middle East, which have no strings at-
tached to them, which are not taken out, are condi-
tioned on any progress being made in the peace process, are being squandered in pur-
suit of an increasingly elusive peace. Now, this subject, this question isn’t often discussed on the table as plainly as we’re doing right now, but I think it ought to be.

Even in the United States, the regions that are appro-
priately $5 billion dollars with virtually no questions
asked, and they look upon it, I think, as an entitlement, almost as an entitlement. They, I’m sure, from what I’ve read and learned, that they include it in their budgets at the beginning of the budget process because, as I said, they look upon it virtually as an enti-
titlement. They can be pretty sure of it. I think it’s time for questions to be asked.

As a result of the current escalation of vio-
cence between the Palestinians and the Israelis, it is time to be increasing the historic tilt toward Israel and abandoning attempts to negotiate with Yasser Arafat. Given the continuing terrorist attacks by the PLO, I think it’s understandable why we’re fed up with Arafat. But I’ve read in the media that even some Israeli reserve soldiers are refusing to serve any longer in the occu-
pied West Bank and Gaza Strip, citing the dehumanizing impact of the occupation.
Do you have any concern that the percep-
tion of a greater U.S. tilt toward Israel could prove to be counterproductive by increasing anti-American and anti-Israeli sentiment in the region by emboldening hardline Israelis who are opposed to the peace process and the president’s plan to end the Israeli occupation, and the possibility—

I think, Mr. Secretary, that it is time to put some strings on our foreign assistance in the Middle East and to condition our assist-
cion to the peace process. I think that would be the axis of my questions. I think it’s time to condition our assis-
tance on evidence of progress in the peace process. I think that would be the greatest ben-
efit to both of those countries and to our

own country and to world peace. Yasser Arafat may be unwilling or unable to act on his own, but I have to believe that Egypt and Jordan, and hopefully other Arab nations, would act on the instructions of the president, so I think we have to condition our assistance dollars were at stake.
And I have to believe that Israel might be more willing to discuss the issue of Israeli settlements, which are a real bone of conten-
tion, in disputed areas if their foreign assist-
ance dollars were at stake. My Secretary, sir, is my question. Why shouldn’t we condi-
tion our assistance to the Middle East, why shouldn’t we use this leverage on both sides to get them to produce the evidence, and to make them understand that this money is just not going to be had there for the asking, that they have to produce some evidence, they have to show a commitment to what they have to act in pursuit of that willingness? That’s my question.

Secretary Powell. Thank you, Senator Byrd. On the first question, as you know, the roughly $4.6 or close to $5 billion that is spent every year for Egypt and Israeli in FMP and ESF funding is a result of decisions that the United States made after the Camp David accord, and there’s been a bal-
cence between those two, and as a result we did have a peace agreement between Egypt and Israel.

And as part of that, this funding was ap-
propriate to let both sides develop and let both sides feel secure as a result of the Camp David accord, and there needs to be a return to the taxpayers’ interest. I believe it, I believe it’s appropriate, in the Middle East. So I hope that there will be increased consideration of using this lever-
age.

And also, Mr. Secretary, I hope you’ll con-
vey to the president that we need to use our words with care. Words mean something, es-
pically in this context. We cannot shoot from the hip if we’re contemplating as one of the options going into one of these countries or attacking them. This would be a very so-
bering, somber, serious matter, and I would appreciate it if you would tell the president about this.

And I’m not out to pick on the president, I spoke on the Senate floor one Friday about the president, about his speech to the Na-
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COMMENDING PRESIDENT MUSHARRAF OF PAKISTAN

Mr. BROWNBACK. Madam President, I appreciate comments from my colleague from West Virginia and his thoughts. We have some important decisions to make.

I speak on an event taking place currently in the Capitol, the welcoming of the President of Pakistan. Yesterday, we passed a resolution welcoming President Musharraf of Pakistan to the United States. He arrived in Washington last night. He will be here for a couple of days.

I rise to call attention to this visit of President Musharraf and praise his courageous leadership in standing by the United States in its war on terrorism. President Musharraf has taken action within his own country to align with the international community to reject terrorism. It has been a very difficult task for him. Pakistan has been in a great deal of turmoil. President Musharraf has worked to bring calm and peace to that region. But when we went forward with our efforts in Afghanistan, which to date have been quite successful, this was a very trying time in Pakistan.

President Musharraf stood by his commitment to end terrorism, stood by his commitment to work with the United States. That has been a help in our efforts in that region of the world and for the future of Pakistan and relationships with the United States.

In a speech last month, President Musharraf set Pakistan on a new course with his version of a moderate, dynamic, Muslim nation. He reminded the Pakistani people that charity begins at home. It was time to fight the root causes of extremism; poverty, and illiteracy. He has done this at great risk to himself on behalf of a peaceful and prosperous future for Pakistan. He has opened the way to eventual true peace with India. It is an important message for Pakistan, for South Asia, and for the whole world.

President Bush also made note of President Musharraf’s important leadership in the State of the Union Address. The President said: Pakistan is now cracking down on terror, and I admire the strong leadership of President Musharraf.

Pakistan’s support remains essential to our fight against terrorism. We are grateful to President Musharraf for his leadership. Without it, Operation Enduring Freedom could not have been accomplished and could not have received its accomplishments or made the accomplishments that it has to date. We owe much to the Pakistani people. However, the fight is not yet over and risks still remain. Violent extremists could still undermine peace and security in the region. As we isolate our enemies, so, too, must we aid and draw closer to our friends.

Pakistan’s bold stand against terror alongside the United States is not made in a vacuum. There are real economic and social consequences in Pakistan for assisting the United States in our war effort. It would be a failure of U.S. foreign policy not to pursue the means of assisting our ally in its time of need. We must provide assistance to Pakistan in all the areas that will help keep it on track with President Musharraf’s vision for a prosperous, strong, independent, modern Islamic state. It is a region of vital markets.

As we have all seen, a small yet very focused and vocal Islamic minority within Pakistan has spoken out against the Pakistani Government and the assistance it received from the United States. This minority has called for and implemented damaging labor strikes and encouraged countless numbers of young Pakistanis to cross the border into Afghanistan to fight alongside the Taliban. This is a strong vocal minority in Pakistan. A further weakened economy and increased unemployment in Pakistan, the clear results of some weakened markets that have taken place because of the war on terrorism, only add to the influence of fundamentalists in Pakistan by strengthening social and economic unrest on which extremists prey.

This is why it is crucial that the United States now provide assistance and support to Pakistan. It is time to make sure that our policies of all sorts—economic, social policies, geopolitical policies—reflect what is best for America, not only in terms of our economy but also for our future security. Helping Pakistan through this difficult and necessary transition is in the direct interests of the United States. We must support those willing to take on the fight for freedom if we are to see our values flourish around the world.

I am delighted President Musharraf is visiting the United States at this time. I know he will receive a strong, positive welcome from the United States.

PHILIPPINES

Mr. BROWNBACK. Madam President, I will draw the Senate’s attention to a second matter. In the Philippines we have troops performing training exercises with the Philippine military. This is very important in helping to subdue a terrorist group called Abu Sayyaf. They have a couple of my constituents. They are being held by the Abu Sayyaf terrorist group. We are hopeful this exercise in the Philippines and our Philippine troops are carrying out and the training exercise the United States is doing with the Philippines will result in that group, the Abu Sayyaf, being subdued; the Americans being freed safely and being returned home to families. They have been held since May of last year and have been on the move constantly in the jungle.

I am appreciative of the administration for stepping forward.

IRAQ

Mr. BROWNBACK. Madam President, as Senator BYRD mentioned, we have several issues concerning Iraq. This is a country we have had conflict with before, a country that has weapons of mass destruction. Iraq has been at war with itself and its neighbors for 22 of the 23 years that Saddam Hussein has ruled that country, with the last two decades being a decade of war. He declared war on Iran, a war that lasted nearly a decade. He then declared war on the Iraq Kurdish population in the north. He even used chemical weapons against them in his pursuit of total and absolute control of Iraq.

After the war with the Kurds, he declared war on Kuwait, calling Kuwait an integral part of Iraq. Since his defeat at the hands of the U.S.-led coalition, Saddam has spent the past decade defying the United Nations and the United Nations imposed agreements and building weapons of mass destruction to use against his next victims.

History has also shown that authoritarian dictators do not successfully become integrated into civilized society. On the contrary, they seek any and all means to pursue their goals and perceive any positive overtures towards them as acts of weakness on the part of their adversaries. It has been the policy of the U.S. Government to seek the overthrow of Saddam Hussein since the passage of the 1997 Iraq Liberation Act. This policy is strongly supported—it was then and is now—by both Houses of Congress and both parties. It was also embraced by President Bush in the Republican Party platform.

This is going to be a key issue as we continue to look at what we are going to do to remove Saddam Hussein from power. We are not safe. That region of the world is not safe as long as Saddam Hussein rules in Iraq. This situation is not tenable over the long term. I am hopeful we can move forward to see...
some stability established in the region without Saddam Hussein in power. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, this afternoon, an hour or so ago on this floor, we adopted a new farm policy for our country. In Delaware, in Michigan, even in Connecticut and Kansas, farmers are struggling to try to make a go of it.

Some of the woes that our agricultural communities face are laid at the foot of the agricultural policy which was adopted by the Congress, I believe, in 1996. I would just observe that some of the problems our farmers face may be fairly attributable to that national farm policy. But not all of the woes of agricultural communities can be traced back to the legislation adopted some 6 years ago.

In my own view, the bigger problem is overproduction. In my own view, the bigger problem is we have too much commodity and not enough demand for that commodity. Whether the commodity is corn or soybeans, the commodity is milk or rice or cotton or beef—even chicken. We have too much commodity and not enough demand, too much commodity produced in this country and around the world.

The bill we have just passed provides subsidies to support those who are raising major crops, including corn, soybeans, rice, and cotton. Those supports—in loan prices—are important. But the answer to what ails our farms and our agricultural communities is not merely more subsidies or greater subsidies. The answer, I believe, ultimately is better alignment of supply and demand.

Let me mention a few ways we can do that. One is through biomass. At a time when our country is importing about 60 percent of the oil we use, we also live in an age where you can take soybean oil and mix it with diesel fuel and provide a perfectly good fuel for diesel vehicles. We can do a similar thing with corn for ethanol vehicles.

We are learning how to transform plants into factories. We can now raise plants that will create an enzyme that is otherwise created in a chemical factory. The plants literally enable you to produce the same enzyme 40 percent cheaper than might be produced with a chemical factory, with fewer negative environmental consequences.

We learned how to infect or inject a virus into a product or crop such as soybeans or tobacco, and the plant then creates a vaccine which can be used, among other things, to fight cancer.

The folks at DuPont have recently perfected a soybean seed that grows a soybean that produces soy milk that is almost impossible to distinguish from regular milk with respect to its taste. Those are just some of the things we can do. But there are demand or unusual demand for the enormous amount of commodities, farm commodities we are producing in this country and in other places.

I add to those, we found out in Delaware, as well as in our chicken houses, we can take some of the chicken litter and, instead of spreading it on our farm fields, we can burn it and deliver a BTU value for electricity, and do so in an environmentally clean way. We can take the chicken litter out of chicken houses and treat it under high temperature and make a high nitrogen/high phosphorus fertilizer and ship it across the country and the world and provide a source of cash revenue for farmers from what was previously a waste product of which we had too much.

One of the aspects I especially like about the bill we passed is it supplements and supports the efforts of States such as Delaware and perhaps other agricultural States like Michigan, even in Connecticut and Kansas, to develop an agricultural land through conservation. In my State, we have invested tens of millions of dollars. State dollars in recent years, to purchase agricultural development rights, providing money for farmers for new equipment, irrigation systems, and other ways to support their farming operation by agreeing to put their farms in perpetuity in farmland. It is going to continue to be a farm forever. This legislation we passed here today provides Federal support for what many of us have done at the State level.

The last thing is companies such as DuPont and Syngenta and others in our country have developed ways to create seeds and to grow plants that are more drought resistant than otherwise would be, plants and seeds that are resistant to a particular kind of insect, plants that need fewer fertilizers, less fertilizer, less insecticides, less pesticides. We have the ability, through that kind of research and the application of that research, to build a better mousetrap—if not a better mousetrap, a better soybean plant, and to enable us to have a leg up on the competition in other parts of the world. Those are some of the things, some of the factors that will enable us to help revive our agricultural industry in this country.

There are a lot of good things in that farm bill that we passed. Part of the solution part of the way out of the distress in which farmers find themselves, is in that legislation. But a good deal is not. I wanted to share some of my thoughts today, and I thank the Chair for indulging me.

Mr. DODD. Madam President, before we move to the business which has been agreed to, I ask unanimous consent to proceed for 1 minute as in morning business.

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

THANKING SENATOR ROBERT C. BYRD

Mr. DODD. Before I came to the floor, I had the opportunity to listen to the distinguished senior Senator from West Virginia give some remarks on terrorism. Watching him, listening to him, I am sure all of our colleagues—whether or not you agreed with everything Senator BYRD had to say—felt the deeper growing sense of appreciation in this Chamber that I have for his valued participation. His voice, his sense of warning about matters that this Nation needs to be cognizant of, are extremely helpful and worthwhile.

There is no better person, in my view, to express words of restraint and caution than someone who embodies, I think for all of us, this institution at its very best.

I wanted to take a moment to thank Senator BYRD once again for taking time out to express his views about the concerns of our budget and the priorities of the Nation in these difficult times. I hope those in positions of authority and responsibility will listen carefully to what he has to say.

There is no finer patriot, in my view, than Senator ROBERT C. BYRD. His words of caution about fiscal matters ought to be listened to very carefully. I thank him for his comments.

Madam President, I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 565 by title.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections to require States to adopt uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Mr. DODD. Madam President, I call up amendment No. 2688.

The PRESIDING OFFICER. The amendment will report.
The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. Dodd), for himself, Mr. McConnell, Mr. Schumer, Mr. Bond, Mr. Torricelli, Mr. McCain, Mr. Durbin, Mr. Brownback, Mrs. Clinton, Mr. Dayton, Mr. Bayh, Mr. Nelson of Florida, Mrs. Carnahan, Mr. Kerry, and Mr. Breaux, proposes an amendment numbered 2688.

(The amendment is printed in today’s RECORD under “Amendments Submitted.”)

Mr. DODD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DODD. Madam President, some four decades ago, Dr. Martin Luther King said:

The history of our nation is the history of a long and tireless effort to broaden and to increase the right of American citizens to vote... This afternoon, we are gathered to consider the election reform bill which will live up, in my view, to the words of Dr. Martin Luther King uttered 40 years ago; that is, to broaden the franchise of American citizens.

It is a great honor and privilege to bring this bill to the floor, the Equal Protection of Voting Rights Act, with a bipartisan compromise that will be substituted for the committee-reported text of the bill when we get to that point.

As Thomas Paine once said: “The right to vote is the primary right upon which all other rights are based. Therefore, there is no greater challenge facing this body than restoring Americans’ faith in our electoral process.”

Fourteen months ago yesterday, the American public decided—the country decided—who would be the 43rd President of the United States. What we are engaged in today, and will be over the next day or so, is not any discussion or debate about the past, George W. Bush is the President of the United States and has been since January 20 of last year. This bill is about the future, what we can do to try to make our election systems more fair, bring them up to date, to make it possible for people to cast votes more easily, and to see to it that those who may want to corrupt the system somehow will find their job far more difficult.

I consider this to be landmark legislation. We can ensure that our voting procedures are uniform and nondiscriminatory, and that Americans can have faith in the integrity of our election results.

While we should not underestimate the significance of this action, we should not downplay the importance of the Federal role in the administration of Federal elections. This legislation does not replace, nor would I tolerate it replacing, the historic role of State and local election officials, nor does it create a one-size-fits-all approach to balloting in America.

We, by no means, intend to supplant the traditional role that State and local governments have played administering elections for Federal office. But, for the first time, with this legislation, the Congress—the Federal Government—will set basic minimum requirements and provide critical resources for Federal elections.

This bipartisan compromise ensures that the most fundamental right in any democracy—the right to vote and have that vote counted—will be secure. But it also allows States to meet the legislation’s broad requirements in a way best suited for their voting jurisdictions.

Notwithstanding this flexible approach, the primary objectives of this compromise remain expanding the franchise, protecting our Federal elections system from corruption, and providing the ongoing leadership that is required of a Federal partner.

Let me be clear from the outset, this legislation is not about one State or one election. While the problems that took place prior to last November brought the flaws in our election system to the Nation’s attention, these are systemic problems that have existed in many States for many years.

In fact, the General Accounting Office found that 57 percent of voting jurisdictions nationwide experienced major problems conducting the November 2000 elections. Meanwhile, the Caltech/MIT Voting Technology Project found there have been approximately 2 million uncounted, unmarked, or spoiled ballots in each of the last four Presidential elections.

Luckily, unlike many other issues that are presented to the Congress, the vast majority of the flaws in our election system are eminently fixable.

As the National Commission on Federal Election Reform, led by former Presidents Jimmy Carter and Gerald Ford, found: “The weaknesses in election administration are, to a very great degree, problems that Government can actually solve.”

We have the opportunity today to take an incremental step forward toward solving our election problems as we begin debate on the Equal Protection of Voting Rights Act.

This bill also represents a major step forward for the United States Congress. For the very first time, the Federal Government will become a real partner with State and local governments in the administration of Federal elections.

This legislation has been 15 months in the making. In the wake of the November 2000 elections, then-chairman of the Rules Committee, and my good friend, Senator McConnell, first pledged that our committee would conduct a series of hearings on election reform. Under his leadership, the committee held the initial hearing on March 14 of the year 2001.

When I assumed the committee chairmanship in June, I pledged to continue to make election reform the top legislative priority of the Senate Rules Committee. Toward that end, we held another National 3 days of hearings on election reform last summer, including the committee’s field hearing in Atlanta, GA.

Recognizing that comprehensive election reform legislation could not be a partisan endeavor, we brought together a bipartisan team of Senators devoted to this issue.

Our election reform working group included, of course, Senator Mitch McConnell of Kentucky, who deserves tremendous accolades for initially focusing the Rules Committee on this important issue and for being a great partner in trying to resolve the many difficult issues we resolved in presenting this piece of legislation to our colleagues; our Republican colleague from Missouri, Kit Bond, who was a tremendous advocate for including provisions to ensure the integrity of Federal elections; and my fellow Rules Committee members, New York Senator Chuck Schumer and New Jersey Senator Bob Torricelli, who were among the very first Members of this body to forcefully push for bipartisan election reform legislation.

I am grateful to all of these Senators for their tireless work and that of their staffs who put in literally hundreds of hours to bring us to this point of considering a proposal on election reform.

All of us worked many months to develop legislation that would try to meet one central goal; that was to make it easier to vote in America and much harder to corrupt our Federal election system.

On December 19 of last year, we introduced the compromise legislation as a Senate substitute amendment No. 2688, an amendment to S. 565, the election reform bill reported out of the Rules Committee on August 2. Today, Majority Leader Daschle acted on his commitment to make this bill one of the first items on the Senate agenda during the 2nd session of the 107th Congress and I mark himself his considerable efforts.

Our legislation simply establishes three basic minimum Federal requirements that support our principle of making it easier to vote but harder to corrupt the system: One, voting system standards so that every eligible blind or disabled person and every language barrier voter can cast their ballot and independently; two, provisional voting so that an eligible voter in America will never be turned away from the voting booth and voting information posted at the polls so that voters are informed of their rights; and three, statewide voter registration lists and verification for first-time voters who register by mail so that all eligible voters who choose to vote will be able
to do so and those who are not eligible cannot.

Our bill offers not just goals but some guarantees as well. We ensure that these reforms will be implemented by authorizing the Attorney General to bring civil action against jurisdictions that fail to comply with the requirements. The compromise also establishes a new Federal agency with four bipartisan commissioners. They will be appointed by the President, confirmed by the Senate, and each will serve a single 6-year term. Our colleague, Senator MITCH McCONNELL, deserves great credit for originating this idea which I think is going to bring great value in years later, as other Congresses meet to consider ways to achieve the goal of making it easier to vote and harder to corrupt the system. That commission, which we will establish with this bill, will serve a very valuable purpose, where election officials from across the country can get unbiased advice and count to fund them. It will also serve as a national clearinghouse and resource for information on election administration.

Finally, our legislation provides Federal funding to States and localities. For the very first time, again, the Congress and the Federal Government will start paying their fair share of the cost of administering elections for Federal office. I don’t believe in having Federal minimum requirements, as logical and as sensible as they are, and not coming up with the resources to our States and localities to pay for them. We do that.

The Senate bill authorizes a total of $3.5 billion towards this end: $3 billion with no matching requirement over 4 years, and $500 million in funding for the first 2 years. It will also serve as a national clearinghouse and resource for information on election administration procedures, including education programs and other such provisions that States may see as being in their interest.

We also authorize $100 million for an accessibility grant program to help make polling places physically accessible for the blind and disabled in this country.

This generous commitment of Federal resources underscores the fact that nothing in this bill establishes an unfunded mandate on States or localities. We give States and localities the resources as well as the flexibility they need to get the job done. We recognize that State and local election officials are uniquely qualified to determine what voting systems and procedures are most suitable for their individual States and communities.

Importantly, in passing this bill, Congress will also meet the first civil rights challenge of the 21st century. During our hearings on election reform, our committee heard repeated testimony regarding the disproportionate treatment minorities received at the polls in the 2000 elections: African-American men asked about felony convictions; Hispanic Americans forced to produce citizenship papers or to take a loyalty oath; Hispanic Americans failing to receive language assistance required by the Voting Rights Act of 1965. The committee also received disturbing reports of disfranchisement of Americans with disabilities.

There are 21 million Americans with disabilities who did not vote in the last election. This makes the disabled community, persons with disabilities, the single largest demographic group of nonvoters in the United States of America, 21 million. We hope that with the provisions I have already mentioned in this bill, we will see that number reduced极大地, certainly be reduced considerably.

The General Accounting Office found that only 16 percent of all polling places in the contiguous United States are physically accessible from the parking area to the voting booth. Not one of the 496 polling places visited by the General Accounting Office on election day 2000 had special ballots or voting equipment adapted for blind voters.

Certainly voters and communities are disproportionately affected by the inadequacies in our voting systems and election administration policies and procedures. As evidenced by testimony received by the Rules Committee and numerous commission reports and studies, racial and ethnic minorities, language minorities, disabled voters, overseas and military voters, and poor communities all encountered unique and disproportionate problems with the November 2000 elections—and elections before then, I might add—even after accounting for income, age, education, and poor ballot design.

For example, the General Accounting Office found that both a jurisdiction’s voting equipment and its demographic makeup had a statistically significant effect on the percentage of uncounted votes. The General Accounting Office found that counties with higher percentages of minority voters had higher rates of uncounted votes.

The GAO also reported that percentages of uncounted Presidential votes were higher in minority areas than others, regardless of voting equipment.

These findings underscore the importance of instituting minimum Federal requirements that will ensure that all voters have an equal opportunity to vote and have their vote counted.

By passing this bipartisan election reform bill, the Senate will help ensure that every single eligible American has the equal opportunity to both cast a vote and, of course, have their vote counted.

Let me be as clear as I can: Nothing in this bill or in this debate is intended to call into question the results of the November 2000 Presidential election. This legislation is not about the past, it is about the future of our democracy. I hope my colleagues will agree that this bill, while not a perfect piece of legislation—it does not deal with every element of the democratic process—is a solid bill. It is a good bill. It is a bill that took a lot of hours and a lot of compromise between people committed to seeing to it that we improve a system that is so fundamental to the workings of our democracy.

The House has already enacted comprehensive election reform. I commend Congressman STENY HOYER and Congressman NEY, who worked very hard to put together a bill that they could pass, and we will have to meet with them and resolve differences if we are able to ultimately pass the bill that Senator McCONNELL and I present to the Senate today.

Certainly the President also deserves a great deal of credit. He could have sat back and not included anything in his budget and said: Let’s wait and see what you do up there, if you can get something done, and then talk to me. But the President included $1.2 billion in the budget he submitted several weeks ago for election reform. I thank him in this Chamber; I have done so elsewhere. It is not all the resources we will need, but it is a major commitment by the President of the United States to this issue. Our hope is that we can get our job done, pass this bill and then take advantage of the offer made by the President in his budget proposal.

Finally, I believe this compromise is constitutionally sound. The compromise is squarely within the broad grant of congressional authority to legislate in the subject area of the administration of Federal elections. The GAO concluded that with regard to the administration of Federal elections, Congress has constitutional authority over both congressional and Presidential elections.

Again, I thank my colleagues who labored so hard. I thank TOM DASCHLE and TRENT LOTT, our respective leaders, for allowing this bill to come to the floor; our staffs, for their tireless work; and again, my colleagues, MITCH McCONNELL, KIT BOND, CHUCK SCHUMER, BOB TORRICELLI, and many others who have expressed their views and thoughts on this legislation. I thank the witnesses who testified before our committee.

Finally, a very special thanks is reserved for my friend, JOHN CONYERS, the ranking Democrat on the House Judiciary Committee and my coauthor in the House of the original election reform legislation. His commitment to this issue is unparalleled.

With that, I conclude with the words I opened with of Dr. Martin Luther King, Jr.:

The history of our Nation is the history of a long and tireless effort to broaden and to increase the franchise of American citizens.
Today, when we gather to discuss this reform measure, we are fulfilling the commitment Martin Luther King suggested in his words 40 years ago—to broaden and increase that franchise.

With that, I yield the floor.

The PRESIDENT pro tempore of the Senate (Mr. JOHNSON). The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, in the context of human history, it was not so long ago that the mere concept of having the right to vote was scarcely imaginable for most people. Even in America, the world’s greatest democracy, half our citizenry was denied the right to vote until the 19th amendment was ratified early in the 20th century.

At the outset of the 21st century, we still have work to do to ensure that all Americans who are eligible to vote, who have the right to vote, do indeed have their votes counted on election day—counted, I hasten to add, within an election process in which the integrity of the process is not in question, so voters can know their right to vote is not diminished through fraud committed by others, nor diminished through error, poor procedures, or faulty equipment.

This is the mission that Senator DODD, Senator BOND, Senator SCHUMER, Senator TORRICELLI, and I tasked ourselves with in crafting the bipartisan legislation before the Senate today. We sought to make American election systems more secure, more sensible, more simple, and more honest. And we worked to achieve these ambitious goals within the framework of legislation which both sides of the aisle could support and which would not financially crush the states who will be changed with its implementation.

None of us got everything we wanted in this bill, not even close. There are things in this bill that one or more of us are not big fans of. But that was the price for putting this bipartisan bill together.

The Dodd-McConnell bill is a comprehensive compromise. In other words, it is a target-rich environment for amendments—legitimate, germane, relevant, even laudable efforts to make the bill better, or worse, depending on one’s perspective. I myself could easily come up with a couple dozen amendments. My staff already has, just in case. If the Senate passed them all we would have crafted the perfect election reform bill.

Regrettably, we all have different notions of what comprises perfection in this realm. So in the interest of advancing a pretty darn good election reform bill, I will not be offering my two dozen meticulously worded, well-intentioned amendments to make the bill absolutely perfect.

Senator BOND, who has done tremendous work in making sure that the effort to make voting easier is balanced with provisions to make vote fraud harder, could certainly offer up some excellent amendments to go further in that direction. I think the Senate should do more to reduce vote fraud but, realistically, we are not going to get everything we want in that regard through this Senate. The Dodd-McConnell bill does a lot which is worthwhile, overdue and, significantly, is doable.

This quest for election reform has its roots in the photo finish 2000 presidential election that culminated in the protracted battle over Florida’s electoral votes. While that saga was playing out some of us in the Senate began formulating reform legislation to make a recurrence less likely in the future and to make improvements in the system that election officials in the states have long known needed to be made but for reasons of either local financial, were not done. Over a year ago, Senator TORRICELLI and I proposed a comprehensive election reform bill. Last May, Senator TORRICELLI and I joined with Senator SCHUMER to put together yet another bill. The McConnell-Schumer-Torricelli bill garnered even more bipartisan support with a remarkable cosponsorship list of 71 cosponsors, a solid roster fairly evenly between Republicans and Democrats. Senator DODD, meanwhile, headed up an effort that had much in common with the McConnell-Schumer-Torricelli approach, but was distinct in important ways, and gathered all the Democratic senators.

Between our bills and others introduced in the past year, we come into this floor debate with over 90 Senators having cosponsored some version of election reform. That is a ringing, approaching unanimous, endorsement for serious election reform.

All of my colleagues who have worked to advance election reform and get us to this point deserve thanks. Most especially, Senator DODD, the Chairman of the Rules Committee, whose dogged determination to put together a consensus these past few months has paid off. He was so focused in pursuit of a bill that as the weeks were going by in December without an agreement, he called me to me that he would never let up and I might have to spend Christmas around his conference table. Fortunately, there is a Santa Claus and his present to me was a ticket home to Kentucky for Christmas, a Christmas miracle to me that he would never let up and I might have to spend Christmas around his conference table. But, realistically, we are not going to say this bill treads more than I would say that composite provision prices so a good deal less than with some of the interest groups out there would like and which some other bills have proposed.

No. 2. Establishment of an independent, bipartisan commission—comprised of two Democrats and two Republicans appointed by the President—to provide ongoing election assistance to the states, in the form of grants and as a clearinghouse for information on new technologies and effective election procedures.

The point to this, in my view, was to have one place in the country, a repository of objective advice, where State and local officials, who are constantly confronted by vendors trying to sell them one election system or another, could go for objective advice. Nobody is selling anything at this commission—just giving objective advice about what kind of upgrade, if any, is necessary to improve the election system in a particular State.

As Chairman DODD can attest, I fervently believe that for long-term reform of election systems, we need a permanent repository for the best, unbiased, objective advice that states can tap into the future. At present, the typical county-level or State official is besieged by commercial vendors who want to sell their product, ballotting machines and the other implements of election administration. The new commission in the Dodd-McConnell bill will provide objective, state-of-the-art information that can be weighed against whatever sales pitch is coming from vendors.

Strong anti-fraud provisions to clean-up voter rolls and ensure integrity in American elections.

We want eligible people to vote. Dogs, cats and cadavers are making far too many appearances in American elections, even though a constitutional amendment giving them a right to vote has not been enacted.

As good as the Dodd-McConnell bill is, and as high as my hopes are that it will result in much better election systems, America must temper somewhat the expectations it may raise. We cannot legislate perfection in this arena. Voters are imperfect people whose ballots are counted by imperfect people and tabulated by machines created and maintained by imperfect people. If in the future another presidential election comes down to the wire, with an electorate comprised of hundreds of millions of people virtually evenly split in their candidate preference, then there could well be some controversy in arriving at a conclusion.

In the meantime, the Dodd-McConnell bill would go a long way in making
elections better, more accessible, more accurate and more honest. And it would prevent some of the chaos in close, competitive elections. If we can do that, I would call that a pretty good day's work in the Senate.

Against this background, Chairman Dodd for his persistence in getting us to the point we are, and I thank particularly Senator Bond, Senator Schumer, and Senator Torricelli.

Mr. MCCAIN. Mr. President, I urge my colleagues to support the compromise amendment in the nature of a substitute to S. 565, the Equal Protection of Voting Rights Act of 2001. I am proud to join Senators Dodd, McConnell, Schumer, Bond, and Torricelli in co-sponsoring this historic piece of legislation designed to improve our Nation's voting practices and procedures. I am glad that we are addressing this issue now, and hope that legislation is enacted soon. In many states, voters will go to the polls this year using much of the same equipment as was used in 2000, which will result in many of the same problems. Our purpose here today is to prevent the problems of the Year 2000 election from occurring in the future.

While we all remember the “butterfly ballots” and “hanging chads” of Florida, we must also consider the facts that show the problems of Election 2000 were nationwide. In Chicago and Cook County, Illinois, nearly 123,000 presidential votes went uncounted, and in Fulton County, Georgia, one of every 16 ballots for president was invalidated. The General Accounting Office found that 57 percent of jurisdictions nationwide had major problems in Election 2000. The MIT/Caltech Voting Project estimates that 4 to 6 million votes were lost. During two hearings by the Senate Commerce Committee, our witnesses testified that many of these problems were caused by delays and inconsistencies in lever and punch card voting machines, distinct inadequacies in poll worker and voter education, and confusion over election administration and voting registration procedures. I believe that the mandatory standards and federal grant programs found in the compromise amendment I am cosponsoring will play an important role in resolving these problems in the future.

However, I am concerned that this bill will not go far enough to resolve the concerns of disabled voters, who time and again confront physical barriers when they attempt to vote. Disabled voters should not be forced to bring their own ramps to polling places, go through alternative only ramps, and put up with numerous other barriers and humiliations when they attempt to vote. According to a 2001 General Accounting Office report, 81 percent of all polling places in the contiguous United States have one or more physical impediments that are accessible. While many of these polling places use curbside voting, many disabled voters complain that curbside voting infringes on their privacy, when they cast a ballot. So instead of voting, many disabled Americans simply stay home. According to the National Organization on Disability, 21 million voting age citizens with disabilities did not vote. President Alan Reich of the National Organization on Disability summed it up best, when he stated that “there is great irony that a person in a wheelchair can't get into some polling places, whereas a person using a guide dog can get inside, only to find out there is no accessible voting machine.”

I intend to offer a minor technical amendment to this legislation that I hope will resolve many of these concerns. I urge my colleagues to join me in addressing this issue.

I look forward to working with my colleagues on this historic legislation. This legislation should be addressed in a timely manner by the Senate, and I hope that the conference with the House can also be resolved soon, so that we can send a bill to the President for his signature. I am afraid that it is already too late to do much to help voters for the 2002 election, but we can and must make sure that the problems of Election 2000 are not repeated in 2004.

Mr. President, 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. ALLARD. 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. 2565 TO AMENDMENT NO. 2564

Mr. ALLARD. Mr. President, I have an amendment numbered 2585 at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. Smith of New Hampshire, Mr. Gramm, Ms. Collins, and Mr. Lugar, proposes an amendment numbered 2585 to amendment No. 2584.

Mr. ALLARD. 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 clarify the standard for invalidation of ballots cast by absent uniformed services voters in Federal elections, to maximize the access of recently separated uniformed services voters to the polls, to prohibit the refusal of voter registration and absentee ballot applications on grounds of early submission, and to distribute copies of the Federal military voter laws to the States.)

On page 68, between lines 2 and 3, insert the following:

TITLE IV—UNIFORMED SERVICES ELECTION REFORM

SEC. 401. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.


(1) by striking “Each State” and inserting “(a) In General.—Each State”; and

(2) by adding at the end the following:

“(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

“(1) In General.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

“(A) solely on the grounds that the ballot lacked—

“(i) a notarized witness signature;

“(ii) an address (other than on a Federal write-in absentee ballot, commonly known as ‘SF160’); and

“(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

“(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

“(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) In General.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–1), as amended by section 401(a) of this Act and section 1066(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking “and” after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(b) In addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

“(c) permit each recently separated uniformed service voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

“(1) has registered to vote under this section;

“(2) is eligible to vote in that election under State law;.”

(b) Definitions.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–6) is amended—

(1) by redesigning paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) The term ‘recently separated uniformed service voter’ means an individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

“(A) presents to the election official Department of Defense identification (evidencing their former status as such a voter, or any other official proof of such status;
"(B) is no longer such a voter; and
"(C) is otherwise qualified to vote in that election;"

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

"(10) The term "uniformed services voter means—

"(A) a member of a uniformed service in active service;

"(B) a member of the merchant marine;

"(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote;"

(e) Effective Date.—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION ON GROUNDS OF EARLY SUBMISSION.

(a) In General.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1006(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended by adding at the end the following new subsection:

"(e) Prohibition of Refusal of Applications on Grounds of Early Submission.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absent uniformed services voters who are not members of the uniformed services."

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)) copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I send a second-degree amendment to the Allard amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2861 to amendment No. 2858.

Mr. SMITH of New Hampshire, 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 clarify the standard for invalidation of ballots cast by absent uniformed services voters in Federal elections, to maximize the access of recently separated uniformed services voters in the polls, to prohibit the refusal of voter registration and absentee ballot applications on grounds of early submission, and to distribute copies of Federal military voter laws to the States)

Strike "SEC. 101." and all that follows and insert the following:

"SEC. 101. STANDARDS FOR INVALIDATION OF BALLOTS CAST BY ABSENTE (107–107; 115 Stat. 1278), is amended—

(1) by striking "Each State" and inserting "(A) has registered to vote under this section; and

(2) by inserting after paragraph (9) the following new paragraph:

"(A) a member of a uniformed service in active service;

"(B) a member of the merchant marine; and

"(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote."

(c) Effective Date.—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION ON GROUNDS OF EARLY SUBMISSION.

(a) In General.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1006(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended by inserting after paragraph (9) the following new paragraph:

"(10) The term "uniformed services voter means—

"(A) a member of a uniformed service in active service;

"(B) a member of the merchant marine; and

"(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote."

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SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the "Secretary"), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) enough copies of the Federal military voting laws to the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) enough copies of the Federal military voting laws that are identified by the Secretary so that the State is able to distribute a copy of such laws to each jurisdiction of the State. 

"(B) is no longer such a voter; and

"(C) is otherwise qualified to vote in that election;"

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

"(10) The term "uniformed services voter means—

"(A) a member of a uniformed service in active service;

"(B) a member of the merchant marine; and

"(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote."

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(c) Effective Date.—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.
SEC. 405. EFFECTIVE DATES.

Notwithstanding the preceding provisions of this title, each effective date otherwise provided under this title shall take effect 1 day after enactment.

Mr. SMITH of New Hampshire. I am pleased to join with the Senator from Colorado in sponsoring this important amendment to reserve voting rights for our service men and women.

I yield the floor to the sponsor.

Mr. SMITH of New Hampshire. In the amendment of the Senate from New Hampshire the same amendment as the amendment of the Senate from Colorado?

The PRESIDING OFFICER. Yes.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I am pleased that the Senate is addressing the matter of election reform. Like carpenters tending to their tools or fishermen working on their nets, this Nation’s government must constantly maintain and improve the voting rights of American citizens, the very basis of our democracy.

I am pleased with the work of Senators MCCONNELL and DODD and others on the bill before us. Nobody who has ever participated in an election in any serious way will deny that it is vitally important to protect the basic right to vote.

Today we are moving to address in this body from county clerks to Senate Rules Committee chairman have recognized the faults that currently call for correction.

As a Member of the Senate Armed Services, I paid special attention to the complaints I heard from our uniformed services men and women. Without undue politicalization, I believe it is appropriate to at least allude to the spectacle of campaign lawyers hovering over election officials with preprinted military absentee ballot challenge forms. I understand that in an election every opportunity available will be utilized. I think, however, that this body should undertake efforts to ensure that military service men and women are given all due chances to exercise their right to vote.

Now, this body has tried to do so. Last year, during consideration of the Defense Authorization, the Senate passed a bipartisan amendment strongly supported by Chairman DODD and Senator MCCONNELL that significantly improved the voting rights of military service members. I was pleased at this passage, and so were the various military organizations present, and the veterans organizations, and others who contacted me with their notes of encouragement and support.

Unfortunately, in conference the House refused to accept two of the provisions. I believe their position on this matter was not the correct one. I think they were seriously wrong. And so we must try again.

My current amendment, cosponsored by Senators BOB SMITH, PHILL GRAMM, ALLEN, ROBERTS, COCHRAN, COLLINS, and LUGAR, is another attempt to legislate protection for our military voter’s franchise.

The first section prohibits a State from disqualifying a ballot based upon lack of notarization, postmark, address, witness signature, lack of proper postmark, or on the basis of comparison of envelope, ballot and registration signatures alone, these were the basis for most absentee ballot challenges.

There has been report after report of ballots mailed, for instance from deployed ships or other distant postings, without the benefit of postmarking facilities. Sometimes mail is bundled, and then there is no one postmark, which could invalidate them all under current law. Further, military “voting officers” are usually junior ranks, quickly trained, and facing numerous other responsibilities.

We can not service personnel for the good faith mistakes of others.

The second section addresses a certain group of voters who can slip through the cracks. Military voters who are stationed before an election but after the residency deadline can not vote through the military absentee ballot system, and sometimes are not able to fulfill deadlines to establish residency in a State.

This language allows them to register absentee and vote in person at their new polling place. This brings military voters into their new community quicker.

The third section contains language denying States the ability to deny a military ballot because it is mailed in too early. There are very good administrative reasons why early ballots are prohibited in some cases, but there are better reasons why we should offer uniform voters—who are subject to rapid deployments, temporary duties, and unexpected assignment changes, the option to secure their vote by mailing their ballot when they can, even if it is early.

Finally, given all the changes considered and passed by the Congress in various vehicles, I have included language directing the DoD to mail a copy of current military voter laws to every state to be distributed to each voting jurisdiction. I think it would be a good idea for the State Secretaries of State in their duties and clarify Congressional intent by codifying all the modifications.

Given the current deployment schedule of our armed forces, I can conceive of no time more urgent than the present to let our men and women in uniform know that the government of the Unites States will not tolerate any appearance of a challenge to their voting rights. I urge acceptance of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong support of Senator ALLARD’s efforts to protect the voting rights of our military men and women. It would be a pretty empty debate were it not for the Senate ignored the discrimination that military voters suffered in the last Presidential election and, indeed, I would say probably have suffered in the past, in prior elections.

I visited Afghanistan just a month or so ago and saw the circumstances that those men and women were under out there. Had that been at election time, I can imagine how difficult it might have been to make all the arrangements to vote there. These people, get these ballots out, get them back, and have them counted on time. I think it is important to understand it is the spirit and intent that matters. If a person is trying to get his or her ballot out and it gets in late, but it is in time to be counted, then we ought to err on the side of caution for the military person who is out there putting his or her life on the line for us every day.

I can speak from firsthand experience. I was aboard a ship during the Vietnam war. Although that was not an election time at the time I was out at sea, there were periods of time when we were out at sea for 3 weeks, sometimes longer, with no access to any mail or the opportunity to get any mail off the ship. So had I been in a situation where the Presidential election or any other election was going on during that time, I would have been a time when I might not have been able to get a ballot off the ship. So I think we have to err on the side of caution and make absolutely certain we go out of our way to make sure these ballots are counted.

That is what the Allard-Smith amendment is. I am proud to support it and proud to have my second-degree amendment to be sure we get a vote on this very important measure.

The uniformed services election reform amendment is a comprehensive package for all of our military voters. Section 401 of the amendment provides, for example, that a State may not disqualify a military absentee ballot for some technical reason.

Stop to think about it. Maybe somebody didn’t put his name on right or something—some technical reason. Think about the circumstances where, perhaps to a helicopter and then out of there and over to some other location where it can eventually make its way back to Florida or Colorado or New
Hampshire or wherever the votes are supposed to be counted. That is a long trek through some very difficult conditions sometimes.

I think it is sad that this new provision of law is necessary. Really, reasonably people, in order to make sure that the military votes are counted, we have to take reasonable steps to protect the rights of the military. We saw, unfortunately, that didn’t happen. In Florida, military voters were systematically disenfranchised and there was an organized effort on the part of canvassing boards to try to disqualify ballots for every technical reason that comes down the pipe. Yet military votes were disqualified in the last Presidential election.

For example, someone was out at sea and the mail call was missed by an hour and because the mail call was missed by an hour a ballot may not get to the returning ship for another week or so, or perhaps even—whenever, a couple of days or weeks or whatever—and because they missed that one mail call, that means they can’t get that ballot in. If it comes in a day late or an hour late or whatever, is it the intent, is it the right thing to do to count that person’s ballot? Of course the answer is yes.

Section 402 provides new protections to recently separated uniformed service voters as well. It protects the rights of military voters to register to vote and request absentee ballots. It provides that the Secretary of Defense provide to the States new laws on military voting.

On April 6, I introduced a bill entitled the “Armed Forces Voting Rights Protection Act of 2001.” This bill provides an amendment to the Voting Rights Act of 1965, to protect against a discriminated class of voter—the military voter. Isn’t it somewhat tragic and ironic that the military voter is discriminated against?

Senator ALLARD’s amendment is more comprehensive than mine, and I am more than pleased to support his comprehensive effort to protect the voting rights of the military. The reason why the pending amendment is needed is because current law failed members of the Armed Forces in the last Federal election.

For example, some allegations against anybody about fraud. It needs to be tightened up so we can make it work so the military folks get the benefit of the doubt.

People law that allowed military voters to be disenfranchised in the State of Florida. The pending amendment would stop discrimination against our military men and women.

Over time, the Federal Government has increased protection of the voting rights of military personnel who serve overseas. Several Federal laws have been enacted since 1942 to enable those in the military and U.S. citizens who have to vote in Federal elections.

The Soldier Voting Act of 1942 was the first attempt to guarantee Federal voting rights for members of the armed services, and that law only applied during World War II. The Uniformed and Overseas Citizens Voting Act of 1986, signed by President Reagan, provided United States Armed Forces with a system of absentee voting.

In 1992, President George H. W. Bush signed the Federal Uniformed and Overseas Citizens Absentee Voting Act, which required the United States to permit uniformed services voters, their spouses and dependents, and overseas who no longer maintain a residence in the U.S., to register to vote by absentee ballot for all elections for Federal office.

The Soldier Voting Act of 1942 was the first effort to guarantee Federal voting rights for members of the armed services, and that law only applied during World War II. The Uniformed and Overseas Citizens Voting Act of 1986, signed by President Reagan, provided United States Armed Forces with a system of absentee voting.

These Federal laws were insufficient to protect our men and women in the last election because many of these military voters were disenfranchised by canvassing boards throughout the State of Florida.

Anyway, the pending amendment fixes Federal law to prevent this discrimination. Whether it is accidental or intentional, disenfranchise against military voters stationed overseas. This law would fix that law.

Over 1,500 overseas ballots were challenged in the State of Florida during the election. Think about that: 1,500 military ballots changed most of the time on technicalities, and many of those military men and women who served our country in some hostile environment were disenfranchised.

In Tallahassee in November of 2000, Robert Ingram, who was awarded a medal for heroism as a Navy corpsman serving in the Marines in Vietnam, said the following about Florida elections boards:

They need to count the votes for service people abroad.

It seems to me that to even allow one military ballot to be disqualified on a technical reason is really outrageous.

According to the Miami Herald of November 26, 2000:

Many canvassing boards have said, however, they followed the State law to the letter in disqualifying overseas ballots with no signature, no witness, incorrect address, no postmark or date and a variety of other problems.

Let me focus on one from my own personal experience. When I was aboard ship, you would give a letter to the so-called mailperson on the ship. If he didn’t take that down and postmark it that particular day, he might carry it around for a couple or 3 days. Why? Because the mail is not picked up from the ship. It doesn’t happen until you enter port. If you are not going to enter port for 3 days, why postmark it then?

That is what could happen as a result of the postmark being slipped. There is evidence of fraud, absolutely the ballots would be disqualified. I think if there is any suggestion, or any indication, or any evidence whatsoever that there was fraud committed, disenfranchise them. Fraud applies to everybody—military or nonmilitary. If you commit fraud, your ballot shouldn’t be counted.

There is evidence that there was a coordinated effort to disenfranchise our military voters, I am sad to say.

Former Montana Governor Marc Racicot said last fall:

In an effort to win at any cost, the Vice President’s lawyers launched a State-wide effort to throw out as many military ballots as they can.

Forty percent of the 3,500 overseas ballots in Florida were thrown out in November of 2000 for technical reasons. You can go on and on. There is plenty of indication. We don’t need to go through all of it.

Federal convictions ranged from murderer to rape and drunk driving. What crime did our military personnel commit? I can understand why you wouldn’t put a ballot in the hands of a rapist or a murderer or a drunk so he could vote. But no such crimes were committed by our military.

It is not a crime to volunteer to serve in the military. Every vote must count including our military votes.

Basically, the ballots in Florida were disqualified for two reasons: technical. The requirement that ballots must be postmarked by election day, and failure to either have a proper signature or date on the actual ballot. Neither of these issues are currently addressed in the Federal law. So this changes that. Federal law leaves details to the State, such as postmark requirements and authentication of ballots.

In conclusion, I ask that voting rights be restored to our military voters.

This is not something that anybody should oppose. It is not controversial, in my view. I think the Senator from Colorado has a good amendment. It is
the least we can do. The statute did not cover it. People got a little bit excited in the heat of a political campaign and were trying to disqualify ballots, or qualify ballots, whatever the case may have been and on whichever side you were on, and the military was caught in the middle. That is not right. We owe it to our service men and women to at least allow them to participate in this great Republic that they sacrifice so much to defend. I am pleased to support the Allard amendment.

If it is appropriate, I will ask for the yeas and nays on the amendment at this point.

Mr. ALLIGAR. Mr. President, I am proud to co-sponsor this amendment with my friend and colleague Senator Allard, who has been involved deeply in this issue from the first whispers of improprieties following the 2000 election.

Like him and many Americans, my conscience was struck by the failure of our voting system as a whole. The inadequacies exposed in Florida may well have been found in any election district in any state in the Union. While my state of Indiana has been hard at work remedying its own shortfalls, it is essential that coupled with important changes we made as part of the FY2001 Defense Authorization bill, we take the steps outlined in this amendment to improve the lot of the military voter.

We live in the 21st Century. We are used to instantaneous information and communication and data exchanges. We hold ourselves up as an example to the world in the area of free and fair elections. Everyone can vote, we say. Register, show up at the polls. Or, if you are not going to be in your home state, you can get a paper ballot through the mail and send it in. Simple.

Unfortunately, the reality has been much more complicated. In fact, as recent history has indicated and any mail-in ballots deployed overseas can tell you, it’s not simple. Depending on the election year, DoD goes to varying lengths to get the word out to the individual service members, however, there is no real oversight and many times the Sailor, Soldier, Airman or Marine in the weeks leading up to the election is far away from a polling place without the materials he or she needs to register or vote.

For our military voter, registering and voting is a multi-step process that can take months: first, a member must register to vote; second, a member must request an absentee ballot for each election and its primary; third, the ballot must be received from the local voting jurisdiction; fourth, a member must complete that ballot and get it in to his or her election Board in the allotted time; and last, the ballot is subject to a myriad of state and local election board requirements.

With mail delays, remote deployments and other very real circumstances, it can take literally months to complete the multi-step process. And, in the end, a military voter has no idea whether that ballot was received and counted, or disqualified because of some obscure state standard for those ballots. Some jurisdictions in Florida, for example, in the election, executed a stringent checklist on each ballot to ensure that it meets exacting standards, unecknownst to the servicemember.

To say the least, military voters need to plan ahead especially when they are going to be deployed during an election. Certainly, the right to vote implies some level of responsibility for the member, but even such matters as the proximate scheduling of primary and general elections in some states renders obsolete even the most prudent planning. This is further complicated by run-offs and local ballot issues, making even a 45-day turnaround, the recommended standard, challenging.

This amendment, coupled with the changes we made in the fall, will help alleviate this situation for the 2.7 million military members and their families who may at some time in their careers be sent overseas.

The General Accounting Office, the Reserve Officers Association, the Carter-Ford Commission and others discuss each of the shortfalls we seek to correct. And, as my colleague from Colorado has stated, we are looking for very modest changes.

Among the provisions we are advocating, Senator Allard’s amendment clarifies the standards that states must follow when processing the ballots for our military personnel, and in maintaining their registrations following discharge or release from active duty. All states should use the same checklist when evaluating a ballot in a federal election, and it should not be profligated only during recount proceedings.

Fairness and simplification is important. But even as we tout its merits and strive for simplification, we must maintain a cautious eye on ensuring an accurate list of qualified voters. Fraud happens. As we watch the trend toward more permissive absentee voting, the opportunities to commit fraud could very well expand. The Allard amendment is thoughtful about balancing procedural simplification and standardization with the imperative to prevent fraud.

I strongly encourage my colleagues, on behalf of the men and women in uniform who are serving overseas today and those who will be in the remote corners of the globe in future election seasons, to support this amendment.

Mr. DODD. Mr. President, I don’t know of any reason why we can’t accept the amendment. I commend both my colleagues. I know this was offered earlier in the Armed Services Committee, and your reasons that the Senator from Colorado may be more aware of as a member of the committee, getting rid of what they considered to be extraneous amendments may have been the rationale.

But I think our colleagues pointed out good rationale as to why it is worthwhile. In fact, the basic thrust of this bill that Senator McConnell and I are trying to address is why the two friends offered, as an amendment, that it ought to be easier to cast the ballots. Too often I think these places can be less than user friendly when it comes to exercising one’s franchise. Rejection on minor technicalities and discarding efforts and service in an election is something we need to minimize, to put it mildly.

I support the amendment. I am happy to accept it, if the Senator wants to do it that way.

The PRESIDING OFFICER. The yeas and nays were requested.

Is there a sufficient second?

Mr. SMITH of New Hampshire. I didn’t formally request it. I said if it is appropriate, I would do it. I withdraw my request.

Mr. MCCONNELL. Mr. President, I am certainly pleased to hear the chair of the committee, Senator Dodd, indicate that he is willing to accept the amendment.

I congratulate the Senator from Colorado and the Senator from New Hampshire. When this amendment was offered last year, there was a significant effort to derail it. I think that as a result of the hard work of the Senator from Colorado—I see the Senator from Kansas who is deeply interested in this issue is in the Chamber. They were all chagrined, as I recall, that it was lost in conference on the DOD authorization bill. I think as a result of their perseverance and coming back here today and pressing forward, it seems as if we are on the verge of having it accepted.

I think it is a tribute to the Senators from Colorado, Kansas, and New Hampshire. I thank all three of them.

I see the Senator from Kansas. He might want to address this issue before we wrap it up.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the Chair, and I thank my distinguished friend from Colorado. Addressing this issue is certainly long overdue. If we are going to have an election reform bill, the very definition of election reform begins with the intent of my friend’s legislation.

As most marines know, there are no ex-marines. There are only former marines. As a veteran and as a member of the Armed Services Committee, I recalled what happened in our last election to the military personnel.

We witnessed a travesty. Election officials in some areas of the country failed to count thousands of military absentee ballots. This is a slap in the face to the men and women who serve in the armed forces protecting American interests.

We must respect the constitutional rights of all citizens—especially those
in uniform defending our country. It seems to me that a very basic Constitutional right was abrogated. This amendment achieves the goal of giving military personnel the confidence that their vote matters.

It ensures that military personnel have the right to cast votes in local, state and federal elections, and makes certain those votes are counted. It extends voter registration, absentee ballot protections, and requires that states prove fraud before disqualifying votes in federal elections.

Until recently, we took for granted the sacrifices our military made on a daily basis. The supreme purpose of the federal government is defense of our homeland. Give those who defend our homeland the same rights and privileges ordinary citizens enjoy.

Consider a 1952 letter written by a former member of this body, which pertains to this issue:

Many of those in uniform are serving overseas, and they are usually long ways. They cannot register to vote or vote. Those who are not able to vote deserves to exercise the right to vote. The least we can do at home is make sure they can enjoy the rights they are preserving.

President Harry Truman penned those words. His support of the military vote was so strong that he signed the Federal Voting Assistance Act into law in 1955. That legislation laid the groundwork for the 1975 Overseas Citizens Voting Rights Act, and it is now being improved the Senator from Colorado and others who are cosponsoring this bill.

Voting is the cornerstone of democracy. Before passing any piece of this legislation, we must first show our appreciation to service men and women by letting them know that their vote is a right, not a privilege.

So again, I credit the distinguished Senator from Colorado, and all those involved—Senator Smith, Senator McConnell, and the distinguished chairman, who I know is also very supportive.

I am very proud to have my name as a cosponsor.

The PRESIDING OFFICER (Mr. Nelson of Florida). The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Kansas for his gracious remarks and really appreciate him working with us on this particular issue. I also want to thank the Senator from New Hampshire for all his help. I particularly thank the chairman for his support, and the ranking Republican Senator, Mr. McConnell, for his help in relation to the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. If I could have the indulgence of the leader, I would like to share a personal anecdote that does not relate to voting but relates to smudges and things that may occur from time to time.

For military personnel, as you know, some of the ballots were disqualified because of a smudge mark or something not clearly readable.

In 1945, when my father was killed at the end of the Second World War in a plane crash in the Chesapeake Bay—serving in all of his combat missions, he was killed in a military aircraft that went down in the Chesapeake Bay—his body was recovered 2 days later. Of course, in the recovery of his body, they recovered his wallet.

My mother—who was then a young widow with two boys—had to follow the line from Virginia back to the funeral parlor in Trenton, NJ, where my father was buried. She had no money for gasoline because we could not use it then; you had to use stamps. The only stamps she had were the stamps from my father's wallet.

After filling up with gas, when she went into the gas station to present those stamps, the attendant would not take the stamps because he said he could not read them; they were smudged. My mother never forgot that story.

Until almost the day she died, she talked about it, about how much that hurt her, that no matter how much pressure was put on that attendant, he refused to accept those stamps. So I think we have to err on the side of caution for our military. They go through a lot. There is a lot of sacrifice. That story was not about a ballot, but it was about a document, if you will.

So I really appreciate the support of Senator Dodd and Senator McConnell and Senator Allard and others for this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, if there is no further debate, I ask that we vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2681.

The amendment (No. 2681) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. 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 Allard amendment No. 2658, as modified.

The amendment (No. 2688), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to talk about the measure that is before us. I have had the pleasure of coming to this Chamber on several occasions to talk about it as we prepared to move forward.

I think it is vitally important that we have taken up this extremely important measure so early in this session. It is not the first bill to be considered, but it is probably the first new one to be considered after the others that have been carried over.

I offer my very special thanks to the distinguished Senator from Connecticut and the Senator from Kentucky for the great work and effort they have put in on this legislation. We have also worked with the Senator from New York, Mr. Schumer, and the Senator from New Jersey Mr. Torricelli, because we are all concerned about assuring that we safeguard the most important right that a citizen in a democracy such as ours has; and that is the right to select the leadership, the right to select those who represent them.

Today, together, we are in the process of delivering on the promise that for all Americans we want to make it simpler to vote and easier to vote. I think that is what the American people want: Every American citizen—appropriate age, appropriate qualifications, properly registered—ought to be able to cast a ballot without difficulty. They should also be able to do it only once. That is the other part. We should, and we will in this bill, make it very hard for people to cheat. We know that every fraudulent vote cast dilutes the rights of those who cast lawful ballots.

The Missouri Court of Appeals, on election day in November 2000, was presented with a case where an order was entered in St. Louis Circuit Court to keep the polls open. The court of appeals was very clear. They expressed what higher courts in this land have expressed previously; that is, if you permit people to vote more than once, to vote in the name of a dead person, a nonexistent person, or even a dog, as we have talked about previously in this Chamber, you are diluting and, thus, devaluing the vote of those who cast their vote legally, who have a right to vote, who have a right to have their voice counted, and counted once.

I think we have accomplished this goal. We have worked long and hard. As we know, there has already been one amendment offered that has been acceptable to both sides to improve this bill. So we are not saying that this has dealt with every area. I know there will be several other questions and concerns raised. But I think we have a very good foundation which will move the process forward.

I am not a member of the Rules Committee, nor prior to the year 2000 did I consider myself an expert on election reform.

I first saw the corrosive effects of potential fraud in the 1972 election, when I was running for Governor of Missouri. My opponent engineered an effort to keep the polls open late in St. Louis.

We thought we were doing well, but they kept voting in the city of St. Louis, which runs about 79 percent or
Congressional Record — Senate

February 13, 2002

Mr. Robert D. Odom

December 1999, and I didn’t know that I had to register again to vote.

Parenthetically, you are not permitted to vote if you are a convicted felon unless you have been pardoned.

I was late registering due to me being going through a mental disorder.

Do you know what the city judges did? They rubber-stamped these requests, even though they failed to meet the clear standards under State law for court orders to vote. Only 35 of the 1,268 court orders to vote met the legal standard set by Missouri law.

All of the evidence gathered by Missouri’s Secretary of State indicates it was no accident that hundreds, if not thousands, of unregistered people showed up in front of judges willing to rubber-stamp these requests. No accident, indeed. The evidence indicates that there was a premeditated effort to organize the delivery of these illegal votes to the polls, where they would be welcomed by judges all too willing to disregard the law and grant them illegally obtained court orders.

That wasn’t the extent of it. The investigation of the secretary of state turned up some truly amazing things: 62 Federal felons voted in that election, along with 52 State felons, people who are not legally entitled to vote; 68 people voted twice; 14 dead people cast votes—I have heard of people with an undying commitment to politics, but that is carrying it a little too far—79 people registered to vacant lots in the city of St. Louis, in particular, the court orders failed to meet the clear standards under State law for court orders to vote. Only 35 of the 1,268 court orders to vote met the legal standard set by Missouri law. All of the evidence gathered by Missouri’s Secretary of State indicates it was no accident that hundreds, if not thousands, of unregistered people showed up in front of judges willing to rubber-stamp these requests. No accident, indeed. The evidence indicates that there was a premeditated effort to organize the delivery of these illegal votes to the polls, where they would be welcomed by judges all too willing to disregard the law and grant them illegally obtained court orders. That wasn’t the extent of it. The investigation of the secretary of state turned up some truly amazing things: 62 Federal felons voted in that election, along with 52 State felons, people who are not legally entitled to vote; 68 people voted twice; 14 dead people cast votes—I have heard of people with an undying commitment to politics, but that is carrying it a little too far—79 people registered to vacant lots in the city of St. Louis, in particular, the court orders failed to meet the clear standards under State law for court orders to vote. Only 35 of the 1,268 court orders to vote met the legal standard set by Missouri law.
say. Frankly, we had a very active and alert press corps that began to dig out some of these things and helped bring to the attention of the secretary of state and others what was going on.

Sadly, this vote fraud was not a one-time occurrence in November 2000. The specter of vote fraud returned to St. Louis as the flowers in the spring. Just before the daffodils were coming up, probably the crocuses, we saw suspect voter mail-in registrations to vote. On the very last day to register to vote, Mayor Villarreal came in and, apparently, someone dropped off 3,000 voter registration cards, most for purported would-be voters in the third and fifth wards north of St. Louis, on 2 specific streets, most written with identical handwriting. And as it turns out, almost every single one of them was fraudulent.

The brazenness of that vote fraud is stunning. One of the fraudulent voter registration cards belonged to what was purported to be a re-registration of the late city alderman, Alberto “Red” Villa. It might have been about the 10th anniversary of his death—certainly, a theologically significant date, but not significant in terms of qualifying for registration. There was a registration card belonging to the deceased mother of another city alderman also found among the 3,000 dropped off on the last day of voter registration.

Yes, even in this day and age, just because you die is not grounds to disqualify you from voting in St. Louis, because everybody knows how you would have voted if you had been there.

Now, it seems that in some places nobody gets stirred up by vote fraud during general elections between Democrats and Republicans. But watch out if it happens during a Democratic primary for mayor because that is real jobs and patronage at stake.

After the shocking attempt to steal the mayoral primary race in St. Louis, the local press reported that the FBI had subpoenaed all of the records at the city election board for both the general election and the mayoral primary.

While we await the results of that Federal investigation, it has already provided quite an education. Some days, I feel as if my staff and I are in a graduate program at the St. Louis school of election fraud. The more we dug into the issue, the more we were able to see the size of the problem in St. Louis.

We found, for example, that the number of registered voters in the city of St. Louis threatens to outnumber the voting-age population. A total of 247,135 St. Louis residents, dead, alive, or even canine, are listed as registered voters, compared to the city’s voting-age population of 258,532. That translates to a whopping 96 percent registration rate. It was one more registration than voting-age adults. Upper St. Clair has 15,361 registered voters, but, unfortunately, they only have 14,369 residents of voting age.

Back to St. Louis. About one-quarter of registered voters in that city are on the inactive voter list, meaning that the U.S. Postal Service has failed to verify that 70,000 people are actually still living at the addresses from which they registered, or even whether they are still alive.

But it gets worse. More than 23,000 people registered to vote in the city of St. Louis are also registered somewhere else in the State. That means 1 out of 10 St. Louis City voters are double registered. We saw some who were triple registered. Some were even quadruple registered.

In a review of the voter registrations, we found five Missouri voters registered at four different places in the State—certainly among our most active voters. There was also a different voting location for each address.

There is my favorite case of Ritzy Meeker, a loyal St. Louis registered voter, and loyal mixed-breed canine. Yes, a dog is registered to vote in St. Louis. Ms. Meeker’s dog has actually departed such as Red Villa, and I like dogs, but I really don’t think either one of them ought to be able to vote.

About the only thing we have not seen in St. Louis is the actual election of a dog or a dead person to political office.

Voting canines is not only a St. Louis problem. There was also the case of Cocoa Fernandez in West Palm Beach, FL. Cocoa’s owner registered the dog to vote and added “things in our voter registration system.”

Some of these cases are humorous. Others are deadly serious. For example, a Saudi man detained by Federal authorities in Denver, CO, for questioning about the September 11 terrorist attacks was found to have registered to vote at the local department of motor vehicles even though he was not a citizen. Worse yet, the records show that he actually voted in last year’s Presidential election.

In Greensboro, NC, a Pakistani citizen with links to two of the September 11 hijackers was indicted by a Federal grand jury for having illegally registered to vote.

It is quite sad that in the 21st century, in the world’s greatest democracy, we still tolerate woefully tangled and fouled up voter registration systems that all but invite vote fraud.

I have recounted in the last few minutes some of the stories that formed my education in vote fraud. So while many wanted to talk about Florida after the last election, I wanted to make sure we learned additional lessons from vote fraud in St. Louis and elsewhere. This is not merely a local story. The root cause of what is so terribly wrong with St. Louis elections lies in the Federal law.

More specifically, it lies within the loopholes in the Federal law. For example, Federal law actually makes it very difficult for cities such as St. Louis to maintain accurate voter registration lists. It blocks States from maintaining mail-in registration cards—the first line of defense in preventing vote fraud.

In order to prevent this kind of election scandal from occurring again in St. Louis or elsewhere, I knew we had to fight to close those loopholes. I had to share with my Senate colleagues what I had learned. So I testified before the Senate Committee on Governmental Affairs. That brought me to tell my story of the St. Louis problem to my colleagues in the Rules Committee. I told him how important the topic of election reform was to me. I told him that election reform without protections against vote fraud could not earn my support. He listened and we talked about the deal and agreed on a formula that we believed could attract bipartisan support. We agreed to write a bill, along with Senator McConnell, particularly, and others, to make it easier to vote and much harder to cheat.

I think we have done that. I thank Senator Dodd and Senator McConnell for listening to the concerns of Missourians who were outraged by what we saw in November 2000 elections in St. Louis. We worked closely together for several months to close loopholes while taking every precaution to protect the rights of legal voters. That is what I think we have done.

One of the most important things we did was to agree to make it easier to vote and tougher to cheat. We ought to have statewide registration systems to eliminate the patchwork overlapping of county and city, and State and federal registration lists that have resulted in the hundreds of multiple registrations and the kind of confusion that certainly bedevils some legitimate voters in St. Louis and elsewhere. No longer are we going to see people registered in four, five different places in any State. We need to find out where they are living and legally registered, and get the others off the rolls so those who are entitled to vote can vote and those who are not entitled to cannot.

Registration cards will now require prospective voters to declare under penalty of perjury that they are U.S. citizens—a very simple but very important affirmation. And individuals who register by mail will be required to provide identification when they vote the first time.

Mr. President, will this stop all vote fraud in St. Louis and all American cities? Of course not. But these changes in Federal law will put a great deal of pressure on State and local law enforcement officials so that they can clean up their rolls.
These are commonsense measures that will strengthen safeguards that protect the ballot box. To any of my colleagues who question the need to strengthen safeguards, just look at what happened in St. Louis. Why is it acceptable to require a photo ID to board an airplane, but not require alcohol, but to not require some kind of identification to carry out the most important of all of our civic responsibilities?

We have a responsibility to ensure that all legally cast votes are counted and an equal responsibility to ensure that legally cast votes are not diluted, downgraded, or nullified by illegal votes. We must strengthen confidence in our voting system. People must know that their votes are actually going to go to the President that will be signed into law to ensure that it is verified their choices and correct errors before the ballot is cast. The legislation would further require that, by the beginning of the year 2004, all states and jurisdictions have provisional balloting, which would allow an individual whose eligibility is in question to vote and have the vote set aside.

I urge you again, on behalf of the NAACP and every American who is concerned about the protection of our basic democratic current in the Dodd-McConnell substitute, most specifically the provision requiring that first time voters who registered by mail must produce a photo ID at the polls. The legislation would also require states, by January, 2004, to keep computerized voting rolls to help ensure that a state-wide list of eligible voters is readily available on election day and to help cut down on fraud or abuse.

February 13, 2002

Sincerely,

HILARY O. SHELTON,
Director.

AMERICAL FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Dear Senator: The AFL-CIO strongly urges you to cosponsor the Dodd-McConnell substitute to S. 565, the Equal Protection of Voting Rights Act, which was also sponsored by Senator Schumer, Bond, Torricelli, McCain, and Durbin.

The bipartisan substitute to S. 565 would help strengthen our democracy by requiring all states to meet new minimum federal standards on the voting process. More specifically, this legislation would require states to create statewide voter registration lists and allow registered voters whose names do not appear on cast provisional ballots by 2004. It would also require States to use voting technology by 2006.
that informs voters if they have voted for too many candidates, and allows all voters, including the disabled and language minorities, to verify their votes before casting them. In addition, this legislation would authorize federal funds to help states meet these new minimum standards and create a new commission to study various election reform issues. Our federal election provisions are needed to make the new federal election reform funds available.

Since the House recently passed an election reform bill (H.R. 3296) that does not include the minimum standards necessary to fundamentally improve our nation’s election systems, the Senate will only be able to pass comprehensive election reform before the 2002 elections if the Senate acts quickly on the substitute to S. 565. While we have concerns about some of the language currently in this legislation, we are committed to working with the bill’s sponsors to improve this proposal as if moves forward.

Last Election Day, countless citizens in Florida and throughout the country were denied their Constitutional right to vote by flawed voting equipment, erroneous voter registries, and confusing ballots. While many lawfully registered voters were disenfranchised outright, others cast votes that ultimately were not counted. Now that the 2002 election is over, we are left with the responsibility to use what we learned from this bitter experience to enact comprehensive election reform before the 2002 elections. For this reason, we strongly urge you to cosponsor the bipartisan Dodd/McConnell substitute to S. 565.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES,
MEMBERS OF THE U.S. SENATE,
Washington, DC.

DEAR SENATOR: The American Association of People with Disabilities (AAPD), the largest national membership organization dedicated to promoting the economic and political empowerment of all people with disabilities, strongly supports the Dodd/McConnell/Schumer/Bond substitute to S. 565, the Equal Protection of Voting Rights Act. Out of the nearly 30,000 nation-wide members of AAPD, I urge you to support this important legislation and see that it is brought to the floor as quickly as possible. The 2000 election demonstrated we are more than 50,000 members representing 100 affiliated organizations in 40 States and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness and we are exceedingly concerned that the type of system that led to erroneous results and high voting machine error rates. It is critical that we work to enact election reform bills that will provide for voting in a manner that is accurate, transparent, and secure.

We applaud you for your tireless work in the Senate on election reform over the past years. Please let me know if you have any questions, or if there is anything more you need from me on this matter.

Sincerely,

ANDREW J. IMPARATO,
President & CEO.

NATIONAL FEDERATION OF THE BLIND,

Hon. CHRISTOPHER DODD,
Chairman, Senate Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the strong support of the National Federation of the Blind (NFB) for the Equal Protection of Voting Rights Act of 2001 (S. 565), including language we requested to address the needs of people who are blind. Thanks to your efforts and understanding, this legislation points the way for blind people to vote privately and independently at each polling place throughout the United States.

While the 2000 election demonstrated significant problems with our electoral system, the NFB has been working for many years to change voting technology and has much more difficult to find. Nonetheless, it is clear that installation of up-to-date technology will occur throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come. Therefore, requirements for nonvisual access must be an essential component of the new design. S. 565 will make this happen.

With more than 50,000 members representing every state and District Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness and are extremely concerned that the type of system that led to erroneous results and high voting machine error rates. It is critical that we work to enact election reform bills that will provide for voting in a manner that is accurate, transparent, and secure.

We applaud you for your tireless work in the Senate on election reform over the past years. Please let me know if you have any questions, or if there is anything more you need from me on this matter.

Sincerely,

JAMES GASHIEL,
Director of Governmental Affairs.

UNITED CEREBRAL PALSY ASSOCIATION,

DEAR SENATOR DODD: On behalf of UCP, our more than 100 affiliated organizations and more than 100,000 members, we want to congratulate you on your historic leadership in crafting the bipartisan Senate bill on election reform.

We are committed to working with you, and other members of the Senate, to strengthen the bill. Specifically, we want to ensure that first time voters who have registered by mail have the maximum number of options available to properly identify themselves to election officials. We would especially support efforts to allow these first time voters to attest to their identity should they not have any other form of identification.

We applaud you for your tireless work in passing election reform to the top of the Congressional agenda, and your leadership and vision of this bipartisanship legislation that would facilitate a full democratic participation in the elections. We want to thank you for your commitment to work with PFAW and our allies in the civil rights, voting rights, labor, and disability communities to make necessary improvements to achieve the full potential of this legislation.

We look forward to working with you throughout the legislative process to ensure that comprehensive election reform legislation is enacted.

Sincerely,

RALPH G. NEASE,
President.

STEPHANIE FOSTER,
Director of Public Policy.

WASHINGTON, DC.

DEAR SENATOR DODD: On behalf of UCP, our more than 100 affiliated organizations and 40 States and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness and are extremely concerned that the type of system that led to erroneous results and high voting machine error rates. It is critical that we work to enact election reform bills that will provide for voting in a manner that is accurate, transparent, and secure.

We applaud you for your tireless work in the Senate on election reform over the past years. Please let me know if you have any questions, or if there is anything more you need from me on this matter.

Sincerely,

JAMES GASHIEL,
Director of Governmental Affairs.

AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES,

DEAR SENATOR DODD: On behalf of the more than 50,000 members of People For the American Way (PF AW), we write to express our strong support for the Dodd/McConnell/Schumer/Bond substitute to S. 565, the Equal Protection of Voting Rights Act.

PF AW is especially pleased with the strong provisions of this bill which would require each state to meet a set of minimum standards when it comes to voting equipment, the training of poll workers, language minority protections, and access to the ballot. We are also pleased that S. 565 contains strong language provided for provisional voting and lists of critical election information at polling places on Election Day and for enforcement by the Department of Justice.

We are committed to working with you, and other members of the Senate, to strengthen the bill. Specifically, we want to ensure that first time voters who have registered by mail have the maximum number of options available to properly identify themselves to election officials. We would especially support efforts to allow these first time voters to attest to their identity should they not have any other form of identification.

We applaud you for your tireless work in making election reform to the top of the Congressional agenda, and your leadership and vision of this bipartisanship legislation that would facilitate a full democratic participation in the elections. We want to thank you for your commitment to work with PFAW and our allies in the civil rights, voting rights, labor, and disability communities to make necessary improvements to achieve the full potential of this legislation.

We look forward to working with you throughout the legislative process to ensure that comprehensive election reform legislation is enacted.

Sincerely,

Ralph G. Nease,
President.

Stefanie Foster,
Director of Public Policy.

UNITED CEREBRAL PALSY ASSOCIATION,

Senator CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: On behalf of UCP, our more than 100 affiliated organizations and 40 States and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness and are extremely concerned that the type of system that led to erroneous results and high voting machine error rates. It is critical that we work to enact election reform bills that will provide for voting in a manner that is accurate, transparent, and secure.

We applaud you for your tireless work in making election reform to the top of the Congressional agenda, and your leadership and vision of this bipartisanship legislation that would facilitate a full democratic participation in the elections. We want to thank you for your commitment to work with PFAW and our allies in the civil rights, voting rights, labor, and disability communities to make necessary improvements to achieve the full potential of this legislation.

We look forward to working with you throughout the legislative process to ensure that comprehensive election reform legislation is enacted.

Sincerely,

Ralph G. Nease,
President.

Stefanie Foster,
Director of Public Policy.
to make Americans with disabilities first class citizens of our democracy. This is a critical civic lesson for America and the rest of the world as well.

We believe, however, some changes are needed in the substitute amendment to ensure that election reform goes forward in a fair and effective manner as possible. The first of these relates to the role, which the Access Board will play in providing policy direction to the newly created federal election administration commission. As drafted, the substitute amendment provides that the Attorney General will carry out the grant program consistent with policies and criteria for the funding application that are set forth by the Access Board. Responsibility for administering this grant program—-as with the other election reform grants established by this bill—will transfer from the U.S. Department of Justice to the new Election Administration Commission once it is fully functional. For clarity and continuity sake, we believe that language needs to be added to the bill to make clear that the policies and criteria set by the Access Board for the election grant program shall guide its implementation both at DOJ and the Election Administration Commission.

We also believe that changes need to be made to the provision in the substitute that would require first time voters who register by mail to produce a photo identification card when they show up at the polls or to send in other verification of their identity by mail if they vote by absentee ballot. While we recognize that this provision is meant to prevent voter fraud, we believe it would prove largely unworkable and therefore, ineffective in doing so. Moreover, we are extremely fearful that this provision would have a significant chilling effect on potential voters, including those with disabilities and language and ethnic minorities. Those with disabilities and others often lack formal identification cards through no fault of their own. They must not be denied their fundamental right to vote. Over half the States ensure the accuracy of the ballotting process by having each voter sign a statement attesting—under penalty of law—to both their identity and eligibility to vote. This is a far more straightforward and fairer way to ensure the sanctity of elections. We urge you to support the inclusion of the same procedure in the substitute amendment.

As with any living document we believe that these changes that could be made to it that either significantly strengthen or undermine its basic intent. We want to urge you as its chief author and all others in the Senate to consider each amendment that may be offered very much in this light and we will keep you informed of our views on all such proposed changes as the Senate debate proceeds.

Thank you once again for your extraordinary leadership.

Sincerely,

Kirsten A. Nyrop,
Executive Director.

THE NATIONAL COMMISSION ON FEDERAL ELECTION REFORM
February 12, 2002.

Senator Chris Dodd,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Senator Mitch McConnell,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Chris and Mitch: In 2000 the American electoral system was tested by a political ordeal unlike any in living memory. The American public and government officials were shocked and appalled by the reality of our nation's election administration. In the United States just could not readily cope with an extremely close election and had many other weaknesses.

That is why we agreed to lead the foundation-funded National Commission on Federal Election Reform. We issued our report last year and the President welcomed the report and endorsed our approach. He has allocated money for election reform in his FY 2003 budget proposal and local officials around the country, including many conscientious election administrators, have been galvanized to action. Two months ago he signed the bipartisan election reform bill passed by the Senate in its entirety.

The fate of election reform now rests with you and your colleagues in the Senate. We were glad to learn that both of you have worked with some of your colleagues to fashion a truly bipartisan bill for the Senate. Your staffs have asked us to comment on the relation of this effort to the Commission's goals.

Naturally your bill was a compromise. Naturally interest groups on both sides of the political spectrum find some things in it that they dislike. If we had been writing the bill, we might have made some different choices too, but on the whole it is a good law and a real improvement over the status quo.

Your bill is clearly a reasonable bipartisan vehicle for moving the legislative process forward. Its core is sound. It addresses the critical issue of providing voter rolls and provisional balloting. If it passes the Senate it will go to conference with the House. There are some aspects of the Ney-Hoyer bill. There are so some aspects of Dodd-McConnell that have improved on the House approach. So, starting from good ground on both sides, a conference committee should be well positioned to bring a strong bill back to each House for final approval.

The critical issue now is to get this bipartisan bill to the floor of the Senate as soon as possible. All over the country, state legislatures and county administrators are aware that federal action may be imminent. The states should continue to have the primary responsibility for administering elections, but so do in a national framework. Many of these legislators and officials are now underestandably frozen about what they should be doing.

If the 107th Congress passes a bill founded on the current House and Senate bipartisan approaches, you will have achieved a landmark accomplishment. Such a law will touch every county in America—and for the good. With the exception of the civil rights laws of the 1960s, such a law could provide the most important improvements in the democratic election system in our lifetimes.

Sincerely,

GERALD R. FORD, Honorary Co-Chair.
ROBERT H. MICHEL, Honorary Co-Chair.
SLADE GORTON, Vice-Chair.
JIMMY CARTER, Honorary Co-Chair.
LLOYD N. CUTLER, Co-Chair.
KATHLEEN M. SULLIVAN, Vice-Chair.

PUBLIC CITIZEN,

Senator Christopher Dodd,
Chairman, Senate Rules and Administration Committee, Washington, DC.

Dear Senator Dodd: On behalf of Public Citizen, I am writing to express our strong support for taking up your election reform bill, S. 565 (substitute amendment) as quickly as possible after the Senate reconvenes next week. This bipartisan legislation, which was crafted with so much care, contains major improvements to our election system and constitutes a major advance on the road to full democratic participation in elections. It is vastly superior to H.R. 3295, the House-passed bill because it establishes strong national voting standards, promotes coherent state and local planning for voting improvements, and includes necessary federal monitoring and enforcement.

As we work with you and the other sponsors of the bill, we are gratified by your commitment to us and other members of the Leadership Conference on Civil Rights coalition to work together on the Senate floor to pass a few needed improvements in the legislation. Such changes will remove unnecessary ambiguity, ensure that the bill's goals are fully achieved, and strengthen the political position of the bill as it heads for conference.

Thank you Senator once again for your dedication to this fundamental legislation for our democracy.

Sincerely,

JOAN CLAYBROOK, President.
FRANK CLEMENTE, Director, Congress Watch.

STATEMENT OF REBEKAH HARRIMAN—EXECUTIVE DIRECTOR—COMMON CAUSE/CONNECTICUT

Common Cause in Connecticut is a non-partisan citizen's lobby dedicated to ensuring that government clean, open and accountable. Central to this mission is our belief that our democracy is participatory and inclusive to all Americans. It is entirely fitting that on this day the country observes the remembrance of the great Reverend Martin Luther King Jr., to show our strong support for The Equal Protection of Voting Rights Act, sponsored by Senator Dodd.

Over forty years ago, thousands of Americans dedicated and gave their lives to a movement that fought to end discrimination and ensure that every American was afforded the opportunity to vote without prejudice. Just over one year ago, hundreds of thousands of Americans ultimately turned away from the polls or were otherwise locked out of our democracy when their votes were not counted due to faulty voting procedures. We must make every effort that this injustice does not occur again in America. The Equal Protection Voting Rights Act is strong legislation that will help ensure that every American's vote counts.

Common Cause/CT supports The Equal Protection Voting Rights Act because it would require that each state meet a set of minimum standards when it comes to voting equipment, the training of poll workers, absentee and bilingual ballots, provisional ballots, overseas voters, and accessibility for the disabled.

This legislation would be essential in Connecticut, where our voting equipment must be evaluated. In the year 2000, thousands of votes were invalid in the presidential election because many of our state's voting systems are outdated, inconsistent, and inaccurate. Common Cause/CT believes it is essential to replace our nearly extinct voting methods, and that we must strive to have a uniform mechanism for voting in every precinct in Connecticut.

Another important facet of the legislation is that it mandates that state-wide voter list. Without a statewide centralized voter registration system that allows

MemBERS OF THE U.S. SENATE: The League of Women Voters urges you to support the bipartisan election reform bill developed by Senators Dodd, McConnell, Bond and Schumer. The legislation will be offered as a substitute to S. 565. While the substitute is not the Dodd-McConnell substitute, which is clearly preferable to the House-passed bill in setting a workable structure for reform and creating an effective election commission, America deserves an election system that will protect the most basic and precious right of all citizens in a democracy—the right to vote. Each citizen’s right to vote, and to have that vote fairly counted, is at stake.

Carolyn Jefferson-Jenkins, President.

Secretary of State, State Capitol, Hartford, CT, January 7, 2002.

Hon. Christopher J. Dodd, U.S. Senate, Russell Building, Washington, DC.

Dear Senator Dodd: Thank you for your leadership in the area of election reform and for all of your hard work in developing your bi-partisan compromise on election reform. I was pleased to see S. 565 and I am extremely pleased with its contents, particularly with the statewide voter registration system and voting machine requirements. The federal funding provided for those and other purposes will greatly benefit Connecticut and all the states.

At the close of the 2001 legislative session, the Connecticut Legislature established a Voting Technology Alternatives Commission to study and make recommendations regarding voting technologies. The federal guidelines and assistance provided for in S. 565 will help shape both the Commission’s final recommendations and any state legislative action in this area. As a member of this Commission, I have already provided all the members of the Commission a copy of S. 565 for their review.

In addition, I will be attending the National Association of Secretaries of State winter meeting in Washington D.C. from February 7-10 and hope to have the opportunity to study your office will contact your staff with more details. I look forward to working with you on the important issue of election reform and I wish you well in securing its passage.

Sincerely,

Susan Bysiewicz
Secretary of State.

Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

Dear Chairman Dodd: I am pleased to write to express my support for S. 565 and for your efforts, and that of Senators McConnell, Schumer, Bond and Torricelli, to craft strong, effective and bipartisan election reform legislation.

As you are aware, Georgia has moved to the forefront among states in the drive to acquire and deploy election systems that are more accurate, more convenient and more accessible and disabled voters. With the passage of our own SB 213 last year, Georgia became the first state to mandate a modern, uniform voting system for every county and every community. This year, Governor Roy Barnes has endorsed our plan to acquire the new generation electronic voting equipment (DRE) in every Georgia county in time for the November 2002 general election.

While Georgia election officials and policy-makers are strongly united behind our initiative to improve voting equipment, critical to our efforts is the expectation that the federal government will act in advocating this goal, and will make available substantial funding to help pay for these improvements. In that regard, we were heartened by House passage of the Ney-Hoyer election reform package, and were then extremely pleased to learn that you, ranking member McConnell and others had reached bipartisan agreement on S. 565.

I believe your legislation provides an excellent platform and roadmap for election reform where, as you know, must primarily be executed at the state and local level. The funding provisions of S. 565 are outstanding, and would enable states to make much needed investments in new voting and registration systems.

Member McConnell and others had reached bipartisan agreement on S. 565.

Moreover, S. 565 includes an impressive floor vote in support of Senate Bill 565, which I feel is an important step in the election reform process. I am especially impressed with the bipartisan support the bill has received, and the fact that it appears to be a strong, effective and bipartisan reform package.

I believe very strongly that as secretaries of state, it is important for us to work with Congress as they seek to enact real and meaningful federal voter protections and reform. I hope that as deliberations progress in...
the House and Senate, secretaries of state will continue to be asked by Congress to add their important voices and experience to the discussions.

The bipartisan leadership demonstrated by you and Senators McConnell, Schumer, Bond and Torricelli and other members of the U.S. Senate in crafting a package that would be a positive election reform bill is very encouraging. The principles outlined in the “Equal Protection of Voting Rights Act” are certainly a step in the right direction, and S. 565 as important legislation that will better ensure the integrity of the election process.

I have always been an advocate of election reform. In each of the past three sessions of the Nevada State Legislature, I have promoted legislation that would create a statewide system for voter registration, and ease the process of clearing those rolls of duplicate names, deceased persons and others who are ineligible to vote. Although this proposal would have dramatically reduced the potential for voter fraud, it has failed in every legislative session in which it was introduced. Likewise, my calls to improve the absentee ballot process, especially for our overseas military personnel, have faced strong resistance from state legislators. Senate Bill 565 parallels many of my efforts and may motivate Nevada lawmakers to pursue election reform legislation this session.

Again, thank you for your leadership and efforts in bringing this important legislation to the forefront of deliberations in the U.S. Senate. I look forward to continuing to work closely with you and your colleagues to achieve our common goal of election reform measures that will truly enhance the voting process for all Americans.

Respectfully,

DEAN HELLER,
Secretary of State.

Mr. DODD. I know there are discussions regarding a couple of proposals to try and work out some things, but I invite my colleagues, who may be engaged in other activities in their respective offices, if nothing particularly important is happening, and if there is nothing they want to have heard on this bill, to come on over. We are open for business on amendments. We will consider them on either side. I do not know of many we have, but there may be some. I have talked to some colleagues who have some questions about the bill. If they do have questions, I invite them to come to the Chamber, and I will try to address them in colloquies to either alleviate their concerns—or heighten them, depending upon my answer to their question.

We would like to get this bill done. I know there are other matters. The leader, I know, wants to bring up the energy bill. I think that is the next item on the agenda. Given the amount of work we have put into election reform—and, again, I thank immensely my colleagues from Kentucky, Senator McCONNELL; Missouri, Senator Bond; New York, Senator Schumer; New Jersey, Senator Torricelli; Trent LOTT, and other Members of the majority party.

A lot of work and a tremendous amount of effort has gone into this effort over many hours. Obviously, we are not there yet. We still have to go to a conference with the House. Our fervent hope is to get this done as soon as we can.

With the $3.5 billion that we provide in this bill and the $1.2 billion the President has put into this budget, there is every reason to believe we could actually get resources back to our States and our localities to improve the election systems for the elections this fall.

There are a lot of other provisions in this bill that do not become effective for several years down the road, but for our Secretaries of State and our registrars of voters across the country who are anxious to get some financial help on these matters, if we get this bill done, get the conference report done, and then get a Presidential signature, which I think we can get if we work out this legislation, then there is every good reason to believe those resources could begin flowing to our States even this year.

I do not need to remind anyone in this Chamber, or anyone in the other body, that the events of September 11 and ensuing events have overwhelmed, obviously, our attention, but it was also as if we were asleep; this July 12, this Nation was fixated on one of the worst election debacles in the history of the country. It is not in any way to question the outcome. We all support the outcome uncategorically. Certainly, watching day after day, week after week—and for the President, this was not just an intellectual exercise.

As the distinguished junior Senator from the State of Florida, he knows painfully how long and how difficult this process was for his own constituents, as not only the Nation but the world was fixated on his State. I have said in this Chamber on numerous occasions, it was an unfair fixation. There were plenty of other places around the country where the problems were identical to the problems that the people of Florida went through, but because of the nature of the electoral college, the attention was focused on Florida.

I think the American public—in fact, every survey I have seen—believes our election system is in desperate need of repair. We lectured a good part of the world about how to conduct elections, as well as to vote, how important democratic institutions are. We realized what happened last year. According to nonpartisan analyses from the General Accounting Office, the Carter-Ford Commission, along with many other groups from Caltech, MIT, the General Accounting Office, the Carter-Ford Commission, along with many other groups from Caltech, MIT, the General Accounting Office, even in those very difficult circumstances, to see to it that people had the right to vote and their votes counted. We also painfully know that when it comes to allocating resources at the State level, this is a very difficult budget item; that there are always other items that seem to have more public support than the issue of better voting machines or better equipment or training for poll workers and the like.

So painfully, despite all of the notoriety about the 2000 election last year, only three States have acted, the State that the President opposed represents so ably, the State of Florida, and the State of Georgia. And I want to thank our two colleagues from Georgia, Max Cleland and Zell Miller, who hosted the Rules Committee’s field hearing in Atlanta, GA. Also, the Governor could not have been more gracious. To their great credit, they really stepped up to the plate.

Georgia, Maryland and Florida are leading the country today in some of the most innovative ideas on election reform.

Unfortunately, other States did not. There is one other State that did, but after all the events of last year those are all the States that rose to the occasion.

So, again, I invite my colleagues to come on over. We would like to finish this bill. I am not suggesting we go to third reading in the next few minutes, but I invite Members who have amendments to come and give us a chance to consider them, according to what we can of various proposals, debate others, vote on them, if necessary, but move the process along.

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

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

MR. DASCHLE. Mr. President, I will use my leader time to make a statement at this time.

The PRESIDING OFFICER. The Senator has the right.

The remarks of Mr. Daschle are printed in today’s RECORD under “Morning Business.”

MR. DASCHLE. 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Reed). Without objection, it is so ordered.

MR. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. DODD. Mr. President, I ask unanimous consent that Senate amendment No. 2688, the bipartisan substitute, be agreed to; that the motion to reconsider be laid on the table; that the bill as thus amended be considered original text for the purpose of further amendment, and provide further that no points of order are waived by this agreement.

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

The amendment (No. 2688) was agreed to.

Mr. DODD. Mr. President, on behalf of myself and the distinguished Senators from Washington, Ms. CANTWELL and Mr. DODD, and Mr. SCHUMER, and Mr. MCCONNELL, proposes an amendment numbered 2874.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment is dispensed with.

The PRESIDING OFFICER. The text of the amendment is as follows:

(Purpose: To treat absentee ballots and mail-in ballots in the same manner as other paper ballot voting systems under the voting systems standards and to ensure that voters are informed how to correct voting errors before a ballot is cast and counted.)

On page 5, strike lines 4 through 14, and insert the following:

(b) A State or locality that uses a paper ballot voting system, a punchcard voting system, or a central count voting system (including mail-in absentee ballots or mail-in ballots), may meet the requirement of subparagraph (A) by:

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Mr. DODD. I will defer to my colleague from Washington to take a few minutes, if she would like, and describe what this amendment is and what it does. I am informed by my friend from Kentucky that this is an amendment to which we can agree. The staffs have worked on this, but why doesn't the Senator from Washington take a few minutes. I am glad we could work this out with her and others in her State.

The PRESIDING OFFICER. The Senator from Washington, Ms. CANTWELL.

Ms. CANTWELL. Mr. President, I appreciate Senator DODD's strong commitment to this legislation. Together with Senator MURRAY I also appreciate his efforts here today to work with us on language that preserves the ability of States like ours, that have high volumes of absentee and mail-in voters, to continue to use those mail in systems.

This amendment adds to the voting system standards section of the legislation to make sure that the ability of voters to vote by mail-in and absentee ballot is not limited by our efforts to improve the ability of other voters to cast accurate ballots in the polling place.

This system is very important. The voters of my State are proud of this system and extremely committed to seeing it continue. In addition, I believe the voting by mail adequately protects against the types of problems encountered in Florida because in those elections voters take their time in casting their votes and are able to consult instructions and other ballot information.

Voters in my State have made it clear that they are willing to work with the system but want to make sure mail-in ballots and absentee ballots are preserved. This amendment preserves the ability to vote by mail while also setting forth new safeguards that will better inform voters how to correctly fill out their ballot and ensure their vote is counted.

I thank the leaders of this legislation for their support for this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. The amendment of the Senator from Washington is agreed to on this side of the aisle. I am aware of no opposition.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2874) is agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, the Senator from New York is about to be heard. As the majority whip pointed out, there will be no further rollcall votes tonight, but Senator SCHUMER has an opening statement he would like to make. There is an effort right now to reach agreement on two or three amendments by the Senator from New York. During his remarks on the bill, my hope is we might clear those other two amendments. I think that would be it for the evening, if we can do that.

Mr. MCCONNELL. I say to my friend, we are looking at the amendments now and hope we can achieve that goal shortly.

Mr. SCHUMER. Mr. President, I rise to speak to this legislation which, as an attorney of my call, I have been involved. The legislation we consider today is one of the most important pieces of legislation we will consider all year. Congress has a responsibility to ensure that every eligible American who goes to vote gets to vote and that every vote cast counts.

What we have learned from the 2000 elections is that as strong as our democracy is, we have been lax in the upkeep of the actual mechanism that drives it, our voting systems. That is why we have come together across party lines to pass this election reform legislation.

I thank our chairman, Senator DODD, for his leadership in bringing this critical legislation to the floor. He has been tireless in his devotion to getting it done.

I also commend the ranking member of the committee, Senator MCCONNELL, for his commitment to improving our nation's election system as well. Senator MCCONNELL and I had introduced a bill that in many ways is part of this ultimate bill. I am proud to be part of the effort, along with Senators DODD and BOND and TORRICELLI and MCCAIN and DUNHAM, to make this happen.

The right to vote, as we all know, is at the very heart of our democracy. It is a right that, throughout our history, brave men and women have risked their well-being, their very lives, to exercise. It was for the right to vote that American patriots fired the shots heard around the world at Lexington and Concord, thereby initiating the Revolutionary War in 1775. It was for the right
to vote that Susan B. Anthony bore arrest, trial, and conviction after she challenged laws barring women from the polls by casting a ballot in Rochester, NY, in 1872.

It was for the right to vote that Dr. Martin Luther King Jr. and our civil rights activists—including my former colleague in the House, Congressman John Lewis—marched from Selma to Montgomery, AL, in 1965.

Blood continues to be spilled over our democratic ideals. The core reason for the September 11 attacks that so devastated this Nation, and particularly my home State and city, is that terrorists hate our democracy: a democracy where all Americans—regardless of religion, gender, race, economic status, physical ability—have a say in how our Government is run; a democracy where every person is equal, and because some people are in some high theocratic or political position, they don't have any more right to determine the outcome of an election than our average person.

We in the United States have a special obligation, a duty, to ensure the right to vote—not only to honor those who sacrificed so we have this right but to guarantee that Americans today and in the future will be fully able to exercise it.

First and foremost, we must have voting machines and systems that are accessible to people, that are easy to use and whose results are accurate and verifiable. The most important provisions in this bill are the grant provisions that will provide $3.5 billion to states and localities to meet federal standards and to update and modernize their voting systems. Federal funds for the improvement of old voting machines is something that I have been talking about ever since the 2000 election, and was something that I included in my election reform bill last year that Senator McCain and I cosponsored.

I first voted in 1969, and I sued the same type of machine when I voted in 2000 in spite of all the technological changes in the intervening years. Just because we are the world's oldest democracy does not mean we have to use the world's oldest technology that is simple.

The problem does not end with the machines, although in my State that is a big problem. Throughout this nation there are inadequately maintained registration lists, confusingly designed ballots, and phone lines that were so busy that voters could not get through to confirm their registration status.

In my home state of New York, in November 2000, people waited in line for hours to vote. Many voters—those who could not afford to be late for work or that had to get home to their children—waited in line and ultimately left the polling place without being able to participate in one of the most critical and closest elections of our time.

You should have seen the look on the faces of these people, some of them voting for the first time, doing good for the country, many of them in their work clothes, and the look of disappointment as they waited and waited and then could not vote.

Others waited and waited only to be confronted with the cruel reality that the voting machines in their precinct were broken or that the polling place had run out of emergency ballots. Again, the looks on their faces had a lasting impression on me. Voting should be possible, accurate and speedy—in all places, all the time. You cannot say, well, it is good most of the time because the right to vote is so precious. The grant programs included in this bill will allow states and localities to do just that.

This bill also includes standards for the states and localities—which I believe will be a great improvement in the ability of people to vote across this nation.

To Wit:

The bill sets voting system standards that will allow voters to check their ballots and correct errors, that will make voting more accessible for the disabled and non-English speakers, and that requires voting systems to meet the criteria of item (aa) of such subparagraph with respect to an additional language if—

(i) less than 5 percent of the total number of voting-age citizens who reside in that jurisdiction speak that language as their first language and are limited-English proficient; and

(ii) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language.

A State or locality that uses a lever voting system and that would be required to provide alternative language accessibility under this paragraph with respect to an additional language that was not included in the voting system of the State or locality before the date of enactment of this Act may meet the requirement.

The right to vote is a sacred trust—a covenant—that the government and all of us have to honor. I urge all of my colleagues to vote for this bipartisan election reform legislation, so that we can give the American people the election system that they and our grand democracy deserve.

I yield the floor.

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

The PRESIDING OFFICER (Mr. Miller). Without objection, it is so ordered.

AMENDMENTS NOS. 2871 AND 2873, EN BLOC

Mr. Schumer. Mr. President, I have two amendments which I would like to be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. Schumer) proposes amendments numbered 2871 and 2873, en bloc.

The amendments are as follows:

AMENDMENT NO. 2871

(Purpose: To specify how lever voting systems may meet the multilingual voting materials requirement)

On page 8, strike lines 5 through 18, and insert the following:

(B) EXCEPTIONS—

(i) If a State meets the criteria of item (aa) of subparagraph (A)(ii) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if—

(I) it is not practicable to add the alternative language to the lever voting system or the addition of the language would cause the voting system to become more confusing or difficult to read for other voters;

(ii) The State or locality that uses a lever voting system and that would be required to provide alternative language accessibility under the preceding provisions of this paragraph with respect to an additional language that was not included in the voting system of the State or locality before the date of enactment of this Act may meet the requirements of this paragraph with respect to such additional language by providing alternative language accessibility through the voting systems used to meet the requirement of paragraph (3)(B) if—

(I) the State or locality has filed a request for a waiver with the Office of Election Administration; or the Election Administration Commission, that describes the need for the waiver and how the voting system under paragraph (3)(B) would provide alternative language accessibility; and

(III) the Office of Election Administration on the Election Administration Commission (as appropriate) has approved the request filed under subclause (II).
Mr. SCHUMER. Mr. President, these two amendments—both technical in nature, and we have been agreed to by the Senators from Connecticut and Kentucky, the majority and minority managers on this bill—deal with two issues. One deals with those States with lever issues, which my State of New York has, and what it allows a State or locality with lever machines to do is apply to DOJ for an exemption that will allow it to meet the linguistic accents requirement in title I. The exemption allows the State or locality to place any new languages that it is required to provide under this act under the DREs, instead of on the lever machines, to place them on the new machines if the State or locality shows that it would be impractical to add the new language to the lever machine or adding it would cause the voting system to become more confusing or difficult to read for other voters, and DOJ certifies this is the case.

The reason is simple. Unlike other machines, the lever machines have limited space. If too many languages were required to be on the machines, it would become confusing and you couldn’t really put a ballot together. This gives anybody who speaks those languages an ability to vote on the new machines that will be placed in every voting place that is used for the disabled and others without bollixing up the lever machine.

The second amendment—since we are doing them en bloc, I would like to address issues that the amendments that were sent to people whose provisional ballots were not counted includes a voter registration form, obvious for its purpose. If your ballot was not counted, there is probably something wrong with the way you registered or you were not registered, whatever.

By giving these folks a voter registration form, they can reregister quickly and easily. I thank the Senator from Connecticut and the Senator from Kentucky for helping me refine these amendments. I mentioned the election this weekend in New York, and what it allows it allows a State or locality with lever machines to do is apply to DOJ for an exemption that will allow it to meet the linguistic accents requirement in title I. The exemption allows the State or locality to place any new languages that it is required to provide under this act under the DREs, instead of on the lever machines, to place them on the new machines if the State or locality shows that it would be impractical to add the new language to the lever machine or adding it would cause the voting system to become more confusing or difficult to read for other voters, and DOJ certifies this is the case.

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agencies may not have the resources to oversee every polling location. Citizens who witness voting fraud or voting rights abuses may not know where to report a possible violation of law. A toll-free hotline would give citizens a means to help prevent voting fraud and voting rights abuses and would give States the information they need to prosecute violations and implement procedures to prevent further violations.

The Indiana Bipartisan Task Force on Election Integrity recently issued a report developed through months of research and with the input of election officials, voter advocates, and citizens of the State. While the State of Indiana already has implemented many measures that will enhance the integrity of elections, the Task Force recommended additional reforms for that purpose, including the development of a toll-free telephone hotline to be used by voters who believe they have witnessed a voting irregularity or voting rights abuse.

I believe that other States may wish to establish such hotlines, and I believe the hotlines could be an important tool in improving election accuracy, fairness, and legality. For these reasons, I ask my colleagues to support this amendment.

MORNING BUSINESS

Mr. DODD. Mr. President, I seek unanimous consent that the Senate proceed to a period of morning business and that Senators be recognized to speak for a time not to exceed 10 minutes. The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING BLACK HISTORY MONTH 2002 BY COMMEMORATING AND CONTINUING THE WORK OF GREAT AFRICAN-AMERICANS

Mr. DASCHLE. Mr. President, Willie Morris was one of the great under-recognized American writers of the 20th century. He grew up in Yazoo City, population 12,000—where he learned to tell stories by listening to old Black men who sat in the shade and whittled. He said their eye for detail helped him to see things he otherwise would have missed. At 34, Willie Morris died at the age of 64, leaving behind 19 books, many of them best-sellers. Like all great writers, a part of Willie Morris continues to live on in his words. But there is another part of him that lives on as well. You see, before he died, Willie Morris decided to donate his eyes in order to give someone else a chance to see. As it turned out, his corneas went to two different men, neither of whom he had ever met. One was black, one was white. His friends say he would have loved the irony of his gift: that a man who helped us see the world a little more clearly during his life is still helping people see after his death.

America has changed since Willie Morris was a boy listening to the stories of men who no longer accept legal discrimination. We no longer permit poll taxes to bar African-Americans from voting. We no longer tolerate "separate but equal" schools or water fountains or lunch counters. We have made considerable progress—due, in large part, to courageous African-American leaders including Martin Luther King, Rosa Parks, Thurgood Marshall, and John Lewis. During Black History Month, we honor those leaders and all of the other extraordinary African-Americans who have contributed so greatly to our nation—heroes like Crispus Attucks, who died at the Boston Massacre; Salem Poor, who fought at Bunker Hill and survived that brutal winter at Valley Forge; Harriet Tubman, the Underground Railroad "conductor" who rescued hundreds of people from slavery, served during the Civil War as a Union cook, spy, scout and nurse and was buried with full military honors.

We honor the Tuskegee Airmen, the first African-Americans ever to fly combat aircraft and one of the most decorated fighter squadrons in our nation's history, who fought Nazism in Europe—and racism when they returned home. We honor the State of Delaware, the first African-American to serve as Chairman of America's Joint Chiefs of Staff.

We honor great scientists, including George Washington Carver and Benjamin Banneker, the mathematician and astronomer and the first African-American to receive a Presidential appointment—from Thomas Jefferson. We also honor great orators and champions of human rights, including Frederick Douglass, Martin Luther King Jr., Barbara Jordan; great educators, such as Mary McLeod Bethune and Booker T. Washington; and great artists, including Marian Anderson, the first African-American soloist to sing with the Metropolitan Opera in New York, Zora Neale Hurston, the novelist and Langston Hughes, "the poet laureate of Harlem.

This month, as the world watches the Olympic Games in Salt Lake City, we also honor other great athletes including Jackie Robinson, the first African-American to play Major League baseball; and Arthur Ashe, champion of tennis and human rights.

We remember and honor leaders such as W.E.B. DuBois, one of the founders of the NAACP; A. Philip Randolph, the former vice president of the AFL-CIO and founder of the first African-American trade union; and Ralph Bunche, diplomat, Under Secretary General of the U.N., and the first Black person from any nation ever to win the Nobel Peace Prize. And we honor the countless other African-Americans who changed our nation for the better simply by living their lives, choosing to say no to indignity and injustice in their own lives.

The stories of African-Americans are the missing chapter in America's history books. If we only dared to read them, we cannot truly know ourselves.

But it's not enough just to celebrate their work. Especially this year, we must continue their work.

To the terrorists who attacked us on September 11, the America Martin Luther King described—an America built on equality, justice, freedom and human dignity for every person—is not a dream. It is a nightmare. By attacking us, the terrorists thought they could destroy our democracy. They were wrong. Instead of turning on each other in the wake of the attacks, as the terrorists had expected, Americans turned to each other. We came together in ways that most of us had never seen in our lifetimes. We were truly one people, indivisible.

Those of us who work in this building, and people all over the world who look to this Capitol as a symbol of democracy, are incredibly fortunate that another chapter in African-American history was written days before September 11. Former Army Major General Al Lenhardt became this Senate's Sergeant at Arms, the first African-American ever to serve as an elected officer in either the House or the Senate. I know I speak for all of us when I say how grateful we are to him for seeing us safely through September 11 and the anthrax attack.

We are also proud of our men and women in uniform, who are now bringing justice to the killers of September 11. What they are doing is right and necessary. But it is not the only way we can honor the nearly 3,000 innocents who died in New York, at the Pentagon and in western Pennsylvania. We can defy the killers right here at home—by keeping Martin Luther King's dream alive, and strengthening the democracy the terrorists sought to destroy.

We can start this month by strengthening our election system so that we have witnessed flourishing elections like we did in 2000, when millions of votes went uncounted, especially those of African-Americans. We have an extraordinary opportunity. Senators DODD, MCCONNELL and BOND have given us a good, truly bipartisan election reform bill that requires states to meet uniform, nondiscriminatory voting standards, and provides the resources they need to do so. That bill is on the Senate floor now. I hope we will pass it this week with overwhelming support. We will have a Democratic majority as well as in name, the right to vote and to have that vote count must not be compromised.
The income gap between Blacks and whites in America is narrower today than it has ever been. But it is still too wide. We can do better. Last week, we voted to provide an additional 13 weeks of benefits to laid-off workers who have exhausted their unemployment benefits.

I hope we can still find a way to expand unemployment insurance coverage to part-time workers and recent hires—a disproportionate number of whom are African-American—and to help all laid-off workers maintain their health benefits.

Let's also raise the minimum wage. It's been five years since the last increase. The purchasing power of the minimum wage is now the lowest it's been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. We can do better.

Nothing has more power than education to move us from separate to equal. Yet today, nearly half-a-century after Brown v. Board of Education, most minority students still attend schools that are predominantly minority. Their class sizes, on average, are larger; their books are older, their lessons are less challenging and their teachers have less training in the subjects they teach. Last year, we passed a promising, bipartisan school reform act. This year, let's work together to make sure that “Leave No Child Behind” is a promise kept and a dream deferred. Our goal should be to make sure that every child in America comes to school ready to learn and leaves school ready to succeed.

If we learned anything from the terrible ordeal of September 11, it is that we cannot tolerate acts of hatred and discrimination. Make no mistake about it: Chaining a man to the back of a pickup truck and dragging him to his death for no reason other than the color of his skin is an act of terrorism. And while James Byrd's death may be the best-known racially motivated hate crime in recent years, it is not the only such crime. A hate crime scars this country every hour and 10 minutes of every day, 365 days a year. In the last Congress, the Senate passed a bipartisan bill strengthening federal protections against hate crimes only to see it die in conference with the House. We need to pass it again this year. And this time, let's make sure it becomes law.

Finally, we know that protecting rights in law is only half the battle. We also need a judiciary that protects our rights in court. As Senators, we have a special obligation to ensure that the men and women who are nominated for lifetime positions on the federal bench or the Supreme Court will protect the basic rights of every citizen, from Crispus Attucks on down through the years, have given their lives. Let us honor that obligation this month and every month we are privileged to be here.

We don't need Willie Morris' eyes to see how far America has come on civil rights since he was a boy. We also don't need Willie Morris' eyes to see that there is still a gap between the America we can be and the America we can be. We all see those things. Our challenge today is to envision ways to close that gap, and then to transform that vision into law. In doing that, we will honor African-Americans and every American of every race and creed who died on September 11.

I yield the floor.

IMPRESSIVE STEPS TAKEN AGAINST THE WAR ON TERRORISM

Mr. SPECTER. Mr. President, I have sought recognition to comment about our war against terrorism and about the recent statements made by Administration officials concerning possible actions toward Iraq.

At the outset, I compliment President Bush and the Administration for the very effective steps taken on the war against terrorism. We have seen the horrid events of September 11, with the military moving in, doing in Afghanistan what the Soviets could not do, and doing what the British could not do much earlier. We are well on our way, having defeated the Taliban and al-Qaida; very impressive steps taken in the war against terrorism. The President has done an outstanding job on leadership on this critical issue.

There have been comments recently about the possibility of action against Iraq, and that may well be warranted. On this state of the record, it is my thinking there are quite a number of serious questions which have to be answered. We need to know, with some greater precision, the threat posed by Saddam Hussein with respect to weapons of mass destruction. There is solid evidence about Saddam Hussein having chemical weapons, substantial evidence on biological weapons, and some questions about nuclear weapons. However, there really ought to be a comprehensive analysis as to the precise nature of Saddam Hussein's threat.

Iraq is on the record as having supported terrorism, and it seems to me there ought to be an elaboration as to the terrorist activities which are attributable to Iraq. If there is to be military action, we ought to have a full statement as to Iraq's violations of UN inspections. We know that the UN inspectors have been ousted, but here again, this is an issue where more information is necessary for the Congress and, in my view, for the American people. There also has to be an analysis of what the costs would be, some appraisal in terms of casualties, depending on the nature of the contemplated action.

Then there is the issue as to what happens after Saddam Hussein is toppled. There is no doubt about the desirability of toppling Saddam Hussein. By twenty-twenty hindsight, perhaps it is regrettable the United States and its allies did not move on Baghdad in 1991. That, obviously, is water over the dam. There were many factors to be considered, and there was a willingness of our allies at that time to move. The U.S. had success against Iraq in 1991, but toppling Saddam Hussein was an action that was obviously not taken.

There have been statements by the President in identifying the axis of evil as Iran, Iraq, and North Korea. The President has stated if we do not have the cooperation of our allies we will act alone, and I think there is a solid basis for the President to say that and for the President to give serious consideration to acting alone.

We know there were many danger signals as to Osama bin Laden and al-Qaida. We know that bin Laden was under indictment for murdering Americans in Mogadishu. He was under indictment for murdering Americans and others in the embassy attacks in 1998. He was implicated in the terrorism against the USS Cole. He pledged a worldwide “jihad” against the United States. There was substantial authority under international law for what had transpired for the United States to act.

What we have seen in modern times is in effect a non-determination of guilt and a determination of terrorism as a matter of self-defense recognized under international law. When President Reagan acted against Muammar Qaddafi in April of 1986, that was in effect a non-determination of guilt, and we moved in self-defense against Qaddafi. When President Clinton dispatched missiles to Afghanistan in August of 1998—again, a non-judicial determination of guilt. There would have been total justification for the United States to move against al-Qaida and Osama bin Laden in advance of September 11. That experience suggests we have to make a careful analysis, a calculated analysis of the risks.

It may well be justified as a matter of self-defense to act, and act against Saddam Hussein and Iraq. As we know by twenty-twenty hindsight, the vision is very clear. We know in twenty-twenty hindsight that it would have been wise to have acted against Osama bin Laden and al-Qaida before September 11.

The statements reported from Secretary Colin Powell yesterday, in testifying before the Senate Budget Committee, are worth noting with particularity. Secretary Powell was quoted as saying: ‘‘With respect to Iraq, it has long been for several years now a policy of the U.S. Government that regime change would be in the best interests of the region, the best interests of the Iraqi people.’’ Secretary Powell also said: ‘‘With respect and with respect to North Korea, there is no plan to start a war with these nations.’’
By the grammatical negative pregnant pause, the implication is pretty clear that when the Secretary of State says in formal testimony before the Senate committee that there is no plan to “start a war with these nations,” referring to North Korea and Iran, there is a different plan with respect to Iraq. As I say, it may well be justified.

If there is to be a use of force and if there is to be war, under our Constitution it is the responsibility and it is the authority of the Congress of the United States to make the determination to declare war. That constitutional provision is there for a very good reason. We in the Senate and those in the House of Representatives represent the American people, and we speak for the American people. We have seen the bitter lesson from Vietnam that we cannot prosecute a war without the public support. If there is to be the authorization for the use of force or declaration of war, that is a matter that ought to come before the Congress.

These are views I have held for a very long time. In college I studied political science and international relations and served stateside during the period of the Korean War. At that time I wondered about being engaged in a war which was not a matter of congressional determination. That may be a somewhat personal aspect, having been called to active service, and I was glad to spend two years in the U.S. Air Force. I served stateside. However, the question in my mind at that time, having studied international relations and knowing the constitutional provision, was why a war was not declared.

Since coming to the Senate, I have been engaged in debates in this Chamber on this subject on many occasions. In 1983 when there was military action in Lebanon, I had an extensive colloquy with Senator Percy, then Chairman of the Foreign Relations Committee, and asked him if, in fact, Korea was not a war. He said, “yes, it was a war.” I asked about Vietnam, “was it a war?” “Yes, it was a war.” However, on neither occasion was the declaration determined by the Congress.

On the hearings for nominees for the Supreme Court, that was a question I posed with some frequency to nominees, illustrative of which was the confirmation of Justice David Souter. I recalled on two occasions in that hearing, “Was Korea a war?” I wanted to know. I had framed litigation which I took to Senator Baker for determination as to the War Powers Act and constitutionality, thinking there would be an appropriate judicial determination on that subject. Not unexpectedly, Justice Souter said he had not thought about it. So I said, take some time, and over the weekend we had an adjournment and came back on Monday, I said, “you have had time to think about it. Was Korea a war?” He said, “I don’t know.”—which I thought was not a bad answer. If you do not know, you do not know. There is not much you can say by questioning beyond that. I see Justice Souter from time to time, and that colloquy is something about which he comments from time to time.

When this body took up the resolution for the use of force in 1991, I have a clear recollection that President Bush put before the Senate and before the House. I think he was concerned whether it would be approved. There was historic debate here in January of 1991. The Senate approved the resolution for the use of force by a vote of 52 to 47. The comments at that time were that the effect that it was a historic event. However, when President Bush had the resolution by the House and by the Senate, it was a much stronger approach.

His reluctance to come before Congress is typical of the tension which exists between the executive and legislative branches, with the Presidents traditionally saying they do not need congressional authorization to act because they have the constitutional authority as Commander in Chief and the response institutionally from many in the Congress has been, “no, the Congress has the sole authority to involve the United States in war by our sole constitutional authority.”

The historical vote on the Gulf War Powers Act is a very significant development. The executive branch, the President, while complying with it, traditionally says it is not constitutional; he is not really bound to do so.

We had the issue raised again when President Clinton sent missiles into Baghdad. I took the floor on a number of occasions in 1998 arguing that with the imminence of the likelihood of action by the President on missiles in Baghdad, the House of Representatives and Senate ought to stand up and make that determination. Candidly, the Congress is never very anxious to make that determination. It is easier to let the President make the decision. If he is wrong, he gets the blame. If he is right, then the issue passes.

We did have the debate on the bombing of Yugoslavia. It passed this body. It came to a tie vote, 213–213, in the House of Representatives. Therefore, Congress had not authorized that attack. It takes, obviously, a resolution on both sides. However, the bombing went ahead.

We are facing a very serious situation with Iraq. Iraq is a real menace. There is no doubt about that. I think there are very strong United States national interests to topple Saddam Hussein, and I think it is very much in the interests of the people of the region that he be toppled and also very much in the interests of the people in Iraq that he be toppled.

However, I do believe that, constitutionally, it is a judgment which ought to come before the Congress of the United States. I believe there ought to be hearings on the appropriate committee in Congress to take up these questions as to the specific threats which Saddam Hussein poses and Iraq’s specific activities on terrorism—a good bit of it, doubtless, might have to be conducted in closed session. However, some of it could be conducted in an open session: what the costs would be, the casualties, and what happens afterwards.

However, the American people need to know much more of the details, and I believe the Congress needs to know much more of the details than what has been conveyed so far by the Administration. It is my hope that this issue will attract the attention of the Congress of the United States with statements such as this one, with hearings, and with our deliberative process, recognizing the seriousness of the issue and recognizing also our constitutional responsibility.

The PRESIDING OFFICER. The Senator from Pennsylvania has consumed 15 minutes. Mr. SPECTER. I yield the floor.

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 August 13, 1994 in Sioux City, IA. Two gay men were stabbed and beaten by two attackers because of the victims’ sexual orientation. The assailants, Charles Samuel Thomas, 18, and Dennis Evans Smith, 23, were charged with multiple felonies, including two hate crime charges, 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 hate crimes will become less common that by passing this legislation, we can change hearts and minds as well.

TRIBUTE TO ROSS POWERS

Mr. JEFFORDS. Mr. President, it came to me as no surprise that again today I have the pleasure to rise and recognize the gold medal effort of a Vermonter on the halfpipe yesterday in Winter Park, UT at the Winter Olympics. Ross Powers, who hails from South Londonderry, VT, won the men’s snowboarding halfpipe event, a sport that traces its roots back to Vermont, riding a Burton snowboard, which was built in Vermont.

Ross, who led the American sweep of a Winter Olympic event in 46 years, turned 23 on Sunday but is no novice at high competition. In Nagano, Japan 4 years ago, Ross brought home a bronze medal for his country. But his performance this week was special: it earned him a first-place finish and led the way for Danny Kass and J.J. Thomas to win the silver and bronze medals,
respectively. Three Americans stood atop the podium, and Americans watching everywhere cheered them on. On behalf of all Vermonters, and all Americans, Ross, congratulations, good luck, and thank you for giving your best yesterday in Utah.

MESSAGE FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Ms. Noland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1748. An act to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the “Tom Billey Post Office Building.”

H.R. 2577. An act 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.”

H.R. 3699. An act to revise certain grants for continuum of care assistance for home- less individual and families.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:


H. Con. Res. 324. Concurrent resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

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 days of remembrance of victims of the Holocaust.


The message further announced that the House has agreed to the following nominations:

S. 1939. To designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the “Tom Billey Post Office Building.”

H.R. 3699. An act to revise certain grants for continuum of care assistance for home- less individual and families.

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


H. Con. Res. 313. Concurrent resolution expressing the sense of Congress regarding the crash of Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002; to the Committee on Foreign Relations.


H. Con. Res. 313. Concurrent resolution expressing the sense of Congress regarding the crash of Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002; to the Committee on Foreign Relations.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Environmental and Public Works pursuant to the unanimous consent agreement of February 13, 2002:

ENVIRONMENTAL PROTECTION AGENCY

Linda Morrison Combs, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

Morris X. Winn, of Texas, to be an Assistant Administrator of the Environmental Protection Agency.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SPECTER (for himself and Mr. DURBIN):

S. 1937. A bill to set forth certain requirements for trials and sentences by military commissions, and for other purposes; to the Committee on Armed Services.

By Mr. GRAHAM (for himself, Mrs. BOXER and Mrs. FRANKEN):

S. 1938. A bill to amend the Consolidated Farm and Rural Development Act to establish a grant program to train farm workers in new agricultural technologies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself, Mr. BENNET, Mr. HATCH, and Mr. ENZI):

S. 1939. A bill to establish the Great Basin National Heritage Area, Nevada and Utah; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. FITZGERALD, Mr. DURBIN, and Mr. LEAHY): S. 1940. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation’s financial statements; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. DURBIN): S. 1941. A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attacks against the United States, and for other purposes; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself, Mr. DAYTON, and Mr. JOHNSON): S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to promote the production of biodiesel, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ALLEN): S. 1943. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL: S. 1944. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. BREAUX, Mr. LEVIN, Mr. LUGAR, Mr. DOMENICI, and Mrs. HUTCHISON): S. Res. 208. A resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself, Mr. HELMS, Mr. HUTCHINSON, Mr. ISackson, Mr. SANTORUM, Mr. BROWNACK, Mr. DEmEN, and Mr. EN- SIGN): S. Res. 209. A resolution to express the sense of the Senate regarding prenatal care for women and children; to the Committee on Finance.

By Mr. DASCHLE: S. Con. Res. 97. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 659

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a co-sponsor of S. 659, a bill to amend title XVIII of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified health care plan under the Medicare program is provided on a prospective basis.
At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

At the request of Mr. JEFFORDS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDREOU) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. DODD) 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 Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

At the request of Mr. DeWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 204, a resolution expressing the sense of the Senate regarding the importance of United States foreign assistance programs as a diplomatic tool for fighting global terrorism and promoting United States security interests.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2842 proposed to S. 1731, an original bill 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.

At the request of Mr. COCHRAN, his name was added as a cosponsor of amendment No. 2852 to S. 1937, an original bill to set forth certain requirements for trials and sentencing by military commissions, and for other purposes; to the Committee on Armed Services.

Mr. SPECTER, Mr. President, I have sought recognition to introduce, on behalf of Senator DURBIN and myself, legislation entitled the “Military Commission Procedural Act of 2002.” The President issued an order establishing generalized procedures for trying members of al-Qaeda and the Taliban. It is my view and Senator DURBIN’s view that Congress ought to consider the appropriate procedures pursuant to our authority under the Constitution, article I, section 8, which gives to the Congress the responsibility and authority “To define and punish . . . Offenses against the Law of Nations.”

We have already legislated in part, delegating to the President the authority to establish military tribunals “by regulations which shall, so far as he considers practicable, apply the principles and law and the rules of evidence generally recognized in the trial of criminal cases in the United States district courts, but which may not be contrary to or inconsistent with this chapter.”

The President promulgated his order without consultation with Congress. This legislation is a starting point for what we believe ought to be consideration by the Judiciary Committee.

In the President’s order, there was a provision that there could be no appeal from any order of the military tribunal. But that, on its face, was inconsistent with the Constitution, which preserves the right of habeas corpus unless there is rebellion or invasion, neither of which had occurred here.

The President’s order also allowed for conviction of a capital offense by a two-thirds vote, but that is inconsistent with the Uniform Code of Military Justice, and the law does not allow a regulation to be inconsistent with that law.

So Senator DURBIN and I have provided the modification, that two-thirds is acceptable generally. But if the sentence carries 10 years or more, it requires a three-fourths vote. And for the death penalty, it would require a unanimous vote.

This legislation further provides for right to counsel consistent with the Uniform Code of Military Justice, which would be either military counsel or could be private counsel. But that right is preserved.

On one provision, we have provided that there would be no “Miranda” rights for suspects who are interrogated. I candidly concede that in abrogating “Miranda” rights, that will be a source of some contention, which can be the subject of hearings. But it is our view that we should not give al-Qaeda or Taliban prisoners access to counsel before they are questioned, first, for the safety of the soldiers who are doing the questioning, and second, because of the importance, potentially, that eliciting information would stop further terrorist attacks.

Of course, we could provide no “Miranda” warnings in advance but not allow admissions to be used at trial, but it is our view, subject to hearings and further consideration, that “Miranda” rights ought not to be required.

We have provided for an open trial unless there is classified information; and, if classified information is used, we have incorporated the provisions of the Anti-Terrorism Act of 1996—a compromise worked out by Senator Simon and myself on the floor—which provides a summary to be given to the defendant and the commission, to be reviewed by the commission, to see if it is adequate to protect sources and methods of classified information and also adequate to inform the defendant of the evidence so that the defendant would have substantially the same ability to make his defense as he would if the classified information was disclosed.
We have not provided any restrictions on rules of evidence, since it is the custom of Congress not to do so. But we think this legislation is an important first step. We now know there is a large contingent of those captured in the past who are not held at Guantánamo. I believe the President made a sound decision in saying that al-Qaida members were not prisoners of war, not subject to the Geneva Convention because they are terrorists, murdering innocent civilians. The President did accord Taliban prisoners and others protections of the Geneva Convention. But these trials will soon start. It is very important that our country and our Government proceed with accepted norms for criminal trials. To have a death penalty imposed on a two-thirds vote, as is in the Presidential order, would not be consistent with our generalized standards. To provide for no appeal is not consistent with the constitutional provisions.

The Acting President pro tempore. The Senator’s time has expired.

Mr. SPECTER. I ask unanimous consent for 30 seconds to finish my sentence, Mr. President.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, on November 13, 2001, President Bush issued a military order authorizing the use of military commissions to prosecute individuals who may be engaged in activities related to the subject of our campaign against terrorism.

The initial public reaction to the White House proposal was one of surprise and skepticism: Surprise that the order was issued without any advance notice, and skepticism as to whether the decision is based on sound legal or policy grounds. Many commentators also raised legitimate concerns that the Administration’s use of military tribunals could potentially undermine our long-held foreign policy of criticizing other nations’ reliance on such tribunals.

My reaction, which, I believe, was echoed by my colleagues in Congress, was one of disappointment, in addition to the surprise and skepticism. I was disappointed that Congress was excluded from deliberating a policy as important as this one before the White House announced the order. I have said repeatedly since September 11 that I fully support the President in his efforts to combat terrorism both here and abroad. In response to September 11, Congress worked hand in hand with the administration, a host of items in a truly cooperative and bipartisan manner, from the passage of a joint resolution authorizing the President to use all necessary force, to the passage of the sweeping anti-terrorism bill.

Yet on the drafting of this military order, Congress was left completely in the dark. The Constitution provides executive powers to the President, not to Congress. I am including in this order a major provision of the Geneva Convention. I believe this bill will provide the executive branch with the legal authority to prosecute potential terrorists captured in the current military campaign abroad.

Our bill is designed to ensure that military commissions are used in the most narrow and necessary circumstances while protecting the basic rights of defendants. The bill limits the jurisdiction of military commissions to try defendants only for violations of the law of war, and not any domestic laws.

The defendants would be entitled to representation by counsel in the same manner as military service members under the Uniform Code of Military Justice. The prosecution would need to prove its case beyond a reasonable doubt, and the death penalty could not be imposed without a unanimous vote as to guilt and to the sentence.

Furthermore, in order to keep the proceedings as open as possible, our bill provides for classified information procedures where the defendant would receive a summary of such evidence while the commission considers the actual evidence in camera and ex parte. The bill also authorizes convicted defendants to petition the U.S. Supreme Court for certiorari.

In short, Senator SPECTER and I believe this bill includes the details that the President’s own military order of November 13 should have included. More importantly, the bill provides the full force of the congressional and constitutional support behind the President’s continuing efforts to wage a war against terrorism.

Why do we not hesitate to urge the President to join us in supporting this legislation.

By Mr. REID (for himself, Mr. BENNETT, Mr. HATCH, and Mr. ENNSIGN):

S. 393. A bill to establish the Great Basin National Heritage Area, Nevada and Utah; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself, Senator ENNSIGN, Senator HATCH, and Senator BENNETT to introduce this bill, which will establish a National Heritage Area in eastern Nevada and western Utah.

National Heritage Areas are regions in which residents, private industry, as well as local and tribal governments have joined together in partnership to conserve and celebrate cultural heritage and special landscapes. For Nevada, these include such nationally significant historic areas as the Pony Express and Overland Stage Route, Mormon and other pioneer settlements, historic mining camps and ghost towns, as well as Native American cultural resources such as the Fremont Culture archaeological sites.

The bill will also highlight some of Nevada’s natural riches. The Great Basin contains great natural diversity, including forests of bristlecone pine, which are renowned for their ability to survive for thousands of years. The Great Basin National Heritage Area includes White Pine County and the Duckwater Reservation in Nevada and Millard County, UT. The Heritage Area will also ensure the preservation of key educational and inspirational opportunities in perpetuity without compromising traditional local control over—and use of—the landscape. Finally, the Great Basin National Heritage Area will provide a framework for celebrating Nevada’s and Utah’s rich historic, geological, cultural, and natural resources for both visitors and residents.

The bill will establish a board of directors to manage the area. Consisting of local officials from both counties and tribes, the board will have the authority to receive and spend federal funds and develop a management plan within five years of the bill’s passage.

The bill mandates the Secretary of the Interior to enter into a memorandum of understanding with the Board of Directors for the management of the resources of the heritage area. The bill also authorizes up to $10 million to carry out the Act but limits Federal
funding to no more than fifty percent of the project's costs. The bill allows the Secretary to provide assistance until September 20, 2020.

This bill benefits not just Nevada and Utah, but citizens of all States. It highlights the areas of outstanding cultural and natural value and brings people together to celebrate values that they can be proud of.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. FITZGERALD, Mr. DURBIN, and Mr. DAYTON):

S. 1940. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I am pleased to introduce Ending the Double Standard for Stock Options Act along with my colleagues Senator MCCAIN, Senator FITZGERALD and Senator DURBIN.

As another lesson learned from the Enron debacle, this bill addresses a costly and potentially double standard that allows a company to take a tax deduction for stock option compensation as a business expense while not showing it as a business expense on its financial statement.

Stock options are a driving force behind management decisions at Enron that focused on increasing Enron's stock price rather than the solid growth of the company.

Stock options are opportunities given to certain employees, usually top executives, to purchase a company's stock at a set price for a specified period of time, such as 5 or 10 years. When the stock price increases, the potential profit to the executive rises, and the more stock options an executive has, the smaller the increase needed to realize significant gain.

Stock options are a stealth form of compensation, because they do not, under current accounting rules, have to be shown as an expense on the corporate books. In fact they're the only form of compensation that doesn't have to be treated as an expense at any time. But, like other forms of compensation, option expenses are allowed as a tax deduction for a corporation. It doesn't matter but that's the law, and Enron knew it. And this long-standing mismatch between U.S. accounting and tax rules was exploited by Enron to the hilt. The result was both misleading financial statements and an incentive to push accounting rules to the limit in order to artificially raise stock prices so as to make the stock options more valuable.

A New York Times article from last October 21, reports that: “Since 1993, studies from Wall Street to Washington indicate some doubts that pushing [stock option] expenses off the income statement has inflated corporate earnings and misled investors about profits, particularly at technology concerns. Options are also a titanic but stealthy transfer of wealth from shareholders to corporate management.”

Let's look at how it worked at Enron. We've all heard about the many ways Enron avoided paying taxes. But, like other forms of compensation, because they do not exist on the company books, Enron could dole out stock options like candy and never reduce by one penny its alternative minimum tax liability. That absurd result leaves the average taxpayer feeling like a chump for paying his fair share when a company like Enron can use its success in the stock market to apparently end tax free.

Now you may have noticed that, in discussing Enron's tax returns, I have been using the words “appears” to and “apparently.” That is because, despite a pending request from Senators BAUCUS and GRASSLEY of the Senate Finance Committee, Enron has yet to release its tax returns to either Congress or the public.

The lack of direct access to Enron's tax returns requires Congress and the public to have to continue making educated guesses about Enron's tax conduct, without having the actual facts. It is much too late and much too serious for Enron to be asking everyone to play this guessing game. Enron is in bankruptcy; it has brought economic loss to individuals and financial institutions across this country; its management claims to have done nothing wrong; and the company professes to be cooperating with investigators. Enron should immediately release to the public the last five years of its tax returns. Then we'll know with certainty if Enron paid no taxes in 4 out of the last 5 years and why. Then we'll know whether Enron eliminated its taxes primarily through stock option deductions, or whether it used other tax provisions to avoid payment of tax such as diverting income through offshore tax havens. The public has a right to know what really happened at Enron.

It is also important to realize that most companies treat stock options was by claiming that its income had been wiped out by nearly $600 million in stock option expenses, the same $600 million that Enron chose not to put on its financial statements as an expense. While these numbers are based on public filings and not based on a review of its actual tax returns, the significance of Enron's actions is the same, avoiding tax liability through the use of stock options.

As I noted earlier, Enron was not acting illegally here. Its actions were unique. It took advantage of the tax provisions which we hope to change in our bill which allow a company to claim a stock option expense on its tax return even if the company never lists that expense on the company books. These tax provisions incomprehensibly and indefensibly allow companies to tell Uncle Sam one thing and their stockholders something else.

And to add insult to injury, last year the IRS issued Revenue Ruling 2001–1, which determined that companies whose tax liability was erased through stock option expenses are not subject to the corporate Alternative Minimum Tax. That revenue ruling means that Enron and other successful publicly traded companies, if they push through stock options to insiders, can arrange their affairs to escape paying any taxes. That absurd result leaves the average taxpayer feeling like a chump for paying his fair share when a company like Enron can use its success in the stock market to apparently end tax free.

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the same way Enron did. A recent USA Today article reports that out of the S&P 500 companies, only Boeing and Winn-Dixie currently record stock option expenses on both their financial statements and tax returns. The other 498 companies apparently do not. The article says that had stock option expense been recognized on their earnings statements, the S&P 500's revenues would have fallen by 9 percent, another measure of how much off-the-books stock option pay is out there.

Even more troubling, and something that needs more investigation and attention is the claim in the article that "half a dozen academic studies have concluded that companies time the release of good or bad news near the date that executives are issued their options, orchestrating a potential windfall." In other words, some believe that executives are timing the release of corporate earnings information to time the grant of stock options so that they can sell their stock options and thereby artificially inflating the value of their options.

The future promises more of the same. A February 3rd New York Times article entitled, "Even Last Year, Option Spigot Was Wide Open," reports that companies are providing more stock options than ever to their executives, thereby artificially inflating the value of their options. The article concludes that companies time the release of good or bad news near the date that executives are issued their options, thereby artificially inflating the value of their options.

Ten years ago, some of us tried to end corporate stock option abuses by urging the Board that issues generally accepted accounting principles, the Financial Accounting Standards Board or FASB, to require stock option expenses to be shown on company books. We were unsuccessful. Corporate America fought back tooth and nail. Intense pressure was brought to bear on FASB. Arthur Levitt, the Governmental Affairs Committee last month that he spent 50 percent of his first four months at the SEC talking to corporate executives who wanted to keep their stock option pay off the books. On one day during the height of the campaign, 100 CEOs flew into Washington to lobby Members of Congress on this issue. In 1994, in the midst of this intense lobbying, the Senate voted 88-9 to recommend against putting stock option pay on the books. Arthur Levitt testified before our committee that one of his greatest regrets from his days at the SEC was that he didn't work harder to get stock options treated as an expense on a company's financial statements. Several accounting firms, including Andersen and Deloitte, now support expensing options. They are joined by more than 80 percent of U.S. financial analysts, as reported in a September 2001 survey conducted by the leading financial research organization, the Association for Investment Management and Research.

In addition, the newly re-constituted International Accounting Standards Board in London, the international equivalent of our FASB, has announced that one of its first projects will be to propose international standards requiring that stock option expenses be shown on company books. But in a repeat of what happened here in the United States, corporate lobbyists are already organizing to oppose this project. An Enron document uncovered by my Subcommittee indicates that at least part of this opposition is raised on the need to pay attention to how this battle may be fought.

The document is an email dated February 23, 2001, from David Duncan, the lead auditor of Enron at Andersen, to several Andersen colleagues, describing Enron's reaction to a request that it consider donating funds to the new International Accounting Standards Board.

Today [Enron Chief Accountant] Rick Causey called to say that Paul Volcker had called Ken Lay (Enron Chairman) and asked Enron to make a 5 year, $100k per year commitment to the Fund of 'FASB's International equivalent' . . . While I believe Rick is inclined to do this given Enron's desir...
At the 35 percent tax rate, Enron’s tax on profits in the past five years would have been $625 million, but the company was able to use tax loopholes to reduce its five-year total to substantially less than zero.

Among the loopholes used to reduce the company’s tax liability was the creation of more than 800 subsidiaries in "tax havens" such as the Cayman Islands.

**SUMMARY OF LEVIN-MCCAIN-FITZGERALD-DURBIN ENDING THE DOUBLE STANDARD FOR STOCK OPTIONS ACT, FEBRUARY 13, 2002**

The Enron fiasco has brought to light a long-festering problem in how some U.S. corporations account for stock options to avoid paying U.S. taxes while overstating earnings. According to recent analysis reported in the New York Times, Enron apparently failed to pay any tax in four of the past five years, despite skyrocketing revenues and an alleged five-year pre-tax income from 1996 to 2000, of $1.8 billion. To sidestep paying any expense at all on its books, the company, if reported, would have reduced Enron’s pre-tax income by one-third.

Enron was able to employ this stock option loophole double standard, because of accounting rules that allow stock option compensation to be kept off a company’s books. Right now, many U.S. companies routinely give their executives large numbers of stock options as part of their compensation. When an executive exercises a company’s stock options, the company can tell Uncle Sam one thing and its shareholders the opposite. That’s just what Enron did—it lowered its tax bill by claiming stock option expenses on its tax returns, while overstating its earnings by leaving stock option expenses off its financial statements—an expense which, had it been reported, would have reduced Enron’s income by one-third.

**LESS THAN ZERO: CORPORATE INCOME TAX PAYMENTS BY ENRON, 1996 TO 2000**

<table>
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**DURBIN ENDING THE DOUBLE STANDARD FOR STOCK OPTIONS ACT, FEBRUARY 13, 2002**

The bill cosponsors are Senators Levin, McCain, and Durbin. The full bill is expected to be referred to the Senate Committee on Finance.

**SECTION 2. STOCK OPTION DEDUCTIONS AND TAX DELAYS**

Today, Rick Causey called to say that Paul Volker had called Ken Lay (Enron Chairman) and asked Enron to make a year, 100 k per year commitment to fund the Trust Fund of "the FASB’s International equivalent" (best Rick could remember). Lay is asking Causey if this is something that they should do.

While I believe Rick is inclined to do this given Enron’s desire to increase their exposure and influence in rulemaking broadly, he is interested in knowing whether these type of commitments will add any real or informal access to this process (i.e., would these type commitments present opportunities to meet with the Trustees of these groups in future rulemaking). The information along this front or further information on the current strategic importance of supporting these groups for the good of consultation could help Enron with its decision to be supportive.

Could any of you guys help me out with more information or point me to someone who could? Thanks.

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*From USA Today, Feb. 8, 2002*

**END OF FALL FUEL CRISIS FOR STOCK OPTION LEAD (Matt Krantz and Del Jones)**

The Enron implosion has breathed life into legislation that business leaders thought they had killed in the mid-1990s.

In a highly controversial move, at least three senators want to end the legal tax deductions companies take for stock options they issue to executives and workers unless they subtract the same expense from their earnings.

Three senators want to end the legal tax deductions companies take for stock options they issue to executives and workers unless they subtract the same expense from their earnings.
companies time the release of good or bad news near the date that executives are issued their options, orchestrating a potential windfall. Sen. Carl Levin, D-Mich., John McCain, R-Ariz., and Peter Fitzgerald, R-Ill., are drafting out the tax-deduction proposal that was defeated by a vote of 88-9 in 1994. At the time, Home Depot founder and CEO Bernard Marcus said he had “never been more strongly opposed to anything.”

Citigroup CEO Sanford Weill was quick out of the chute Thursday, warning on CNBC's Squawk Box not to get into an Enron frenzy and hurry through bad legislation. But Matthew Weil, Westward Pay Strategies, an options consulting firm in San Francisco, says he fears the legislation stands a better chance of passing this time because of what he calls the “Enron thieves” and because technology companies have been weakened by the economy and don't have the resources or energy to influence Washington. Ward says a law change would result only in rank-and-file employees losing their stock options. CEOs would continue to get theirs, he says.

“Options are coming from Washington because some oil company guys have been greedy,” Ward says.

David Yermack, associate professor of finance, University of Michigan’s Ross School of Business, says he doubts if stock options could have pushed Enron executives into hiding millions of dollars of losses in off-balance sheet companies. That said, other reasons options should not count against earnings just as cash compensation does:

“If Enron has made them reconsider this horror, then there is silver lining to this debacle,” Yermack says.

More than 80% of financial analysts and portfolio managers agree with Yermack, according to a survey by the Association for Investment Management and Research.


[From the New York Times, Feb. 3, 2002]

EVEN LAST YEAR, OPTION SPOIL WAS WIND OPEN

(By Stephanie Strom)

Surprise, surprise. Early reports suggest that top executives across America got a bigger dollop of stock options last year as part of their pay packages.

As corporate earnings and cash flow have ebbed and stock prices have fallen, boards have been doling out options as a cheap and balance-sheet-friendly way of compensating managers. The annual proxy season, when companies reveal compensation, is just starting. If the disclosures show the trend toward larger option grants holding after a year that most companies would like to forget, it would seem to make a mockery of the concern in performance. That was the reason options grew so popular in the first place. Yet while some companies are trying to make options better reflect their fortunes, most continue to contend that options are primarily a motivational tool and have never been a reward for performance.

With stock prices stalled, options may not seem as attractive now. But executives who receive them can usually count on rich rewards eventually, even if a company does only marginally better. The increase in options, however, has introduced an additional strain on shareholders; the more options granted, the lower the return for investors, since their holdings are, one way or the other, diluted.

But coming, Chinese executives who received more of them last year, even as their companies suffered, include Daniel A. Carp of Eastman Kodak, John T. Chambers of Cisco Systems, Scott G. McNealy of Sun Microsystems and Harvey R. Blau of Aeroflex.

And one who didn’t—Marcus Schacht, returning to the helm of troubled Lucent, received annual option grants almost five times the size of those his predecessor got—and more than 17 times the size of the last grant he received the year he retired. “Fiscal 2001 was rather challenging for Lucent, so the grants were more management stability through the turnaround,” said Mary Lou Ambrus, a Lucent spokeswoman, in explanation.

Chances are many chief executives receive bigger awards options, as proxy statements, filed each March and April by most companies, are expected to show, experts say. Some were no doubt issued to make up for previous grants that had been rendered worthless by tumbling stock prices. At the same time, Lucent’s recovery has revived hopes that old option grants will not be worthless. “Options typically run for 10 years, and already many of the ones issued early 1990’s are worth above $10 a share,” said John L. Lauer, chief executive of Oglebay Norton, a shipping company. “If the economy recovers, those issued in previous years will also regain value.”

Mr. Lauer has gained notoriety in corporate circles for his insistence on being paid entirely in cash when he took over Oglebay’s stock price. Though Oglebay’s performance has improved somewhat, options he received five years ago are still worth nothing.

“In a social setting where I’m in a room with other C.E.O’s, someone will teasingly suggest that they pass the hat for me because I’m not making any money,” he said.

“I think they figure I’m loony or something.”

Mr. Lauer is not the only executive to have high performance goals, but it is safe to say that most executives keep driving large salaries, plus more and more options. According to a survey done in the third quarter of last year by Pearl Meyer & Partners, a human resources consulting firm in New York, the number of options granted by S&P 500 companies that year was up 40% from the previous year’s compensation this spring was up an average of 12 percent from 2000.

Consultants expect that trend to continue as companies pursue 2001 compensation practices this spring. “It’s a great time to give options,” said Pearl Meyer, president of the firm. “They’re cheap because they involve no cash charge to the company at a time when profits are down and boards are trying to make up for the fact that salaries and bonuses are both down.”

But Ms. Meyer and many others in the field—as well as, they say, the members of corporate compensation committees—are not happy to see the increase in options grants. Their expressions of concern are striking because of compensation consultants have been among the biggest champions of using options as performance incentives.

The consultants are worried, in part, about those “crossover” unvested options, plus those shares that investors have authorized but that have yet to be granted. More fundamentally, they suggest that the links between the performance of a company’s performance—as measured by, say, profitability, market-share growth and smart acquisition strategies—have become more tenuous.

Ms. Meyer suggests that the at-risk components of executive pay be viewed as the legs of a stool; the legs reflecting stock performance, executive résumé, CEO performance, while those reflecting business and financial performance have become shorter.

“We have overdosed on options and the stock market,” she said. “We’re dependent on the stock market for executive compensation, pension payments, directors’ compensation. It’s all based on the market, and practically, is dependent on the market’s performance.”

The reliance has produced an overarching that dangles like a sword of Damocles over investors. Eventually, their stakes will be diluted—either when companies issue new shares to make good on options grants, or when they undertake share repurchase programs that eat up cash they might use for operations.

To a story by Watson Wyatt Worldwide, a human resource consulting company, the average options of options in the S&P 500 in fiscal 2001 was 14.6 percent of outstanding shares in 2000, up from 13 percent a year earlier.

This spring’s numbers will probably show another rise. The overhang “is definitely going to be up” by a percentage point or two. “This is an important number,” said Mr. Ira Kay predicted that shareholders would be more reluctant in the exercising of options would work to curb the issuing of new ones this year and next.

Changes are, many chief executives reason, over the long term. “I’ve been in meetings of five boards that were very reluctant to go to shareholders to ask for more shares to ungray options grants,” Mr. Kay said. “They don’t think they can justify it.”

Companies are losing out on another salutary benefit of options compensation as well—they ability to reduce their taxes. Employers get a deduction when employees exercise options, but as Mr. Kay and other compensation consultants note, these days few are using that far.

Oddly, shareholder advocates and institutional investors, who stand to lose the most from an option glut, seem sanguine thus far. Some note that while option awards have increased, the value of the awards has collapsed. Pearl Meyer’s research shows that the value of options grants fell 7 percent in the first eight months of 2001 after rising steadily for several years.

Some shareholder advocates say that will help curb future grants, as long as stocks are sluggish.

“We’ve had a 20 percent drop in the Standard & Poor’s index,” said Patrick S. McGurn, of Institutional Shareholder Services, a consulting business in Rockville, MD. “And the stock market is down 95 percent. In November it awarded 7 percent of its options to its chief executive, Mr. Carp, options for 250,000 shares at an exercise price of $29.31, Kodak’s stock price at the time. All Mr. Carp had to do to gain is keep Kodak’s stock above $29.31. That grant came on top of the 100,000 options he received in January 2001 at a strike price of $49.97. So Mr. Carp received three and a half times as many options in 2001 as he did in 2000—at markedly lower strike prices. Sandra R. Fell, director for worldwide compensation at Kodak said Mr. Carp received two awards last year because the company had changed the time of its grants, to November from January.

But that may be wishful thinking. Last year, Eastman Kodak took $659 million in restructuring charges that, combined with falling sales and market share, pushed its earnings down 95 percent, which reduced its chief executive, Mr. Carp, options for another 250,000 shares at an exercise price of $29.31, Kodak’s stock price at the time. All Mr. Carp had to do to gain is keep Kodak’s stock above $29.31. That grant came on top of the 100,000 options he received in January 2001 at a strike price of $49.97. So Mr. Carp received three and a half times as many options in 2001 as he did in 2000—at markedly lower strike prices. Sandra R. Fell, director for worldwide compensation at Kodak said Mr. Carp received two awards last year because the company had changed the time of its grants, to November from January.

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found that Mr. Carp was in the lowest 25 percent of executives receiving options. “What we’ve done,” she said, “is taken a step, and even a conservative step at that, in getting him back in line.”

But what about Kodak’s dismal performance last year? “We look at stock options as a long-term incentive that’s forward-looking,” she said. “We don’t look at them as a reward for past performance.

To understand just how easy it is to get richer and richer on options, consider the case of Lawrence J. Ellison, chairman, chief executive and co-founder of the Oracle Corporation, the software maker. In January, with the stock trading just above $34, Ellison exercised option grants for about 23 million shares at an average price of 23 cents, for a paper profit of more than $700 million. It was the biggest options bonanza on record—and Mr. Ellison holds options to buy an additional 47.9 million shares. “He could end up taking $3 billion out of the company,” said Judith Fischer, managing director of Executive Compensation Advisory Services, a consulting firm.

Inventors, the forgiving of founders like Mr. Ellison, many of whom staked personal assets and invested buckets of sweat equity to get companies off the ground. His paper profit was stuck to $378 million as Oracle’s stock has sagged.

But investors were still piqued by Mr. Ellison’s timing. He exercised his options a month after he issued an earnings warning. The options expired on Aug. 1: he was under no pressure to sell them in January.

To protect shareholders from dilutions from options, Oracle routinely buys shares in the market. Other big corporate users of options, like Microsoft and Dell Computer, do, too, sometimes, to offset the fact that not only executives, but shareholders, also offered them tax advantages.

But repurchase programs can also have a huge impact on a company’s cash flow. Oracle started the fiscal year that began June 1, 2000, with $7.4 billion in cash, but spent $4.3 billion to repurchase shares largely for use in its options program.

At the end of the fiscal year, the company’s overhang stood at 28 percent of total outstanding shares, compared to about 15 percent a year ago.

For years, shareholders had pushed companies like Oracle to reduce the chief executives’ compensation. We don’t look to large options, which most companies have, to create much value, and they initially appealed the use of options to accomplish that goal. But companies found ways to make sure the options were worth something regardless of performance, by repricing worthless options or re-placing them with fistfuls of new ones.

The outcry over those practices, however, may be serving to push some companies to make changes.

In the spring of 1999, the Longview Collective Benefits, which manages the AFL-CIO pension fund, called Chubb the next spring to resubmit the proposal, she was told that Chubb had already incorporated into its proposed plan options that could be exercised only if the stock price rose significantly.

Roughly half the options handed out to Chubb’s senior management in 2000 and 2001 have a strike price 25 percent higher than the stock price on the day they were granted. Only 2 percent to 4 percent of large companies use such “premium priced” options, consultants say.

“Chubb’s senior vice president who manages compensation and benefits, Mr. O’Hare, was the Chubb’s chief executive, that meant his total compensation fell by $488,508 from the previous year, he did get more options, but those largely replaced restricted shares that cannot be sold right away—after the company decided not to use them to reward executives, Mr. Lawson said. Performance shares held by C. Michael Armstrong, the chief executive of AT&T, have proved to be worthless for three years as the company has fallen short of the board’s goals for increases in total return to shareholders.

An options award for 419,200 shares granted to Mr. Armstrong at the end of 2000 was also worthless, the stock price at the time could not be exercised only if AT&T produces a $145 billion pretax gain for shareholders in the year that started March 31. On the other hand, Chubb’s board has accelerated the vesting period if a company’s shares reach a certain target. In 2000, the Williams Companies granted options with the condition that on certain days, the stock traded at 1.4 times the price at the beginning of the year, the options could be exercised immediately rather than over three years.

Other companies are working to get more plain-vanilla stock, not options, into executives’ hands—stock they must buy. When Beazer Homes USA, a home builder, went public in 1994, it adopted a management stock purchase program to increase managers’ stakes. At the beginning of each year, some 80 executives can choose to give up a percentage of their bonuses to buy stock at a 30 percent discount on the year-end closing price. The stock cannot be sold for three years.

Executives now own roughly 8 percent of the company, said David S. Weiss, Beazer’s chief financial officer. “We think it’s a good way to align their interests and reduce their risk, as opposed to just receiving a reward,” he said.

“Options feel like a gift from the company that the market, through its whips, will re-award or not. Shares reflect the company’s performance, whether good or bad.”

Mr. Kay, at Watson Wyatt, said such pure stock subsidies were gaining popularity. More contingent options like those at Chubb and AT&T, which try to reflect financial and business performance, are being used.

Investors expect the BellSouth Corporation and the Eaton Corporation, for example, to disclose such adjustments in their new proxy statements. A spokesman for Eaton said he was unaware of such a move, and a spokesman for BellSouth declined to com-ment until the proxy is released in March.

But other boards are already finding ways to limit the risks that performance shares, premium-priced options, performance-accelerated options and other performance-linked tools pose.

Until last April, Archie W. Dunham, chief executive of Conoco, had options giving him the right to buy 700,000 shares. But he could only exercise those options if the strike price of at least six other executives holding those options was about $35 on each of the five days before Aug. 17 of this year.

Before Conoco bought Gulf Canada Resources in July, however, its board granted a two-year extension to Mr. Dunham and at least six other executives holding those op-tions. The board thought that right this year for some kind of an acquisi-tion but that it could have an adverse effect on the stock price,” John McLemore, a Conoco senior executive said that it wouldn’t be really fair for those people who held these options to be punished for something that might make it harder for them to make the conditions.

That means the board rewarded Mr. Dunham and his colleagues for an acquisi-tion. But the board thought the private shareholders, at least temporarily—a courtesy not extended to shareholders.

[From the Washington Post, Jan. 30, 2002] STOCK OPTION MADNESS

(By Robert J. Samuelson)

As the Enron scandal broadens, we may miss the forest for the trees. The multi-billion-dollar investigations were created in response to what seemed like a whodunit. Who destroyed documents? Who misled investors? Who twisted or broke accounting rules? The answers may explain what happened at Enron, but that’s not necessarily why. We need to search for deeper causes, beginning with stock options. Here’s a good place to start:

—Stock options were one tool that contributed to the corrosive climate that tempts many executives, and not just those at Enron, to play fast and loose when reporting profits.

“Wall Street’s, big stock options exploded in the 1980s and the 1990s. The theory was simple. If you made top executives and managers into owners, they would act in shareholders’ interests. Executives’ pay packages became increasingly skewed toward options. In 2000, the typical chief executive officer of one of the country’s 500 major companies earned 163 times the base salary. These options, some built on managers manipulated, and some show the world’s companies seemed on a roll. By contrast, their American rivals seemed stodgy, compliant and bureaucratic. Not so stocks options. In a world of unchecked managerial upheaval that refocused attention away from corporate empire-building and toward improved profitability and efficiency. This is what seems to have happened at Enron.

The company adored stock options. About 60 percent of employees received an annual award of options, equal to 3 percent of their base salary. Executives and top managers got more. At year-end 2000, all Enron managers and workers had options that could be exercised for nearly 47 million shares. Under a typical plan, a recipient gets an options to buy a given number of shares at the market price on the day the option is issued. This is the strike price. It’s the strike price is usually cannot be exercised for a few years. If the stock’s price rises in that time, the option can yield a tidy profit. The lucky recipients who sold the strike price at the market price. On the 47 million Enron options, the average “strike price was about
ECONOMIC VIEW; ENRON
FOSTER SPIN, NOT RESULTS

§30 and at the end of 2000, the market price was §83. The potential profit was nearly §2.5 billion.

Given the huge reward, it would have been astonishing if Enron’s managers had not become obsessed with the company’s stock price and—to the extent possible—tried to influence it. And as Enron’s stock dropped, why would anyone complain about accounting shenanigans? Whatever the resulting abuses, the pressures are not unique to Enron. It epitomizes a naivism of human nature to think that many executives won’t strive to maximize their personal wealth.

This is an invitation to abuse. To influence stock prices, executives can issue options to increase future stock prices, and to exploit stock options, they can engage in stock buying (that raise per-share earnings, because fewer shares are outstanding). And, of course, they can exploit accounting rules. Even temporary blips in stock prices can drive opportunities to unload profitable options.

The point is that the growth of stock options has created huge conflicts of interest that executives will be hard-pressed to avoid. Indeed, many executives will coax as many options as possible from their compensation committees, composed of fellow directors. But because “directors are [manipulated] by management, sympathetic to them, or simply ineffectual,” the amounts may be large. With incentives so pronounced, argue Harvard law professors Lucian Arye Bebchuk and Jesse Fried and attorney David Walker in a recent study.

Stock options are not evil, but unless we curb the present madness, we are courting continual trouble. Here are three ways to check the overuse of options:

(1) Lay off the option—count options as a cost. Amazingly, when companies issue stock options, they do not have to make a deduction in their compensation packages to create new options. By one common accounting technique, Enron’s options would have required deductions of almost §2.4 billion from 1996 through 2000. That would have virtually eliminated the company’s profits.

(2) Index stock options to the market. If a company’s shares rise in tandem with the overall market, the gains don’t reflect any management contribution—and yet, most options still increase in value. Executives get a windfall. Options should reward only the executives who make the market.

(3) Don’t reprice options if the stock falls. Some corporate boards of directors issue new options at lower prices if the company’s stock falls. Options are supposed to prod executives to improve the company’s profits and stock price. Why protect them if they fail?

Within limits, stock options represent a useful reward for management. But we lost those limits, and options became a kind of free lunch. They are the type of compensation methods and manipulated earnings be
comes one large lesson of the Enron scandal has been lost.

[From the New York Times, Jan. 27, 2002]

ECONOMIC VIEW; ENRON’S WAY: PAY PACKAGES FOSTER SPIN, NOT RESULTS

(By David Leonhardt)

As the stock plummeted, investors and employees alike were left with big losses. But
one group of shareholders came out ahead—management. Many board members and top executives managed to sell millions of dol

The executives who have made millions of dollars selling once-expensive shares say they have done nothing wrong. They simply followed a regular, legal schedule of selling stock, they say, and would be far richer if the stock price had not dropped. All of that is usually true. But it is also true that when an economic system richly rewards the benefits of a company’s stock, they may well be excessive, argue Harvard law professors Lucian Arye Bebchuk and Jesse Fried and attorney David Walker in a recent study.

Corporate spin aside, executives do not al

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though share-based payments to employees and others are increasing worldwide, few companies currently have national standards on the topic.

Do you consider share-based (or stock op

Answer. Total response: Yes, 83%; no, 17%.

Mr. McCaIN, Mr. President, I rise today to introduce legislation with Senators Levin, Fitzgerald, and Dur

SHOWS

February 13, 2002

EMPLOYEE STOCK OPTIONS SHOULD BE INCLUDED ON EARNINGS STATEMENTS, SURVEY SHOWS

In September 2001, AIMR surveyed more than 18,000 members to gauge their responses to a proposed agenda topic of the Intern

ational Accounting Standards Board (IASB) that could require companies to report the fair value of stock options granted—inc luding those to employees—as an expense on the income statement, reducing earnings. Al

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Do you consider share-based (or stock option) plans to be compensation to the parties receiving the benefits of those plans?

Answer. Yes, 86%; no, 6%; it depends, 6%.

Do firms you evaluate and monitor have share-based (or stock option) plans that grant shares of the firm’s stock?

Answer. Yes, 85%; no, 6%; not sure, 9%.

Do you use the information and data that companies provide on share-based plans in your evaluation of a firm’s performance and determination of its value?

Answer. Yes, only when it is recognized as a compensation in the income statement; 15%; yes, regardless of whether it is recognized in the income statement, 66%; no, 19%.

Survey results are based on a random poll ing of more than 18,000 AIMR members, with a 10% response rate.

Do the current accounting requirements for share-based payments need improving, in particular, for those plans covering employees?

Answer. Yes, 74%; no, 26%.

Should the accounting method for all share-based payments (including employee stock option plans) require rec og nition of an expense in the income statement?

Answer. Yes, 83%; no, 17%.

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Mr. LEAHY. Mr. President, on November 13, 2001, President Bush signed a military order authorizing the use of military commissions to try suspected terrorists. This order stimulated an important national debate and led to a series of Judiciary Committee hearings with the Attorney General and others to discuss the many legal, constitutional, and policy questions raised by the use of such tribunals. Our hearings, and the continued public discourse, helped to clarify the scope of the President’s order and better define the terms of the debate.

For example, the Judiciary Committee held a hearing on November 28, 2001, at which several legal experts challenged the validity of the military commission order. Philip Heymann of Harvard Law School, a former Deputy Attorney General, testified that the order was so broad that it amounted to a dangerous claim of executive power. In his view, the order improperly circumvented congressional review, undermined confidence in our civil justice system, and jeopardized relationships with our allies abroad. Retired Air Force Colonel Scott Silliman, who is now at Duke Law School, questioned the President’s authority to authorize military commissions with respect to the September 11 attacks absent authorizing legislation by Congress. Professor Silliman also echoed the comments of Professor Heymann, arguing that tribunals commanded by the President and not authorized by Congress are inappropriate as a means of providing a means of due process.

On December 4, 2001, Senator Schumer chaired another important hearing on the issue of military commissions. Harvard Law Professor Laurence Tribe testified at that hearing that “Congress alone can avoid the constitutional infirmities that plague the Military Tribunal Order of November 13.” Professor Tribe argued for the establishment of mechanisms to ensure the protection of defendants’ due process rights, and called for Congress to set limits in consultation with the President. He cautioned that if the Administration acted on its own—under authority that Professor Tribe believed was constitutionally infirm, any convictions could later be overturned by the courts, with the result that dangerous individuals could be set free. By contrast, convictions obtained under the authority of the Congress and the President acting together would more likely be shielded from constitutional challenge on appeal.

At the same December 4 hearing, Cass Sunstein of the University of Chicago Law School testified that “from the standpoint of both constitutional law and democratic legitimacy, it is far better if the President and Congress act in concert,” adding that “the executive branch stands on the firmest ground if it is so empowered by clear congressional authorization.” Professor Sunstein suggested that Congress limit the scope of military tribunals by allowing the use of military tribunals “only on certain essential occasions.”

Finally, on December 6, the Judiciary Committee heard from Attorney General Ashcroft on military commissions and a number of other unilateral actions taken by the executive branch last fall. I believe that we had a constructive conversation that day, despite our disagreements on substantive points. The Attorney General took issue with anyone who dared question the thinking of the executive branch on such topics, charging them with “fearmongering” and aiding the terrorists. I would note, however, that several members of the Committee, including some of my colleagues from the other side of the aisle, suggested to the Attorney General that if military tribunals were used, they should provide a number of basic due process guarantees. Suggestions like these, coming from both Republicans and Democrats, are not intended to bait the Administration. Rather, constructive criticism can be, should be and has been useful in developing sound policy that can better protect Americans and American soldiers, particularly when they are serving abroad.

The Attorney General testified at our hearing on December 6 that the President does not need the sanction of Congress to convene military commission, but I disagree. Military tribunals may be appropriate under certain circumstances, but only if they are backed by specific congressional authorization. At a minimum, as the distinguished senior Senator from Pennsylvania stated on this floor on November 15, “the executive will be immeasurably strengthened if the Congress backs the President.” Clearly, our government is at its strongest when the executive and legislative branches of government act in concert.

We demonstrated this unified approach in negating the USA Patriot Act last fall. The Congress, the White House and the Department of Justice worked intensively for seven weeks to craft a bill that provided law enforcement agencies with the tools they said were needed to fight terrorism while preserving American values and democratic principles.

In that same spirit, and with my friend, the senior Senator from Illinois, I am today introducing the Military Tribunals Authorization Act which authorizes the executive branch with the specific authorization it now lacks to use extraordinary tribunals to try members of the al Qaeda terrorist network and those who cooperated with them.

Specifically, this legislation authorizes the use of “extraordinary tribunals” for al Qaeda members, and for persons aiding and abetting al Qaeda in terrorist activities against the United States, who are apprehended in, or flee to, foreign nations, and also authorizes the use of tribunals for those al Qaeda members and abettors who are captured in any other place where
there is armed conflict involving the U.S. Armed Forces.

Like the November 13 order, the Military Tribunal Authorization Act exempts U.S. citizens from the jurisdiction of the tribunals, as well as those individuals determined to be prisoners of war under the Geneva Convention. The bill also exempts individuals arrested while present in the United States, since our civilian court system is well-equipped to handle such cases. These conclusions are consistent with the Administration’s treatment of Zacharias Moussaoui, the suspected 20th hijacker in the September 11 attacks, who is awaiting trial in Federal district court. A second terrorist suspect, Richard Reid, the so-called “shoe bomber,” is also being tried in Federal district court. In fact, one of the nine charges against Reid, “attempted wrecking of a mass transportation vehicle,” is a new anti-terrorism offense that was created by the USA Patriot Act. The Administration has decided to bring Federal criminal charges against John Walker Lindh, who allegedly took up arms against Americans to fight with al Qaeda and the Taliban in Afghanistan.

A statement of discretion raised about the November 13 order is that it vests the President with plenary and unrivocable discretion to determine who is subject to trial by military tribunal. The President’s order also implied that those who were arrested under its terms could be held indefinitely. Detainees were to receive a “full and fair trial,” but no explanation of the terms “full” and “fair” is offered. While the Administration has deferred providing any explanation to the development of regulations by the Secretary of Defense, requests for an opportunity to review and be consulted about the draft regulations have been denied. This leaves introduction of legislation showing how military tribunals may be constituted to comport with constitutional mandates and values as one of the few avenues to inform the process in development of regulations.

The Military Tribunal Authorization Act defines the jurisdiction and procedures of tribunals in a way that ensures a “full and fair” trial for anyone detained. Under the bill, the Secretary of Defense is charged with elaborating on the procedures that the tribunals must follow and publishing any draft regulations in the Federal Register.

First, the bill makes clear that tribunals may adjudicate violations of the law of war, including international laws of armed conflict and crimes against humanity, targeted against U.S. persons. Wars have rules, as defined by the Geneva Conventions and other international agreements. These rules protect civilians from harm and define how captured soldiers must be treated. Under the bill, individuals who violated those rules by targeting innocent American civilians can face trial in a military tribunal. In addition, individuals who committed crimes against humanity, such as murder, torture, or other inhumane acts, may face charges in a tribunal.

Second, on the length of detention, the bill authorizes detention of individuals for as long as the President certifies that the United States is in armed conflict with al Qaeda or Taliban forces in Afghanistan or elsewhere, or that an investigation, prosecution or post-trial proceedings against the detainee is ongoing. This certification must be made every six months.

Third, on the conditions of confinement, the bill requires that detainees be “treated humanely,” which is consistent with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, a resolution adopted by the United Nations General Assembly in 1986. This includes adequate food, water, shelter, clothing and medical care; protection from inhumane conditions, the necessary means of personal hygiene, and the free exercise of religion. Detention determinations and the conditions of detention are subject to review by the Court of Appeals for the D.C. Circuit.

Fourth, the bill incorporates basic due process guarantees, including the right to independent counsel. In imposing this requirement, I am not suggesting that suspected terrorists defy the due process guarantees; the bill follows well-established standards for indigent defense. In the first of its “Ten Commandments” of public defense programs, the Department of Justice calls for full independence of defense counsel and judicial functions. The department’s “Ten Commandments” also require that counsel’s ability, training, and experience must be matched to the complexity of the case. Providing independent counsel and judicial review is critical to ensuring that any convictions are free from political influence. An independent process with experienced counsel will also safeguard against otherwise valid convictions being overturned for violations of due process or incompetent counsel.

Under the terms of this bill, tribunals would be required to apply reasonable rules of evidence to ensure that material admitted at trial was of probative value and was not irrelevant or cumulative. Defendants may not be compelled to testify against themselves. Finally, defendants could appeal their convictions and sentences to a higher tribunal, the U.S. Court of Appeals for the Armed Forces.

These procedures do not, as some have claimed, provide greater protections to suspected terrorists than we offer our own soldiers. These are, rather, the very basic guarantees provided under various sources of international law, including the Geneva Conventions, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the Statute of the International Criminal Tribunal for former Yugoslavia, among others. Several of the procedural protections are also drawn from the U.S. Manual of Courts-Martial on the Military Rules of Evidence. In addition, the trial procedure statute of the Uniform Code of Military Justice, which is cited in the President’s military order, recommends that the President apply to military commissions the principles of law and rules of evidence that are generally recognized by the federal district courts.

I submit for the record a list the international conventions that serve as sources for the eighteen procedural protections included in my bill. As the ABA resolution urges, in establishing military tribunals, we should “give full consideration to the impact . . . as precedents in . . . the use of international legal norms in shaping other responses to terrorism.” Respecting these international legal norms, will redound to the benefit of Americans.

It is important to note that last week the President reinforced his position on a related detention. He decided to apply the Geneva Conventions to Taliban captives. This decision sends a signal to the world that the United States respects the Geneva Conventions and expects them to be applied to American soldiers and other Americans. I commend Secretary Powell, who supported this application of the Geneva Conventions. I also commend Secretary Rumsfeld, whose draft rules on military commissions contained a number of important procedural protections. Both Secretaries Powell and Rumsfeld have worked to bring the original military order and subsequent decisions over detention within the framework of international law. I urge the Administration to follow this framework of flexibility and inclusiveness by working with Congress to establish tribunals that are authorized by statute and consistent with international law.

Finally, the bill comes down squarely on the side of transparency in government by providing that tribunal proceedings should be open and public, and include public availability of the transcripts. The bill requires that transcripts of the trial and the pronouncement of judgment. The bill provides for the publication of decisions and provides a mechanism for the President to redact information approved under various sources of international law, including the Geneva Conventions, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the Statute of the International Criminal Tribunal for former Yugoslavia, among others. Several of the procedural protections are also drawn from the U.S. Manual of Courts-Martial on the Military Rules of Evidence. In addition, the trial procedure statute of the Uniform Code of Military Justice, which is cited in the President’s military order, recommends that the President apply to military commissions the principles of law and rules of evidence that are generally recognized by the federal district courts.

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bill. It also urged the Administration to work with Congress in defining the rules for military commissions.

Passage of authorizing legislation would ensure the constitutionality of military tribunals and protect any convictions they might yield, while at the same time showing the world that we will fight terrorists without sacrificing our principles. We can also show by example how we expect our soldiers and nationals to be treated if they are swept into foreign courts or tribunals. Ours is at its strongest when its executive and legislative branches act in concert. I provided earlier drafts of this legislation to the Attorney General and Secretary of Defense, but received no response. With the introduction of this bill, I again invite the Administration's cooperation and comment.

I ask unanimous consent that the text of the bill and the sectional analysis be printed in the RECORD.

The objection, the material was ordered to be printed in the RECORD, as follows:

S. 1941

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Military Tribunal Authorization Act of 2002”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The al Qaeda terrorist organization and its leaders have committed unlawful attacks against the United States, including the August 7, 1998 bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, the October 12, 2000 attack on the USS Cole and the September 11, 2001 attacks on the United States.

(2) The al Qaeda terrorist organization and its leaders have threatened renewed attacks on the United States and have threatened the use of weapons of mass destruction.

(3) In violation of the resolutions of the United Nations, the Taliban of Afghanistan provided a safe haven to the al Qaeda terrorist organization and its leaders and allowed the territory of that country to be used as a base from which to sponsor international terrorist operations.

(4) The United Nations Security Council, in Resolution 1297, declared in 1999 that the actions of the Taliban constitute a threat to international peace and security.

(5) The United Nations Security Council, in Resolutions 1388 and 1373, declared in September 2001 that the September 11 attacks against the United States constitute a threat to peace and security.

(6) The United States is justified in exercising its right of self-defense pursuant to international law and the United Nations Charter.

(7) Congress authorized the President on September 18, 2001, to use all necessary and appropriate force against those nations, organizations, or persons that he determines to have planned, authorized, committed, or aided the September 11 terrorist attacks or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States, within the meaning of section 5(b) of the War Powers Resolution.

(8) The United States and its allies are engaged in armed conflict with al Qaeda and the Taliban.

(9) Military trials of the terrorists may be appropriate to protect the safety of the public and those involved in the investigation and prosecution, to facilitate the use of classified intelligence and information without compromising intelligence or military efforts, and otherwise to protect national security interests.

(10) Military trials that provide basic procedural guarantees of fairness, consistent with the international law of armed conflict and the International Covenant on Civil and Political Rights (opened for signature December 16, 1966), would garner the support of the community of nations.

(11) Article I, section 8, of the Constitution provides that the President, has the power to “constitute Tribunals inferior to the Supreme Court; . . . define and punish . . . Offenses against the Law of Nations . . . make Rules Concerning Captures on Land and Water; . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

(12) Congressional authorization is necessary to ensure that non-constitutional military tribunals to adjudicate and punish offenses arising from the September 11, 2001 attacks against the United States and to provide a clear and unambiguous legal foundation for such trials.

SEC. 3. ESTABLISHMENT OF EXTRAORDINARY TRIBUNALS.

(a) AUTHORIZATION.—The President is hereby authorized to establish tribunals for the trial of individuals who—

(1) are not United States persons;

(2) are members of al Qaeda or members of other terrorist organizations knowingly cooperating with members of al Qaeda in planning, authorizing, committing, or aiding in the September 11 terrorist attacks against the United States, or, although not members of any such organization, knowingly aided and abetted members of al Qaeda in such terrorist activities against the United States;

(3) are apprehended in Afghanistan, fleeing from Afghanistan, or in or fleeing from any other place outside the United States where there is an armed conflict between the Armed Forces of the United States; and

(4) are not prisoners of war within the meaning of the Geneva Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949, or any protocol relating thereto.

(b) JURISDICTION.—Tribunals established under subsection (a) may adjudicate violations of the law of war, international laws of armed conflict, and crimes against humanity targeted against United States persons.

(c) AUTHORITY TO ESTABLISH PROCEDURAL RULES.—The Secretary of Defense, in consultation with the Secretary of State and the Attorney General, shall prescribe and publish in the Federal Register rules and procedures to be applied to tribunals established under section 3(a).

(d) PUBLIC PROCEEDINGS.—Any proceedings conducted by a tribunal established under section 3(a) and the proceedings on any appeal of an action of the tribunal, shall be accessible to the public consistent with any demonstrable necessity to secure the safety of observers, witnesses, tribunal judges, counsel, or other persons.

(e) CONFIDENTIALITY OF EVIDENCE.—Evidence available from an agency of the Federal Government that is offered in a trial by a tribunal established under section 3 may be kept secret from the public only when the head of the agency personally certifies in writing that disclosure will cause—

(1) significant, identifiable harm to intelligence sources or methods; or

(2) substantial risk that such evidence could be used for planning future terrorist attacks.

SEC. 4. PROCEDURAL REQUIREMENTS.

(a) IN GENERAL.—The rules prescribed for a tribunal under subsection (c) shall be designed to ensure a full and fair hearing of the charges against the accused. The rules shall require the following:

(1) That the tribunal be independent and impartial.

(2) That the accused be notified of the particulars of the offense charged or alleged without delay.

(3) That the proceedings be made simultaneously intelligible for participants not conversant in the English language by including translation or interpretation.

(4) That the evidence supporting each alleged offense be given to the accused.

(5) That the accused have the opportunity—

(A) to respond to the evidence supporting each alleged offense;

(B) to obtain exculpatory evidence from the prosecution; and

(C) to present exculpatory evidence.

(6) That the accused have the opportunity to confront and cross-examine adverse witnesses and to offer witnesses.

(7) That the proceeding and disposition be expeditious.

(8) That the tribunal apply reasonable rules of evidence designed to ensure admission only of reliable information or material with probative value.

(9) That the accused be afforded all necessary means of defense before and after the trial.

(10) That conviction of an alleged offense be based only upon proof of individual responsibility for the offense.

(11) That conviction of an alleged offense not be based upon an act, offense, or omission that was not an offense under law when it was committed.

(12) That the penalty for an offense not be greater than it was when the offense was committed.

(13) That the accused—

(A) be presumed innocent until proven guilty, and

(B) be found guilty except upon proof beyond a reasonable doubt.

(14) That the accused not be compelled to confess guilt or testify against himself.

(15) That subject to subsections (c) and (d), the trial be open and public and include public availability of the transcripts of the trial and the pronouncement of judgment.

(16) That a convicted person be informed of remedies and appeals and the time limits for the exercise of the person's rights to the remedies and appeals under the rules.

(17) That the death penalty shall apply in any case in which the action of the United States constitutes Tribunals.

(b) AUTHORITY TO ESTABLISH PROCEDURAL RULES.—The Secretary of Defense, in consultation with the Secretary of State and the Attorney General, shall prescribe and publish in the Federal Register rules and procedures to be applied to tribunals established under subsection (a).

(c) PUBLIC PROCEEDINGS.—Any proceedings conducted by a tribunal established under subsection (a) and the proceedings on any appeal of an action of the tribunal, shall be accessible to the public consistent with any demonstrable necessity to secure the safety of observers, witnesses, tribunal judges, counsel, or other persons.

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(f) CONFIDENTIALITY OF EVIDENCE.—Evidence available from an agency of the Federal Government that is offered in a trial by a tribunal established under subsection (a) may be kept secret from the public only when the head of the agency personally certifies in writing that disclosure will cause—

(1) significant, identifiable harm to intelligence sources or methods; or

(2) substantial risk that such evidence could be used for planning future terrorist attacks.

SEC. 5. CONCLUSION.

The requirements of the Uniform Code of Military Justice for the imposition of the death penalty shall apply in any case in which the action of the United States constitutes Tribunals.

February 13, 2002

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been met and that the evidence reasonably supports the convictions.

(2) UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—The procedures established in paragraph (1) shall, to the maximum extent possible, allow for review of the proceedings of the tribunals by the United States Court of Appeals for the Armed Forces established under section 3.

(3) SUPREME COURT.—The decisions of the United States Court of Appeals for the Armed Forces regarding proceedings of tribunals established under section 3 shall be subject to review by the Supreme Court by writ of certiorari.

SEC. 5. DETENTION.

(a) Generally.—The President may direct the Secretary of Defense to detain any person who is subject to a tribunal established under section 3 pursuant to rules and regulations that are promulgated by the Secretary and are consistent with the rules of international law.

(b) Duration of Detention.—A person may be detained under subsection (a) only while—

(A) there is in effect for the purposes of this section a certification by the President that the United States is engaged in a state of armed conflict with al Qaeda or Taliban forces in the region of Afghanistan or with al Qaeda forces elsewhere;

(B) an investigation with a view toward prosecution, a prosecution, or a post-trial proceeding in the case of such person, pursuant to the provisions of this Act, is ongoing;

(C) a certification and recertification—

(1) LIMITATION.—

(A) if the Secretary of Defense certifies that the detention is necessary to establish extraordinary tribunals to adjudicate offenses arising from the September 11 attacks in order to protect classified information used as evidence, and to define and punish offenses against the United States, and use to the fullest extent possible multilateral institutions and agreements to handle aspects of the investigation and prosecutions, including extraditions, of the persons who are responsible for the September 11, 2001 attacks on the United States, and use to the fullest extent possible multilateral institutions and mechanisms for carrying out such investigations and prosecutions;

SEC. 7. DEFINITIONS.

In this Act:


(2) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

SEC. 8. TERMINATION OF AUTHORITY.

The authority under this Act shall terminate at the end of December 31, 2005.

MILITARY TRIBUNAL AUTHORIZATION ACT OF 2002—SECTION-HY-SECTION ANALYSIS


Sec. 2. Findings. This section outlines twelve findings, including that the al Qaeda terrorist organization and its leaders committed terrorist activities against the United States on September 11, 2001 and on prior occasions; the U.S. is justified in exercising its right to self-defense under international law and the U.N. Charter; the Congress authorized the President to use all necessary force against those who committed, aided or abetted the September 11 attacks in order to prevent future attacks; the use of the U.S. military in Afghanistan, apprehended fleeing from Afghanistan, or in any other place where there is armed conflict involving the U.S. Armed Forces; and the United States, and use to the fullest extent possible multilateral institutions and agreements to handle aspects of the investigation and prosecutions, including extraditions, of the persons who are responsible for the September 11 attacks in order to protect classified information used as evidence, and to define and punish offenses against the United States, and use to the fullest extent possible multilateral institutions and agreements to carry out such investigations and prosecutions.

Sec. 3. Establishment of Extraordinary Tribunals. The President is authorized to establish tribunals to adjudicate offenses against the United States committed by U.S. persons.

Sec. 4. Procedural Requirements. Rules for tribunals shall require (1) an independent and impartial proceeding; (2) that the accused be informed of the charges against him; (3) that proceedings be conducted with simultaneous translation for non-English speakers; (4) that the accused be shown the evidence against him; (5) that the accused be present at trial if he so chooses; (6) that the accused have the right to be represented by counsel; (7) that he have the right to confront and cross-examine adverse witnesses, and to offer witnesses; (8) an expeditious trial and disposition; (9) that the rules of evidence admit only reliable information of probative value; (10) that the accused be afforded all necessary means of defense; (11) that convictions be based only upon proof of individual responsibility; (12) that the accused may not be based on an act, offense, or omission that was not an offense under law when committed; (13) that the evidence be established beyond a reasonable doubt; (14) that the accused may not be compelled to confess guilt or testify against himself; (15) that trials to be open and public and that the accused have the right to an open and public trial; (16) that testimony be subject to review and that the accused be afforded adequate time and means of preparation; (17) that findings be made in writing and be supported by evidence; (18) that the accused have the right to self-defense and to the protection of counsel; (19) that the accused have the right to the protection of counsel during military tribunals.

(4) allowed the free exercise of religion and the freedom of speech and of the press; (5) provided for the D.C. Circuit.

(5) established humanely. Humane treatment includes adequate food, water, shelter, clothing and medical treatment, the right to self-defense under international law and the U.N. Charter; the Congress authorized the President to use all necessary force against those who committed, aided or abetted the September 11 attacks in order to prevent future attacks, within the meaning of the War Powers Resolution; military trials may be appropriate to protect public safety, to protect classified information used as evidence, and to protect national security interests; Article I, section 8 of the Constitution provides that the Congress, not the President, has the power to constitute tribunals and to define and punish offenses against the law of nations; and congressional authority is necessary to establish extraordinary tribunals to adjudicate offenses arising from the September 11 attacks.

The latter takes
National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today I introduce the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2002. This bill improves upon my earlier efforts designating the initial park and conservancy area.

The Black Canyon of the Gunnison Gorge is a national treasure to be enjoyed by all. The park’s combination of geological wonders and diverse wildlife make it one of the most unique natural areas in North America.

The first person to survey the canyon, Abraham Lincoln Fellows, noted in 1901, ‘‘our surroundings were of the wildest possible description. The roar of the water, the wind constantly in our ears, and the walls of the canyon, towering half mile in height about us, were seemingly vertical.’’ Similarly, today, visitors can enjoy hiking the deep gorge to the Gunnison River racing below, or look overhead to marvel at eagles and peregrine falcons soaring in the sky.

This bill modifies the legislative boundary of the Gunnison Gorge National Conservation Area allowing even greater access to the park’s many recreational opportunities including boating, fishing, and hiking.

This important legislation would expand the National Park by 2,725 acres, for a total of 35,025 acres. The Conservation Area will be increased by 5,700 acres, for a total of 63,425 acres. In total this bill adds 7,296 acres to provide habitat for several listed, threatened, endangered and BLM sensitive species, including the Bald Eagle, Osprey, the River Otter, Delta Lomiation, Clay-Loving Buckwheat.

This legislation helps preserve a unique national resource and a source of national pride.

I urge quick passage of this important bill. I ask that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 194
Be it enacted by the Senate and House of Representaivees of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.
This Act may be cited as the ‘‘Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2002’’.

SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.
(a) ESTABLISHMENT.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410ff-2(a)) is amended—

(1) by striking ‘‘There is hereby established’’ and inserting the following:

‘‘(1) IN GENERAL.—There is established’’; and

(2) by adding at the end the following:

‘‘(2) BOUNDARY REVISION.—The boundary of the Park is revised to include the addition of not more than 2,725 acres, as depicted on the map entitled ‘‘Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410ff-2(b))’’ amended—

(1) by striking ‘‘Upon’’ and inserting the following:

‘‘(1) LAND TRANSFER.—

‘‘(A) IN GENERAL.—On, and’’; and

(2) by striking ‘‘The Secretary shall’’ and inserting the following:

‘‘(B) ADDITIONAL.—On the date of enactment of the Bill the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as ‘Tract C’ on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Park.

‘‘(2) AUTHORITY.—The Secretary shall’’.

SEC. 3. GRAZING PRIVILEGES AT BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(1) by redesigning subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

‘‘(B) TRANSFER.—If land authorized for grazing under subparagraph (A) is exchanged for private land under this Act, the Secretary shall transfer any grazing privileges to the private land acquired in the exchange in accordance with this section.’’.

SEC. 4. ACQUISITION OF LAND.
(a) AUTHORITY TO ACQUIRE LAND.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410ff-3(3)(A)) is amended by inserting ‘‘or the map described in section 4(a)(2)’’ after ‘‘the Map’’.

(b) METHOD OF ACQUISITION.—

(1) IN GENERAL.—Land or interest in land acquired under the amendments made by this Act shall be made in accordance with section 5(a)(2)(A) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410ff-3(a)(2)(A)).

(2) CONSENT.—Land or interest in land may be acquired without the consent of the landowner.

SEC. 5. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

(1) by striking ‘‘In GENERAL.—There is established’’ and inserting the following:

‘‘(A) ESTABLISHMENT.—

‘‘(1) IN GENERAL.—There is established’’; and

(2) by adding at the end the following:

‘‘(B) BOUNDARY REVISION.—The boundary of the Conservation Area is revised to include the addition of not more than 5,700 acres, as depicted on the map entitled ‘‘Black Canyon of the Gunnison National Park and Gunnison Gorge National Boundary Modifications’ and dated January 22, 2002.’’

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 308—COMMENDING STUDENTS WHO PARTICIPATED IN THE UNITED STATES SENATE YOUTH PROGRAM BETWEEN 1962 AND 2002

Ms. COLLINS. Mr. President, I rise today to introduce a resolution to commemorate the 40th anniversary of the
William Randolph Hearst U.S. Senate Youth Program. I am pleased to be joined by Senator Breaux, who serves with me as a co-chair of the 40th anniversary program, as well as Senators Hutchinson, Domenici, Lugar, and Levin, who all serve on the advisory committee. As the first graduate of the program to become a U.S. Senator, I can honestly say that the week I spent in Washington in 1971, as one of two delegates from Maine, profoundly influenced my life and career.

Even though my family has a long and proud tradition of public service, my great grandfather, my grandfather, and my father all served in the State legislature, and both of my parents served as mayor of Caribou, ME, it was the week I spent in Washington with the Senate Youth Program that caused me to seriously consider a career in the public sector.

For the past 40 years, the Senate Youth Program has selected two of the brightest and most active students in each of the 50 States, the District of Columbia, and the Department of Defense schools abroad to spend a week learning about our Nation’s government first-hand. Over the years, over 4,000 such students have participated in the program and gone on to serve our Nation in various capacities, having seen first-hand what it means to serve in what has been called the world’s greatest deliberative body.

The continued generosity of the William Randolph Hearst Foundation enables students to come to the District of Columbia and see a side of government that few Americans see in their lifetime. Each year the delegates meet with top members of the legislative, executive, and judicial branches.

I remember how fascinated I was as a delegate to listen to Senators Byrd and Thurmond speak to us about the history of the Senate and the issues of the day.

But the highlight of my week was the time I spent talking with my home State Senator, Margaret Chase Smith. I went to Senator Smith’s office hoping to shake her hand; instead, she took me into her private office and spent 2 hours talking with me about the importance of public service and the difference a person can make. When I left her office, I remember feeling so proud that she was my Senator and that I could do anything I set my mind to.

So, today it is my pleasure to sponsor this resolution paying tribute to the more than 4,000 delegates who have participated in the Senate Youth Program over the past 40 years, some of whom we may see here in the Congress, at the Supreme Court, or even in the White House in years to come. I urge my colleagues to join me in supporting this measure.

SENATE RESOLUTION 209—TO EXPRESS THE SENSE OF THE SENATE REGARDING PRENATAL CARE FOR WOMEN AND CHILDREN

Mr. SMITH of New Hampshire (for himself, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. SANTORUM, Mr. BROWNBACK, Mr. DWYER, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Finance:

S. Res. 209

Whereas unborn children benefit from quality prenatal health care;

Whereas the burden of infant mortality, pre-mature delivery, and low birth weight are exceedingly high in the United States as compared with other developed countries;

Whereas low birth weight and premature delivery are causally associated with developmental disabilities among children;

Whereas proper prenatal care can prevent avoidable birth defects;

Whereas new medical advances, together with early diagnosis, can treat children with a wide range of disorders, including spina bifida, HIV/AIDS, fetal distress, and anemia;

Whereas fetal surgery is now able to correct many life-threatening congenital disorders;

Whereas pregnant women benefit from quality health care, including physician care, hospital care, and prescription medications;

Whereas prenatal care can prevent medical and surgical complications that a mother may encounter during pregnancy and delivery;

Whereas prenatal care can identify and treat a mother’s preexisting medical conditions, which may be impacted by pregnancy; Whereas an estimated 10,900,000 women of child-bearing age (16 through 44) do not have health insurance;

Whereas the State Children’s Health Insurance Program (SCHIP), created under title XXI of the Social Security Act, expands health coverage to uninsured children whose families earn too much for Medicaid but too little to afford private coverage; and Whereas, Secretary Thompson, of Health and Human Services, Tommy Thompson, proposed a regulation to allow States to include coverage for children from conception to birth, which would allow low-income pregnant mothers to receive prenatal and delivery care: Now, therefore, be it

Resolved, That the Senate

(1) commends Secretary of Health and Human Services, Tommy Thompson, for moving to immediately make SCHIP resources available to States to care for unborn children and pregnant mothers; and

(2) commends Secretary Thompson for recognizing pregnant mothers and unborn children as deserving of concern about their health and well-being.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2858. Mr. ALLARD (for himself, Mr. SMITH, of New Hampshire, Mr. GRAMM, Mr. ALLEN, Mr. ROBERTS, Mr. COCHRAN, Mr. COLLINS, and Mr. LUGAR) submitted an amendment intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2859. Mr. HARKIN (for himself and Mr. LUGAR) proposed an amendment to amendment SA 2857 submitted by Mr. DASCHEL 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 credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

SA 2860. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2868 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2861. Mr. SMITH, of New Hampshire proposed an amendment SA 2858 submitted by Mr. ALLARD and intended to be proposed to the amendment SA 2868 proposed by Mr. DODD to the bill (S. 565) supra.

SA 2862. Mr. MCCAIN submitted an amendment intended to be proposed to amendment
SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2693. Mr. McCaIN submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2694. Mr. McCaIN submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2695. Mr. Grassley submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2696. Mr. Lugar submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2697. Ms. Landrieu submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2698. Ms. Landrieu submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2699. Ms. Landrieu submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2700. Mr. Wyden (for himself, Ms. Cantwell, and Mrs. Murray) submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2701. Mr. Schumer proposed an amendment to the bill S. 565, supra.

SA 2702. Mr. Schumer submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2703. Mr. Schumer proposed an amendment to the bill S. 565, supra.

SA 2704. Mr. Dodd (for Ms. Cantwell, (for himself, Mrs. Murray, and Mr. Dodd)) proposed an amendment to the bill S. 565, supra.

SA 2705. Mr. Schumer submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2706. Mr. Schumer submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2707. Ms. Cantwell submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2585. Mr. Allard (for himself, Mr. Smith of New Hampshire, Mr. Gramm, Mr. Allen, Mr. Roberts, Mr. Cochran, Ms. Collins, and Mr. Lugar) submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. Dodd to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration and to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2001 Federal elections, and for other purposes; as follows:

On page 68, between lines 2 and 3, insert the following:

TITLE VII—UNIFORMED SERVICES ELECTION REFORM

SEC. 401. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.


(1) by striking “Each State” and inserting “(a) In General.—Each State”; and

(2) by adding at the end the following: “(b) Standards for Invalidation of Certain Ballots.—

(1) In General.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

(A) solely on the grounds that the ballot lacked—

(i) a notarized witness signature; or

(ii) an address (other than on a Federal write-in absentee ballot, commonly known as ‘FWAB’); or

(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

(2) No Effect on Filing Deadlines Under State Law.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.”;

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) In General.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 401(a) of this Act and section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking “and” after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

“(d)(1) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed services voter in a Federal election for which a voter registration application has been accepted and processed under this section if that voter—

“(A) has registered to vote under this section; and

“(B) is eligible to vote in that election under State law.”;

(c) Effective Date.—The amendments made by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) are amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(10) The term ‘recently separated uniformed services voter’ means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

“(A) presents to the Secretary of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

“(B) is not an individual described in paragraph (1) or (2).

“(C) is otherwise qualified to vote in that election.”;

(d) Effective Date.—The amendments made by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new sub-division:


(1) in the case of any election for which a voter registration application has been accepted and processed under this Act that occur after the date of enactment of this Act.

SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTER BALLOT APPLICATION FOR GROUNDS OF EARLY SUBMISSION.

(a) In General.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new sub-division:


SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the ‘Secretary’), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) enough copies of the Federal military voting laws (as identified by the Secretary so that the State is able to distribute a copy of such laws to each jurisdiction of the State.
SA 2559. Mr. HARKIN (for himself and Mr. LUGAR) proposed an amendment to amendement SA 2471 submitted by Mr. DASCHEL and intended to be passed to the bill (S. 1731) to strengthen the safety net for agricultural producers and to improve the farm safety net, 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 12, line 22, strike ‘‘mohair.’’

On page 34, after line 19, add the following:

SEC. 1. PILOT PROGRAM FOR FARM COUNTER-CYCICAL SAVINGS ACCOUNTS.

Subtitle B of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7211 et seq.) is amended by adding at the end the following:

SEC. 119. PILOT PROGRAM FOR FARM COUNTER-CYClical SAVINGS ACCOUNTS.

(a) Definitions.—In this section:

(1) Adjusted gross revenue.—The term ‘‘Adjusted gross revenue’’ means the adjusted gross revenue of a producer in a year, excluding revenue earned from nonagricultural sources, as determined by the Secretary.

(2) Agricultural enterprise.—The term ‘‘Agricultural enterprise’’ means an individual or entity, as determined by the Secretary.

(3) Maximum contributions for individual producer.—The amount of matching contributions that may be provided by the Secretary for all agricultural enterprises for the applicable year, as determined by the Secretary.

(4) Producer.—The term ‘‘Producer’’ means an individual or entity, as determined by the Secretary for an applicable year.

(b) Establishment.—For each of fiscal years 2003 through 2005, the Secretary shall establish a pilot program in 3 States (as determined by the Secretary) under which a producer may establish a farm counter-cyclical savings account in the name of the producer for an individual production 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 such amounts in the account of the producer as the producer considers appropriate.

(e) Matching contributions.—

(1) In general.—Subject to 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 all agricultural enterprises for the applicable year, as determined by the Secretary.

(f) 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.

(g) Use.—Funds credited to the account—

(1) shall be available for withdrawal by the producer, in accordance with subsection (b); and

(2) may be used for purposes determined by the producer.

(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 taxable years; and

(B) the adjusted gross revenue of the producer in that year.

SEC. 138. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) In general.—For each crop of wheat, grain sorghum, barley, and oats, in the case of the producers on a farm that would be eligible for a loan deficiency payment under section 135 for wheat, grain sorghum, barley, or oats, but that elects to use acreage planted to the wheat, grain sorghum, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producers on the farm under this section if the producers on the farm enter into an agreement with the Secretary to forgo any other harvesting of the wheat, grain sorghum, barley, or oats on the acreage for which a payment is made under this section.

(b) Payment amount.—The amount of a payment made to the producers on a farm under this section shall be equal to the amount obtained by multiplying—

(1) the loan deficiency payment rate determined under section 135(c) in effect, as of the date of the agreement, for the county in which the farm is located by;

(2) the payment quantity obtained by multiplying—

(A) the quantity of the grazed acreage on the farm, with respect to which the producers on the farm elect to forgo harvesting of wheat, grain sorghum, barley, or oats; and

(B) the payment factor established for that contract commodity on the farm.

(c) Time, manner, and availability of payment.—

(1) Time and manner.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135.

(2) Availability.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, grain sorghum, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.
“(d) PROHIBITION ON CROP INSURANCE OR NONINSURED CROP ASSISTANCE.—The produc-
er on a farm shall not be eligible for ins-
urance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop
assistance under section 196 with respect to
a crop of wheat, grain sorghum, barley, or
oats produced on a farm if the producers
on the farm elect, in the agreement required
by subsection (a), to use for the grazing of
livestock in lieu of any other harvesting of
the crop.

On page 53, strike lines 5 through 8 and in-
sert the following:

(b) PROHIBITION ON CROP INSURANCE OR
NONINSURED CROP ASSISTANCE.—The produc-
ers on a farm shall not be eligible for ins-
urance under the Federal Crop Insurance Act
(7 U.S.C. 1501 et seq.) or noninsured crop
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livestock in lieu of any other harvesting of
the crop.

On page 53, strike lines 5 through 8 and in-
sert the following:

(b) PROHIBITION ON CROP INSURANCE OR
NONINSURED CROP ASSISTANCE.—The produc-
ers on a farm shall not be eligible for ins-
urance under the Federal Crop Insurance Act
(7 U.S.C. 1501 et seq.) or noninsured crop
assistance under section 196 with respect to
a crop of wheat, grain sorghum, barley, or
oats produced on a farm if the producers
on the farm elect, in the agreement required
by subsection (a), to use for the grazing of
livestock in lieu of any other harvesting of
the crop.
(b) STUDY.—(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study on the effects on the limit on payments to producers to move quotas from crops that have large surpluses to crops that have large deficits. The study shall describe any potential benefits of reallocations from a given group of crops, which the quota was initially assigned under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.).

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Agriculture of the House of Representatives and the Senate a report on the results of the study.

SEC. 195. REPORTS ON EQUITABLE RELIEF AND MISTAKEN-MISINFORMATION REQUESTS.

Section 195 of the Agricultural Adjustment Act Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 946) is amended to read as follows:

SEC. 195. REPORTS ON EQUITABLE RELIEF AND MISTAKEN-MISINFORMATION REQUESTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes:

(1) the number of requests received by the Secretary during the preceding fiscal year for equitable relief under programs carried out by the Federal Service Agency and the Natural Resources Conservation Service, including a description (by program) of—

(A) the number of requests received;

(B) the number of requests approved by the Secretary; and

(C) the basis for the approval or denial of the requests;

and—

(2) the number of requests received by the Secretary during the preceding fiscal year for relief described in section 326 of the Food and Agriculture Act of 1962 (7 U.S.C. 1338a) with respect to requests, including a description (by program) of—

(A) the number of requests received;

(B) the number of requests approved by the Secretary; and

(C) the basis for the approval or denial of the requests.

(b) APPEALS.—The Secretary, acting through the Director of the National Appeals Division, shall include in each report submitted under subsection (a) a description of actions taken by the Division during the preceding fiscal year with respect to requests for relief described in subsection (a).”.

SEC. 1. COMMODITY CREDIT CORPORATION INVENTORY.

Title 1 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

SEC. 179. ESTIMATES OF NET FARM INCOME.

In each issuance of projections of net farm income, the Secretary shall include (as determined by the Secretary)—

(1) an estimate of the net farm income earned by commercial producers in the United States; and

(2) an estimate of the net farm income attributable to commercial producers of each of the following:

(A) livestock;

(B) loan commodities; and

(C) agricultural commodities other than loan commodities.”.

SEC. 1. AGRICULTURAL PRODUCERS SUPPLEMENTAL PAYMENTS AND ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture may use such funds of the Commodity Credit Corporation as are necessary to provide payments and assistance under Public Law 107-25 (115 Stat. 201) to persons that (as determined by the Secretary)—

(1) are eligible to receive the payments or assistance; or

(2) did not receive the payments or assistance prior to October 1, 2001.

(b) LIMITATION.—The amount of payments or assistance provided under Public Law 107-25 and this section to an eligible person described in subsection (a) shall not exceed the amount of payments or assistance that person would have been eligible to receive under Public Law 107-25.

Subtitle E—Payment Limitation Commission

SEC. 1. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on the Application of Payment Limitations for Agriculture” (referred to in this subtitle as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of 11 members appointed as follows:

(i) 3 members shall be appointed by the Speaker of the House of Representatives.

(ii) 1 member shall be appointed by the Majority Leader of the Senate.

(iii) 1 member shall be appointed by the Minority Leader of the Senate.

(iv) 1 member shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(v) 1 member shall be appointed by the Ranking Minority Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(vi) 1 member shall be appointed by the Director of the National Appeals Division.

(vii) 1 member shall be appointed by the rank or equivalent of a director of a department, agency, or instrumentality of the United States.

(viii) 1 member shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives.

(ix) 1 member shall be appointed by the ranking minority member of the Committee on Agriculture of the House of Representatives.

(B) DIVERSITY OF VIEWS.—The appointing authorities under subparagraph (A) shall seek to ensure that the membership of the Commission has a diversity of experiences and expertise on the issues to be studied by the Commission, such as agricultural production, agricultural research and development, agricultural marketing and promotion, agricultural financing, professional accounting, agricultural research and extension, and other relevant areas.

(c) DATES OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(f) MEETINGS.—The Commission shall meet—

(1) on a regular basis, as determined by the Chairperson; and
SEC. 1. 2. DUTIES.

(a) COMPREHENSIVE REVIEW.—The Commission shall conduct a comprehensive review of—

(1) the laws (including regulations) that apply or fail to apply payment limitations to agricultural commodity and conservation programs administered by the United States Department of Agriculture, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

SEC. 1. 5. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission or any proceeding of the Commission.

SEC. 1. 6. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $100,000 to carry out this subtitle.

SEC. 1. 7. TERMINATION OF COMMISSION.

The Commission shall terminate on the date after the date on which the Commission submits the report of the Commission under section 1. 2(c).

SEC. 1. 8. QUORUM.

On page 129, line 14, strike “an producer” and insert “a producer’.

Beginning on page 130, strike line 22 and all that follows through page 131, line 2.

On page 131, line 3, strike “(9)” and insert “(6)”.

On page 131, line 7, strike “(10)” and insert “(9)”.

On page 131, line 20, strike “(11)” and insert “(10)”.

On page 132, line 18, strike “(12)” and insert “(11)”.

On page 132, line 13, strike “(13)” and insert “(12)”.

On page 133, line 4, strike “(14)” and insert “(13)”.

On page 133, line 12, strike “(15)” and insert “(14)”.

On page 133, line 20, strike “(16)” and insert “(17)”.

On page 133, line 23, strike “(17)” and insert “(16)”.

On page 134, line 3, strike “(18)” and insert “(17)”.

On page 134, line 7, strike “(19)” and insert “(18)”.

On page 134, line 11, strike “(20)” and insert “(19)”.

On page 134, line 15, strike “(21)” and insert “(20)”.

On page 134, line 19, strike “(22)” and insert “(21)”.

On page 138, line 13, strike “to eligible” and insert “to all eligible”.

On page 140, line 24, insert “or update existing technologies and practices” before the period.

On page 141, line 1, strike “STATE AND LOCAL” and insert “STATE, TRIBAL, AND LOCAL”.

On page 141, lines 7 and 8, strike “State” and insert “State or Indian tribe”.

On page 141, line 11, insert “Indian tribe” after “State”.

On page 141, strike lines 13 through 18 and insert the following:

(i) determined by the State conservationist, in consultation with the State technical committee established under subtitle G and the local subcommittee of the State technical committee; and

(ii) determined by the Secretary, in consultation with the State technical committee; and

(iii) approved by the Secretary; and

(iv) approved by the Secretary; and

(v) in the case of land under the jurisdiction of an Indian tribe—

(vi) determined by the Indian tribe, after consultation with the State technical committee; and

(vii) approved by the Secretary.

On page 160, line 7, strike “the” and insert “applicable”.

On page 166, line 9, strike “purposes” and insert “objectives”.

On page 166, line 15, insert “local” before “conservation”.

On page 176, strike lines 8 through 14 and insert the following:

(b) CONSERVATION SECURITY STATE PROGRAM.

(i) IN GENERAL.—Effective October 1, 2004, the Secretary, in cooperation with appropriate State agencies, may permit 1 State to jointly implement a conservation security program with the Secretary.

On page 177, line 13, insert “, education and outreach, and monitoring and evaluation” after “assistance”.

On page 177, line 21, insert after “subtitle” the following: “enter into agreements with State and local agencies, Indian tribes, and nongovernmental organizations”.

On page 178, line 6, insert “or tribal” after “State”.

On page 178, line 9, insert “or tribal” after “of State”.

On page 178, line 11, strike “or”.

On page 178, between lines 13 and 14, insert the following:

(iv) other Federal, State, tribal, or local laws; or

On page 178, line 18, strike “or multi-State” and insert “, multistate, or tribal”.

On page 181, strike lines 9 through 11 and insert the following:

(4) PURPOSES OF SPECIAL PROJECTS.—The purposes of special projects carried out under this section shall be to encourage—

Beginning on page 186, strike line 22 and all that follows through page 190, line 24, and insert the following:

(4) TECHNICAL ASSISTANCE.

(1) IN GENERAL.—Under any conservation program administered by the Secretary, subject to paragraph (2), technical assistance provided by persons certified under paragraph (3) (including farmers and ranchers) may include—

(A) conservation planning;

(B) design, installation, and certification of conservation practices;

(C) conservation training for producers; and

(D) such other conservation activities as the Secretary determines to be appropriate.
"(2) OUTSIDE ASSISTANCE.—

"(A) IN GENERAL.—The Secretary may contract with any person or entity to provide technical assistance to agricultural producers and landowners for the planning, designing, or certifying activities to participate in any conservation program administered by the Secretary to agricultural producers and landowners, participating, or seeking to participate, in conservation programs administered by the Secretary.

"(B) PAYMENT BY SECRETARY.—Subject to subparagraph (C), the Secretary may provide a payment to an owner, operator, or producer to carry out this subsection; and

"(C) NONPRIVATE PROVIDERS.—In determining whether to provide a payment under subparagraph (B), the Secretary may exempt a nonprivate provider, the Secretary shall provide a payment if the provision of the payment would result in an increase in the total amount of technical assistance available to producers, as determined by the Secretary.

"(3) CERTIFICATION OF PROVIDERS OF TECHNICAL ASSISTANCE.—

"(A) PROCEDURES.—

"(i) IN GENERAL.—The Secretary shall establish procedures for certifying persons not employed by the Department to provide technical assistance, planning, designing, or certifying activities to participate in any conservation program administered by the Secretary to agricultural producers, and landowners, participating, or seeking to participate, in conservation programs administered by the Secretary.

"(ii) NONPRIVATE PROVIDERS.—The Secretary may exempt the services of, and enter into a cooperative agreement with, a State water quality agency, State fish and wildlife agency, State forestry agency, State conservation agency or conservation district, or any other governmental or nongovernmental organization or person considered appropriate by the Secretary to assist in providing the technical assistance necessary to develop and implement conservation plans under this title.

"(B) EQUIVALENCE.—The Secretary shall ensure that new certification programs of the Department for providers of technical assistance meet or exceed the training and continuing education standards of any certification program that establishes nationally recognized and accepted standards for training, testing, and other professional qualifications.

"(C) STANDARDS.—The Secretary shall establish standards for the conduct of—

"(i) the certification process conducted by the Secretary; and

"(ii) periodic recertification by the Secretary of providers.

"(D) CERTIFICATION REQUIRED.—

"(i) IN GENERAL.—A provider may not provide any producer technical assistance described in paragraph (3)(A)(i) unless the provider is certified by the Secretary.

"(ii) WAIVER.—The Secretary may exempt a provider from any requirement of this subparagraph if the Secretary determines that the provider certified through an examination or through a program of which the Secretary determines meets such standard, can provide technical assistance through a program the standards of which meet or exceed standards established by the Secretary under subparagraph (C).

"(E) FEES.—

"(i) IN GENERAL.—In exchange for certification or recertification, a provider shall pay a fee to the Secretary in an amount determined by the Secretary.

"(ii) ACCOUNT.—A fee paid to the Secretary under clause (i) shall be deposited to the account in the Treasury that incurs costs relating to implementing this subsection; and

"(iii) AVAILABILITY.—The Secretary may use any amounts deposited under clause (ii) to pay a fee for technical assistance provided by the Secretary, without further appropriation, until expended.

"(III) WAIVER.—The Secretary may waive any requirement of any provider to pay a fee under this subparagraph if the provider qualifies for a waiver under subparagraph (D)(i).

"(F) TECHNICAL ASSISTANCE ADVISORY COUNCIL.—

"(i) PURPOSE.—The Secretary shall establish a technical assistance advisory council (referred to in this subparagraph as the ‘advisory council’) to advise the Secretary with respect to the management of certification programs for the provision of technical assistance for third party providers.

"(ii) MEMBERSHIP.—The membership of the advisory council shall consist of—

"(I) representatives of the Federal Government and appropriate State and local governments; and

"(II) not more than 20 additional members that represent 2 or more of the following:

"(aa) Agricultural producers.

"(bb) Agricultural industries.

"(cc) Wildlife and environmental entities.

"(dd) A minimum of 6 professional societies and organizations.

"(ee) Such other entities (the representation of which on the advisory council shall not exceed 4 members) as the Secretary determines would contribute to the work of the advisory council.

"(iii) RESPONSIBILITIES.—The advisory council shall advise the Secretary with respect to—

"(I) appropriate standards for certification;

"(II) the status of third party certification programs;

"(III) cases in which waivers for certification, recertification, and payment of fees should be allowed;

"(IV) periodic reviews of certification program; and

"(V) guidelines for penalties and disciplinary actions for violation of certification requirements.

"(G) MEETINGS.—

"(I) INITIAL MEETING.—Not later than 30 days after the date on which all members of the advisory council have been appointed, the advisory council shall hold the initial meeting of advisory council.

"(II) SUBSEQUENT MEETINGS.—The Secretary shall require the advisory council to meet as needed.

"(H) AUTHORIZATION OF APPOINTMENTS.—There are authorized to be appropriated to carry out this subparagraph such sums as are necessary for each of fiscal years 2002 through 2006.

"(I) EFFECT ON IMPLEMENTATION.—Nothing in this subsection shall prohibit or preclude the expeditious implementation of the provisions of this third-party technical assistance under this title.

"(J) OTHER REQUIREMENTS.—The Secretary shall establish such other requirements as the Secretary determines necessary to carry out this subsection.

On page 191, strike lines 19 through 21 and insert the following:

"(i) provided to the Secretary or a contractor of the Secretary (including information provided under subtitle D) for the purpose of providing assistance under this title.

On page 192, line 3, insert ‘‘within the meaning of section 522(b)(4) of title 5, United States Code’’ after ‘‘proprietary’’. On page 192, lines 7 and 8, strike ‘‘compiled by the Secretary, such as a list of’’ and insert ‘‘regarding’’.

On page 192, strike lines 1 through 5 and insert the following:

and producers, and to maintain the integrity of each unit at which primary sampling for data gathering is carried out by the National Resources Inventory (referred to in this subsection as a ‘‘data gathering site’’), the specific geographic locations of data gathering sites, and the information generated by the data gathering sites—

On page 194, strike lines 3 and 4 and insert the following:

The following collecting information from data gathering sites—

On page 194, line 14, strike ‘‘National Resources Inventory’’.

On page 194, lines 20 and 21, strike ‘‘that does not allow the identification of’’ and insert ‘‘without naming’’.

On page 195, between lines 19 and 20, insert the following:

"(A) affects any procedure for data collection or disclosure through the National Resources Inventory; or

"(B) limits the authority of Congress or the General Accounting Office to review information collected or disclosed under this subsection.

On page 197, line 5, strike ‘‘and’’ at the end. On page 197, line 13, strike the period at the end and insert ‘‘;’’.

On page 197, between lines 13 and 14, insert the following:

"(A) DURATION OF CONTRACTS; HARDWOOD TREES.—Section 1232(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3331(b)) is amended—

"(I) in paragraph (1), by striking ‘‘For the purpose:’’ and inserting ‘‘Except as provided in paragraph (2)(D), for the purpose:’’; and

"(II) in paragraph (2)—

"(A) by striking ‘‘In the’’ and inserting the following:

"(A) IN GENERAL.—In the case of land devoted to hardwood trees under a contract entered into under this subparagraph before the date of enactment of this paragraph, the Secretary shall extend the contract for a term of not more than 15 years.

"(B) BY EXISTING HARDWOOD TREE CONTRACTS.—The Secretary may extend for a term of not more than 15 years such contracts with owners of land intended to be devoted to hardwood trees after the date of enactment of this paragraph.

On page 195, strike lines 19 through 21 and insert the following:

"(I) RENTAL PAYMENTS.—The amount of a rental payment for a contract extended under clause (I) shall be determined by the Secretary; but

"(II) shall not exceed 50 percent of the rental payment that was applicable to the contract before the contract was extended.

"(C) BY ADDING AT THE END THE FOLLOWING:

"(D) NEW HARDWOOD TREE CONTRACTS.—

"(i) IN GENERAL.—The Secretary may enter into contracts of not less than 10, nor more than 30, years with owners of land intended to be devoted to hardwood trees after the date of enactment of this paragraph.

"(ii) PAYMENTS.—The Secretary shall make payments under a contract described in clause (i)—

"(I) on an annual basis; and

"(II) at such an appropriate rate and in such appropriate amounts as the Secretary shall determine in accordance with subparagraph (C)(ii).
maximum extent practicable, that all hard-
wood tree sites annually enrolled in the con-
servation reserve program are reforested with
appropriate species.; and
(3) on page 283, line 10, insert the follow-

On page 213, between lines 19 and 20, insert the follow-

On page 213, between lines 19 and 20, insert the follow-

B) the effect of those enrollments on rural popula-
tion and beginning farmers (including the description of any connection
between the rate of enrollment and the inci-
dence of absentee ownership); and
C(i) the manner in which differential per
acre payment rates potentially impact the
type of land (by productivity) enrolled;
(ii) changes to the per acre payment rates
that may affect that impact; and
(iii) the manner in which differential per
acre payment rates could facilitate retention
of productive agricultural land in agri-
culture.

On page 214, line 15, insert “tribal,” after
“State,”.

On page 214, line 22, insert “tribal,” after
“State,”.

On page 217, line 23, insert “or improved” after
“now”.

On page 218, line 1, insert “or facilitates” after“complements”.

On page 220, lines 24 and 25, strike “fac-
ility, and insert “facility (including a meth-
ane recovery system)”.

On page 222, line 9, insert “tribal,” after
“State,”.

On page 230, line 17, strike “(a) In Ge-
neral.”

On page 231, line 1, insert “tribal,” after
“State,”.

On page 231, line 7, insert “prevention and
control” after “soil erosion”.

On page 231, line 14, strike “State” and in-
sert “State, tribal”.

On page 234, between lines 6 and 7, insert the follow-

(1) AVOIDANCE OF RESOURCE DISRADA-
TAION. —In carrying out the program, the Sec-
retary shall avoid, to the maximum prac-
ticable, any practices that would have a sig-
nificant adverse effect on ecologically sen-
sitive areas (including wetland), as deter-

On page 234, line 21, insert “tribal,” after
“State.”.

On page 236, strike lines 6 through 10 and insert the follow-

On page 236, strike lines 17 and 18 and in-
sert the following:

On page 238, line 21, strike “1241(b)(1) and” and in-
sert “1241(b).”

On page 277, line 10, insert “tribal,” after
“State.”.

On page 283, line 5, strike the closing quo-
tation marks and the following period.

On page 283, between lines 5 and 6, insert the fol-

SEC. 1240q. GRASSROOTS SOURCE WATER PRO-
TECTION PROGRAM. —(a) In General. —The Secretary shall es-

SEC. 1238H. DEFINITIONS. —In this subchapter:

(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(2) ELIGIBLE LAND. —The term ‘eligible land’ means—

(3) INDIAN TRIBE. —The term ‘Indian tribe’ has the mean-
ing given the term in section 4 of the Indian Self-Determination and Edu-

(4) PROGRAM. —The term ‘program’ means the

SEC. 1238J. FARMLAND PROTECTION PRO-
GRAM. —(a) In General.—The Secretary, acting through the Natu-
ral Resources Conservation Service, shall establish and carry out a farm-
land protection program under which the Secretary shall purchase conser-
vation easements or other interests in eligible land that is subject to a pending offer from an eligible

On page 272, line 25, strike “habitat”.

On page 272, line 25, strike “$375,000” and insert “$350,000.”

On page 273, line 1, strike “$50,000” and in-
sert “$50,000,000.”
entity for the purpose of protecting topsoil by limiting nonagricultural uses of the land.

(b) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased under this subchapter shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

SEC. 1238J. MARKET VIABILITY PROGRAM.

"For each year for which funds are made available to carry out this subchapter, the Secretary may not purchase more than $10,000,000 to provide matching market viability grants and technical assistance to farmers and ranch operators that participate in the program."

(b) FUNDING.—

(1) IN GENERAL.—Beginning on page 289, line 7, insert the following:

"(b) FUNDING.—

(i) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is repealed.

(2) APPORTIONMENT.—

(3) GRANT PROGRAM.—

(4) COMFORMING AMENDMENT.—

(5) COOPERATIVE AGREEMENT.—

(6) GRANT PROGRAM.—

(7) SEC. 1238Q. DELEGATION TO PRIVATE ORGANIZATIONS.

(a) IN GENERAL.—The Secretary may permit a private organization or other entity to hold and enforce an easement under this subchapter, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

(1) the Secretary determines that granting the permission will promote grassland and shrubland protection;

(2) the owner authorizes the private organization or State agency to hold and enforce the easement; and

(3) the private organization or State agency agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the private organization or State agency.

(b) APPLICATION.—A private organization or State agency that seeks to hold and enforce an easement under this subchapter shall apply to the Secretary for approval.

(2) IN GENERAL.—If the Secretary approves a private organization to hold and enforce an easement under this subchapter if (as approved by the Secretary) the private organization—

(1) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code or is described in section 509(a)(2), of that Code;

(2) has the relevant experience necessary to administer grassland and shrubland easements;

(3) has a charter that describes the commitment of the private organization to conserving rangeland, agricultural land, or grassland for grazing and conservation purposes; and

(4) has the resources necessary to effectuate the purposes of the charter.

(2) REQUIREMENTS.—

(1) IN GENERAL.—If a private organization holding an easement on land under this subchapter terminates, not later than 30 days after termination of such an easement, the Secretary shall notify the Secretary of the reassignment for termination has been made.

(2) FAILURE TO NOTIFY.—If the owner and the new organization fail to notify the Secretary of the reassignment in accordance with subparagraph (B), the easement shall revert to the control of the Secretary."

On page 290, line 17, strike "$50,000,000" and insert "$45,000,000".

On page 309, strike lines 1 through 3 and in place thereof insert the following:

"(b) BOARD OF TRUSTEES.

(1) IN GENERAL.—The Institute shall be headed by a board of trustees composed of producers and handlers of organically grown and processed agricultural commodities appointed by the Secretary.

(2) GEOGRAPHIC REPRESENTATION.—The membership of the Board of Trustees shall reflect equally each of the various regions in the United States in which organically grown and processed agricultural commodities are produced.

On page 310, strike line 23 and all that follows through page 311, line 12.

On page 311, line 13, strike "(f)" and insert "(e)".

On page 311, line 16, strike "(g)" and insert "(f)".

On page 313, strike line 7 and all that follows through page 328, line 10, and insert the following:

Subtitle E—Miscellaneous

Beginning on page 321, strike line 15 and all that follows through page 328 and insert the following:

SEC. 2. KLAMATH BASIN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(2) TASK FORCE.—The term “Task Force” means the Klamath Basin Interagency Task Force established under subsection (b).

(b) INTERAGENCY TASK FORCE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary of Agriculture, in conjunction with the Secretary of the Interior, shall establish the Klamath Basin Interagency Task Force.

(B) APPROVAL OF MEMBER.—A decision of the Task Force that affects any area under the jurisdiction of a member of the Task Force described in paragraph (2) shall not be implemented without the consent of the member.

(C) MEMBERSHIP.—The Task Force shall include representatives of—

(i) the United States Fish and Wildlife Service; and

(ii) the Bureau of Reclamation; and

(iii) the Bureau of Indian Affairs; and

(iv) the Department of Commerce, including the National Marine Fisheries Service; and

(v) the Council on Environmental Quality; and

(vi) the Federal Energy Regulatory Commission; and

(vii) the Environmental Protection Agency; and

(viii) the United States Geological Survey.

(3) DUTIES.—The Task Force shall use conservation programs of the Department of Agriculture and other Federal programs in the Klamath Basin in Oregon and California for the purposes of—

(A) promoting agricultural production and environmental quality as compatible Klamath Basin goals;

(B) water conservation and improved agricultural practices;

(C) aquatic ecosystem restoration;

(D) improvement of water quality and quantity;

(E) recovery and enhancement of endangered species, including anadromous fish species; and

(F) restoration of the national wildlife refuges.

(4) COOPERATIVE AGREEMENT.—The Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Commerce shall enter into a cooperative agreement to—

(A) provide funding to the Task Force; and

(B) use conservation programs adminis-

tered by the Secretary of Agriculture and other Federal programs administered by the Secretary of the Interior and Secretary of Commerce in carrying out the purposes described in paragraph (3).

(5) GRANT PROGRAM.—

On page 317, strike line 23 and all that follows through page 328, line 10, and insert the following:

Subtitle F—Miscellaneous

Beginning on page 321, strike line 15 and all that follows through page 328 and insert the following:

SEC. 3. REORGANIZATION OF THE U.S. DEPARTMENT OF COMMERCE.—

(a) DEFINITIONS.—In this section:

(1) SECRETARY OF COMMERCE.—The term “Secretary of Commerce” means the Secretary of Commerce.

(2) NATIONAL RESEARCH COUNCIL.—The National Research Council shall be abolished.

(b) DUTIES OF MINISTERS.—The Secretary of Commerce shall—

(A) be responsible for the economic development of the United States; and

(B) provide economic assistance to farmers through the Extension Service.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 4. TRANSFER OF OFFICE OF THE PRESIDENT FOR NATIONAL SECURITY.—

(a) TRANSFER.—The Office of the President for National Security shall be transferred to the Department of Defense.

(b) DUTIES.—The duties of the Office of the President for National Security shall be performed by the Secretary of Defense.

(c) FUNDING.—The funding provided for the Office of the President for National Security shall be transferred to the Department of Defense.

SEC. 5. AUTHORITY.—The authority of this Act is not subject to the provisions of—

(A) the Independent Agencies Appropriations Act, 2003, or any other Act; and

(B) any other provision of law that governs the use of funds available for the activities of the agency to which the authority is transferred.

SEC. 6. CONSOLIDATION.—The provisions of this Act shall be consolidated into a single section of the United States Code, to be known as “The Omnibus Trade and Competitiveness Act of [date].”
(A) IN GENERAL.—The Task Force shall establish a grant program (including appropriate cost-sharing, monitoring, and enforcement requirements) under which the Secretary, the Secretary of the Interior, or the Secretary of Commerce may enter into 1 or more agreements or contracts with non-Federal entities, Indian tribes (as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), environmental organizations, and water districts in the Klamath Basin to carry out the purposes described in paragraph (3).

(B) CONTRACT TERMS.—An agreement or contract under subparagraph (A) shall—

(1) specify the responsibilities of the entity and the Secretary under the agreement or contract;

(2) provide for such cost-sharing as the Secretary considers appropriate; and

(3) include mechanisms for monitoring and enforcement requirements.

(c) REPORT AND PLAN.—

(1) DEVELOPMENT.—

(A) REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force, after soliciting input from the States of California and Oregon, local public agencies, the Klamath Project districts, environmental organizations, and the stakeholder community, shall issue a report that—

(i) considers the impacts of the biological assessment, the biological opinion, activities of the Upper Klamath Basin Working Group, activities of the Pacific Fisheries Restoration Task Force, State water adjudications, and the resolution of tribal rights, that may affect actions of the Task Force; and


(B) DRAFT PLAN.—Not later than 60 days after completion of the report under subparagraph (A), the Task Force shall develop, and provide public notice of and an opportunity for comment on, a draft 5-year plan to perform the duties of the Task Force under subsection (b)(3).

(C) FINAL PLAN.—Not later than 1 year after the date of enactment of this Act, the Task Force shall finalize the plan described in subsection (b)(3), and the Secretary, after soliciting input from the States of California and Oregon, local public agencies, the Klamath Project districts, environmental organizations, and the stakeholder community, shall issue a report that—

(i) specifies the responsibilities of the entity and the Secretary under the agreement or contract;

(ii) provides for such cost-sharing as the Secretary considers appropriate; and

(iii) includes mechanisms for monitoring and enforcement requirements.

(d) COOPERATION WITH NON-FEDERAL ENTITIES.—In carrying out the duties of the Task Force under this section, the Task Force shall—

(1) consult with—

(A) environmental, fishing, and agricultural interests; and

(B) on a government-to-government basis, the Klamath, Hoopa, Yurok, and Karuk Tribes;

(2) provide appropriate opportunities for public participation; and

(3) hold meetings at least once every 3 months in the Klamath Basin with opportunities for stakeholder participation.

(2) AGENCY.—

(1) IN GENERAL.—To carry out the purposes described in subsection (b)(3), the Secretary shall use $175,000,000 of the funds of the Community Credit Corporation for the period of fiscal years 2003 through 2006, of which—

(A) $15,000,000 shall be made available to the Klamath, Hoopa, Yurok, and Karuk Tribes for use in the Klamath Basin of California; and

(B) $15,000,000 shall be made available to those Tribes for use in the State of Oregon.

(C) FUNDS AVAILABLE TO THE TRIBES.—

(1) IN GENERAL.—The funds made available to the Tribes under paragraph (1) shall be for projects for specific habitat improvement related to the recovery of threatened and endangered species to be carried out by the appropriate tribal natural resources department, consistent with the purposes of this section.

(2) OTHER FUNDS.—The funds made available under paragraph (1) shall be in addition to funds available to the States of California and Oregon under other provisions of this Act (including amendments made by this Act).

(D) UNUSED FUNDING.—Any funds made available for a fiscal year under paragraph (1) that remain unobligated as of April 1, 2006, may be used to carry out other activities under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).

(3) EXPEDITED AUTHORITY TO OBLIGATE FUNDS.—The Secretary may not obligate funds made available under this subsection after September 30, 2006.

(F) SAVINGS PROVISION.—Nothing in this section regarding the Klamath Basin affects any right or obligation of any party under any treaty or any other provision of Federal or State law.

(g) COOPERATIVE AGREEMENTS.—Notwithstanding the Federal Grant and Cooperative Agreement Act (41 U.S.C. 501 et seq.), the Secretary may enter into cooperative agreements under this section.

On page 331, line 6, strike “certification of” and insert “certification of”.

On page 331, strike lines 16 through 25 and insert the following:

(’A) submit a single proposal for 1 or more countries in which the certified institutional partner has already demonstrated organizational capacity; and

(B) receive expedited review of the proposal.”

On page 334, strike lines 9 through 17 and insert the following:

SEC. 3. FOOD AID CONSULTATIVE GROUP.

Section 256(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725(f)) is amended by striking “2002” and inserting “2006”.

On page 335, line 22, add “and” at the end. On page 335, strike lines 23 through 26. On page 336, line 1, strike “‘4’ and insert “‘B’.”

Beginning on page 337, strike line 11 and all that follows through page 338, line 5, and insert the following:

SEC. 3. SALE PROCEDURE.

Section 603 of the Agricultural Trade Development and Assistance Act of 1964 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(1) IN GENERAL.—In carrying out this Act, the Secretary and

(2) by adding at the end the following:

(2) CURRENCIES.—Sales of commodities described in paragraph (1) may be in United States dollars or in a different currency.”

(2) Subsection (c)—

(A) by striking “in carrying” and inserting the following:

“(1) IN GENERAL.—In carrying”;

and

(3) by adding at the end the following:

“(2) SALE PRICE.—Sales of commodities described in paragraph (1) shall be made at a reasonable market rate in the economy where the commodity is to be sold, as determined by the Secretary or the Administrator, as appropriate; and

(3) by adding at the end the following:

“(1) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); and

(2) title VIII of the Agricultural Trade Act of 1978.”

On page 340, line 1, insert “JOHN OGDONSKI before FARMER-TO-FARMER PROGRAM.”

On page 340, line 12, strike “180” and insert “180 days”.

On page 340, line 13, strike “360” and insert “12 months”.

On page 343, line 6, strike “7251” and insert “5721”.

Beginning on page 349, strike line 13 and all that follows through page 350, line 13, and insert the following:

IN GENERAL.—There are established the Food for Progress Program and the International Food for Education and Nutrition Program through which eligible commodities are made available to eligible organizations to carry out programs of assistance in developing countries.

FOOD FOR PROGRESS PROGRAM.—

(1) IN GENERAL.—To provide agricultural commodities to support the introduction or expansion of free trade enterprises in national economies and to promote food security in recipient countries, the Secretary shall establish the Food for Progress Program, under which the Secretary may enter into agreements (including amendments and agreements for programs in more than 1 country) with entities described in paragraph (2).

(2) ENTITIES.—The Secretary may enter into agreements under paragraph (1) with—

(A) the governments of emerging agricultural countries;

(B) private voluntary organizations;

(C) nonprofit agricultural organizations and cooperatives;

(D) nongovernmental organizations; and

(E) other private entities.

(3) CONSIDERATIONS.—In determining whether to enter into an agreement to establish a program under paragraph (1), the Secretary shall take into consideration whether the purchase and sale of those commodities is committed to carrying out, or is carrying out, policies that promote—

(A) economic freedom;

(B) private production of food commodities for domestic consumption; and

(C) the creation and expansion of efficient domestic markets for the purchase and sale of those commodities.

On page 350, strike line 18. On page 352, between lines 19 and 20, insert the following:

(6) ELIGIBLE COSTS.—Subject to paragraphs (2) and (7), the Secretary shall pay all costs of—

(A) the costs and charges described in paragraphs (1) through (5) and (7) of section

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406(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(b)) with respect to an eligible commodity;

"(B) the internal transportation, storage, and marketing of the eligible commodity, the Secretary determines that—

"(i) payment of the costs is appropriate; and

"(ii) the recipient country is a low income, net food-importing country that—

"(I) meets the poverty criteria established by the International Bank for Reconstruction and Development for Development for Civil Works Preference; and

"(II) has a national government that is committed to reducing civil conflict. Through a national action plan, the World Declaration on Education for All convened in 1990 in Jomtien, Thailand, and the followup Dakar Framework for Action of the World Education Forum in 2000; and

"(C) the projected costs of an eligible organization for administration, sales, monitoring, and technical assistance under an agreement under paragraph (2) (including an itemized budget), taking into consideration, as determined by the Secretary—

"(i) ? in the past, the amount of such costs itemized by category; and

"(ii) the projected amount of assistance to be received from other donors.

406(c) (A) COMMODITY CREDIT CORPORATION.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may use the funds, facilities, and authorities of the Corporation to carry out this subsection.

"(ii) LIMITATION.—Not more than $350,000,000 for each of fiscal years 2002 through 2005 shall be used to carry out this subsection.

406(c) (B) USE LIMITATIONS.—Of the funds made available under subparagraph (A), the Secretary may use to carry out paragraph (6)(C) not more than $20,000,000 for each of fiscal years 2002 through 2005.

406(c) (C) REALLOCATION.—Funds not allocated under this subsection by April 30 of a fiscal year shall be made available for proposals submitted under the Food for Progress Program under subsection (b).

406(c) (D) MULTICYCLE AGREEMENTS.—In carrying out this title, on request and subject to the availability of commodities, the Secretary is encouraged to agree to agreements that provide for the use of commodities to be made available for distribution on a multicyrle basis, if the agreements otherwise meet the requirements of this title.

406(c) (E) CERTIFICATION.—The Secretary is required to report on deficiencies in transportation and storage infrastructure and deficiencies in funding that have limited the use, and expansion of use, of highly perishable and semiperishable commodities in international food aid programs of the Department of Agriculture.

SEC. 3. SENSE OF SENATE CONCERNING FOREIGN ASSISTANCE PROGRAMS.

(a) FINDINGS.—Congress finds that—

"(1) the international community faces a continuing epidemic of ethnic, sectarian, and criminal violence;

"(2) poverty, hunger, political uncertainty, and social instability are the principal causes of violence and conflict around the world;

"(3) broad-based, equitable economic growth and agriculture development facilitates political stability, food security, democracy, and the rule of law;

"(4) democratic governments are more likely to advocate and observe international law and standards, pursue free market economies, and avoid external conflicts;

"(5) the United States Agency for International Development has provided critical democracy and governance assistance to a majority of the nations that successfully made the transition to democratic governments during the past 2 decades;

"(6) 43 of the top 50 consumer nations of American agricultural products were once United States foreign aid recipients;

"(7) the past 50 years, infant and child death rates in the developing world have been reduced by 50 percent, and health conditions around the world have improved more during this period than in any previous period in human history;

"(8) the United States Agency for International Development child survival programs have significantly contributed to a 10 percent reduction in infant mortality rates worldwide in just the past 8 years;

"(9) in providing assistance by the United States and other donors in better seeds and teaching more efficient agricultural techniques over the past 2 decades, developing countries have helped make it possible to feed an additional 1,200,000,000 people in the developing world;

"(10) despite this progress, approximately 1,200,000,000 people, one-quarter of the world's population, live on less than $1 per day, and approximately 3,000,000,000 people live on only $2 per day;

"(11) 95 percent of new births occur in developing countries, including the world's poorest countries; and

"(12) only ½ percent of the Federal budget is dedicated to international economic and humanitarian assistance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

"(1) United States foreign assistance programs should play an increased role in the global fight against terrorism to complement the national security objectives of the United States;

"(2) the United States should lead coordinated international efforts to provide increased financial assistance to countries with impoverished and disadvantaged populations that are the breeding grounds for terrorism; and

"(3) the United States Agency for International Development and the Department of Agriculture should substantially increase humanitarian, economic development, and agricultural assistance to foster international peace and stability and the promotion of human rights.

SEC. 4. REDEMPTION OF BENEFITS THROUGH GROUP LIVING ARRANGEMENTS.

(a) FINDINGS.—There is hereby found that—

"(1) the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended in as part of the first sentence the following: "Notwithstanding the preceding sentence, a center, organization, institution, shelter, group living arrangement, or establishment described in that sentence may be authorized to redeem coupons through a financial institution.
described in that sentence if the center, organization, institution, shelter, group living arrangement, or establishment is equipped with 1 or more point-of-sale devices and is operating a program, which is an electronic benefit transfer system described in section 7(h) has been implemented.

Beginning on page 416, strike line 11 and all that follows through page 418, line 11, and insert the following:

"(10) Adjustments of payment error rate.

(A) in general.—

(i) Adjustment for higher percentage of households with earned income.—With respect to fiscal year 2002 and each fiscal year thereafter, in applying paragraph (1), the Secretary shall adjust the payment error rate determined under paragraph (2)(A) as necessary to take into account any increases in errors that result from the State agency's having a higher percentage of participating households that have earned income than the lesser of—

(I) the percentage of participating households in all States that have earned income; or

(II) the percentage of participating households in the State in fiscal year 1992 that had earned income.

(ii) Adjustment for higher percentage of households with a food stamp coupon program.—With respect to fiscal year 2002 and each fiscal year thereafter, in applying paragraph (1), the Secretary shall adjust the payment error rate determined under paragraph (2)(A) as necessary to take into account any increases in errors that result from the State agency's having a higher percentage of participating households that have 1 or more members who are not United States citizens than the lesser of—

(I) the percentage of participating households that have 1 or more members who are not United States citizens; or

(II) the percentage of participating households in the State in fiscal year 1998 that had 1 or more members who were not United States citizens.

(B) additional adjustments.—For purposes of paragraph (1), in any fiscal year, if the percentage of families that have 1 or more members who are not United States citizens increases by more than 25 percent from the percentage determined in accordance with subparagraph (I) of paragraph (1)(A) or subparagraph (I) of paragraph (1)(B), the percentage change between—

(1) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2003 et seq.), other than section 19 of that Act (7 U.S.C. 2003); and

(2) the program to provide assistance to Puerto Rico under section 19 of that Act (as in effect on the day before the date of enactment of this Act);

an amount representing $50 per participant per month, shall be provided to carry out section 19 of that Act.

(C) statements of the comptroller general as to whether additional funding shall be provided to carry out section 19 of that Act.

(1) increased authorization.—Effective on the date of submission to Congress of the report under paragraph (2), the Secretary is authorized to appropriate to carry out section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2003) (in addition to amounts made available to carry out that section in any law other than this subsection) $50,000,000 for each fiscal year.

(2) limitation.—No amounts may be made available to carry out paragraph (2) unless specifically provided by an appropriation Act.

On page 439, line 1, strike "(b)" and insert "(c)"

On page 439, line 3, strike "(c)" and insert "(d)"

On page 440, strike line 3 and insert the following:

"(5) meet, as soon as practicable through the provision of grants of not to exceed $25,000 each, specific assistance (in terms of program administration, rules, benefits, and requirements) between—

"(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30, 2002; and

"(ii) the value of that index for the 12-month period ending June 30, 2002.

(B) Fiscal years 2004 through 2006.—For each of fiscal years 2004 through 2006, the amount of each grant per caseload slot shall be equal to the amount of the grant per caseload slot for the preceding fiscal year, adjusted by the percentage change between—

"(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and

"(ii) the value of that index for the 12-month period ending June 30 of the preceding fiscal year.

"(3) by striking subsection (1). On page 454, after line 22, add the following:

SEC. 4. REPORT ON CONVERSION OF WIC PROGRAM INTO AN INDIVIDUAL ENTITLEMENT PROGRAM.

(a) Findings.—Congress finds that the special supplemental nutrition program for women, infants, and children established by section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1765) (referred to in this section as the 'WIC program')—

(1) safeguards the health of low-income pregnant, postpartum, and breast-feeding women, infants, and children up to 5 years of age who are at nutritional risk through the delivery of individualized food packages, nutrition education, and health referrals;

(2) is associated with a variety of desirable outcomes, including lower incidence of infant mortality, reduced prevalence of very low birth weights, improved nutrient intake among children, improved cognitive development among children, and lower Medicaid costs for women who participate;

(3) is recognized generally as a leading national health and nutrition program;

(4) as a discretionary program, can have inappropriate funding because funding levels must be determined annually by the President and the Committees on Appropriations of the House of Representatives and the Senate (referred to in this subsection as the committees) for

(5) can have funding shortfalls in some years because the economy worsens between the time that funding levels are established and the fiscal year is underway;

(6) may have to delay service or reduce benefits to eligible women, infants, and children in some States as a result of these funding shortfalls;

(7) may be provided with more funding than is required in those years in which the economy improves between the time that funding levels are established and the fiscal year is underway, with the result that the President and the Committees will have committed funds to the WIC program that could have been devoted to other priorities; and

(8) would not have this funding uncertainty if the WIC program were an entitlement program that provided benefits to every eligible woman, infant, and child seeking benefits.

(b) Report.—Not later than December 31, 2002, the Secretary of Agriculture shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Nutrition and Forestry of the Senate a report that analyzes the conversion of the WIC program...
from a discretionary program into an individual entitlement program.

(c) CONTENTS.—The report shall—

(1) analyze the conversion of the WIC program into an individual entitlement program, rather than a capped entitlement program for States;

(2) analyze the conversion using at least 3 separate scenarios, including—

(A) 1 scenario under which the costs to the Federal Government approximate current projected funding levels;

(B) 1 scenario under which the costs to the Federal Government approximate current projected funding levels plus 5 percent; and

(C) 1 scenario under which the costs to the Federal Government approximate current projected funding levels plus 7 percent; and

(3) address—

(A) the levels at which, and manner by which, States will be reimbursed for food package costs and administrative costs;

(B) how current cost containment savings will be preserved;

(C) how reimbursement rates will be adjusted annually to reflect inflation or other factors affecting food prices;

(D) how program benefits and services will be affected by the conversion to an individual entitlement program; and

(E) any other issues that arise from converting the WIC program to an individual entitlement program as determined by the Secretary of Agriculture.

(d) CONSULTATION.—In preparing the report, the Secretary of Agriculture shall consult with—

(1) the Committee on Education and the Workforce of the House of Representatives;

(2) the Committee on Agriculture, Nutrition and Forestry of the Senate;

(3) membership organizations representing State directors and local agencies administering the WIC program;

(4) Governors and other State officials;

(5) research and policy organizations that have a history of carrying out actions on issues affecting the WIC program; and

(6) advocacy organizations representing the needs of the population that is eligible to participate in the WIC program.

(e) FUNDING.—Notwithstanding any other provision of law, the Secretary shall carry out this section using funds made available for necessary expenses to carry out the WIC program.

SEC. 4. COMMODITY DONATIONS.

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c; note; Public Law 100–237) is amended—

(1) by redesignating sections 17 and 18 as sections 17 and 18, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. COMMODITY DONATIONS.

"(a) IN GENERAL.—Notwithstanding any other provision of law concerning commodity donations, any commodities acquired in the conduct of the operations of the Commodity Credit Corporation and any commodities acquired under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c); to the extent that such commodities are in excess of the quantities of commodities needed to carry out other authorized activities of the Commodity Credit Corporation and the Secretary (including commodities explicitly specified for a specific purpose), may be used for any program authorized to be carried out by the Secretary that involves the acquisition of commodities for use in a domestic feeding program, including any program conducted by the Secretary that provides commodities to individuals in cases of hardship.

"(b) By redesignating sections 17 and 18 as sections 17 and 18, respectively, the Congress finds that it is in the best public interest to preserve the authority and flexibility of the Commodity Credit Corporation to use such commodities in a manner consistent with the objectives of the Commodity Credit Corporation and the WIC program.

"(c) Notwithstanding any other provision of law, any commodities used for purposes other than those specified in subsection (a) shall be used in a manner consistent with the objectives of the Commodity Credit Corporation and the WIC program.

"(d) In any fiscal year in which there is an insufficient amount of funds available as a result of the availability of funds under section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)), the Commodity Credit Corporation shall, to the extent of such funds, make available to the Secretary, at a cost not to exceed the lesser of $15,000,000 or the amount available for the fiscal year under section 17(m)(9), the following:

(i) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(ii) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(iii) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(iv) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

(v) such other activities as the Secretary determines to be appropriate.''

SEC. 4. PURCHASES OF LOCALLY PRODUCED FOODS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) encourage institutions participating in the national school lunch program, food assistance programs under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to purchase, in addition to other food purchases, locally produced foods for school meal programs to the maximum extent practicable and appropriate.

(b) FORMS OF PARTICIPATION.—In a program described in paragraph (1) of this subsection, the Secretary shall—

(1) describe the ways in which the Secretary will meet the requirements of this subsection;

(2) identify the consultation and evaluation criteria that will be used to ensure that participation by eligible institutions is carried out in a manner consistent with paragraph (1) of this subsection;

(3) describe the criteria that will be used to determine the proportion of the total food purchases that are to be made from local farms; and

(4) describe the methods that will be used to ensure that the program is carried out in a manner consistent with paragraph (1) of this subsection.

SEC. 5. FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended—

(1) by striking "(9A) 'There'" and inserting the following:

"(9A) By the date of enactment of this title, the Secretary—

(i) shall make available to States funds to carry out this subsection;

(ii) may use such funds to carry out this subsection;

(iii) may use such funds to carry out this subsection;

(iv) may use such funds to carry out this subsection; and

(v) may use such funds to carry out this subsection.

(2) in subparagraph (A), by adding at the end the following:

"(II) MANDATORY FUNDING.—

"(D) In general.—Not later than 30 days after the date of enactment of the Agri-

culture, Conservation, and Rural Enhance-

ment Act of 2001, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture, Conservation, and Rural Enhancement Act of 2001, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of

the Secretary to carry out this subsection $15,000,000.

(II) RECEIPT AND ACCEPTANCE.—The Secre-

tary shall be entitled to receive, shall ac-

cept, and shall retain title to any funds sub-

section the funds transferred under sub-

clause (I), without further appropriation.''

On page 457, strike lines 6 through 8 and insert the following:

"(I) In general.—Not later than 1 year after the implementation of the pilot program required by section 3 of this Act, the Secretary (acting through the Economic Research Service) shall submit to the Committee on Education and the Workforce of the House of Repre-

sentatives and the Committee on Agri-

culture, Nutrition, and Forestry of the Sen-

ate an evaluation of the results of the pilot program to determine—

"(II) strike "and".

"(III) strike the period at the end and insert "; and".

"(IV) between lines 14 and 15, insert the following:

\"(F) what effect, if any, the pilot program had on the sale of meals served under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).\"

On page 457, strike lines 8 through 20 and insert the following:

"(G) APPROVAL, DESIGNATION.—(1) the application satisfies the requirements of section 384(c); and

(2) the applicant enters into a participation agreement with the Secretary.

(2) CAPITAL REQUIREMENTS.—

(A) In general.—Notwithstanding any other provision of this subtitle, the Sec-

retary may approve an applicant to operate as a Rural Business Investment Company under this subtitle and designate the applicant as a Rural Business Investment Company, if—

"(B) the area in which the Rural Business Investment Company is to conduct its opera-

tions, and establishment of branch offices or agencies (if authorized by the articles), are approved by the Secretary; and

(C) the applicant enters into a participation agreement with the Secretary."
‘‘(A) 300 percent of the private capital of the Rural Business Investment Company; or
‘‘(B) $105,000,000; and

Beginning on page 544, strike line 23 and all that follows through page 551, line 9, and insert the following:

SEC. 384H. OPERATIONAL ASSISTANCE GRANTS.

(a) In General.—In accordance with this section, the Secretary may make grants to Rural Business Investment Companies and to other entities, as authorized by this subtitle, to provide assistance in connection with an equity or prospective equity investment in a business located in a rural area.

(b) Submission of Plans.—A Rural Business Investment Company shall be eligible for a grant under this section only if the Rural Business Investment Company submits a plan to the Secretary in such form and manner as the Secretary may require, a plan for the use of the grant.

(c) Grant Amount.—

(1) RURAL BUSINESS INVESTMENT COMPANIES.—The amount of a grant made under this section to a Rural Business Investment Company shall be equal to the lesser of—

(A) 10 percent of the private capital raised by the Rural Business Investment Company; or

(B) $1,000,000.

(2) OTHER ENTITIES.—The amount of a grant made under this section to any entity other than a Rural Business Investment Company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to Rural Business Investment Companies under this section.

On page 550, line 7, strike ‘‘and’’.

On page 550, line 10, strike the period at the end and insert a semicolon.

On page 550, between lines 10 and 11, insert the following:

‘‘(D) ensure that the Rural Business Investment Company has used the proceeds of the grant to meet the equity capital needs of the business in which the Rural Business Investment Company invests and not to compete with traditional small business financing by commercial lenders; and

(E) require that the Rural Business Investment Company makes short-term non-equity investments of less than 5 years only to the extent necessary to preserve an existing investment.

Beginning on page 550, strike line 20 and all that follows through page 551, line 12, and insert the following:

SEC. 384J. FINANCIAL INSTITUTION INVEST- MENT.

(a) In General.—Except as otherwise provided in this section and notwithstanding any other provision of law, the following banks, associations, and institutions are eligible to establish and invest in any Rural Business Investment Company or in any entity established to invest solely in Rural Business Investment Companies:

(1) Any bank or savings association the deposits of which are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.);

(2) Any Farm Credit System institution described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a));

On page 552, line 23, strike ‘‘30 percent of the voting’’ and insert ‘‘15 percent of the’’.

On page 552, line 5, strike ‘‘REQUIRE- MENT’’ and insert ‘‘REQUIREMENTS’’.

On page 552, line 6, insert ‘‘(a) RURAL BUSINESS INVESTMENT COMPANIES.—’’ before ‘‘Each’’.

On page 552, between lines 19 and 20, insert the following:

(b) PUBLIC REPORTS.—

(1) In General.—The Secretary shall prepare and make available to the public an annual report on the program established under this subtitle, including detailed information on—

(A) the number of Rural Business Investment Companies licensed by the Secretary during the previous fiscal year;

(B) the aggregate amount of leverage that Rural Business Investment Companies have received from the Federal Government during the previous fiscal year;

(C) the total number of each type of leveraged instruments used by Rural Business Investment Companies during the previous fiscal year and how each number compares to previous fiscal years;

(D) the number of Rural Business Investment Company licenses surrendered and the number of Rural Business Investment Companies that went out of business in the previous fiscal year, identifying the amount of leverage each Rural Business Investment Company has received from the Federal Government; and

(E) insert the following:

(2) Other Financial Instruments.—The Secretary may make grants to an entity for all or any combination of the following:

(A) the number of Rural Business Investment Company subsidiaries or branches established during the previous fiscal year, identifying the amount of leveraged instruments each Rural Business Investment Company has used;

(B) the amount of losses sustained by the Federal Government as a result of the operations under this subtitle during the previous fiscal year and an estimate of the total losses that the Federal Government can reasonably expect to incur in the operations during the current fiscal year;

(C) actions taken by the Secretary to maximize recoupment of funds of the Federal Government, including the implementation and administration of the Rural Business Investment Program under this subtitle during the previous fiscal year and to ensure compliance with the requirements of this subtitle (including regulations);

(D) the amount of Federal Government leverage that each licensee received in the previous fiscal year and an estimate of the total losses that the Federal Government can reasonably expect to incur in the operations during the current fiscal year;

(E) telecommunications cooperatives; and

(F) telecommunications cooperatives; and

(G) the amount of Federal Government leverage that each licensee received in the previous fiscal year and an estimate of the total losses that the Federal Government can reasonably expect to incur in the operations during the current fiscal year;

(H) for each type of financing instrument, the sizes, types of geographic locations, and other characteristics of the small business investment companies using the instrument during the previous fiscal year, including the extent to which the investment companies have used the instrument to make loans or equity investments in rural areas; and

(I) the actions of the Secretary to carry out this subtitle.

(2) PROHIBITION.—In compiling the report required under paragraph (1), the Secretary may not:

(A) compile the report in a manner that permits identification of any particular type of investment by an individual Rural Business Investment Company or small business concern in which a Rural Business Investment Company invests; and

(B) may not release any information that is prohibited under section 1905 of title 18, United States Code.

On page 558, strike line 5 and insert the following:

(2) Waiver for Indian Tribe.—The Secretary may, at the request of an Indian tribe, waive the requirement under subparagraph (B)(ii) with respect to an application submitted by the Indian tribe for multiple eligible rural areas under the jurisdiction of the Indian tribe.

(3) Amount of Endowment Grants.—

On page 568, line 13, insert ‘‘or Indian tribe’’ before the period at the end.

On page 569, strike lines 24 and 25 and insert the following:

‘‘(A) not more than $100,000; or

(B) in the case of a regional application approved under a waiver by the Secretary under subsection (b)(2)(C), not more than $200,000.

On page 576, line 9, insert ‘‘or poor Indian tribe’’ after ‘‘area’’.

On page 582, line 17, strike ‘‘grant’’ and insert ‘‘grant, loan, or loan guarantee’’.

On page 582, strike lines 18 through 20 and insert the following:

‘‘(i) be able to furnish, improve, or extend a broadband service to an eligible rural community; and

On page 586, strike line 3 and insert the following:

(2) ELIGIBLE ENTITIES.—The entities eligible for grants under this subsection are—

(A) State governments;

(B) local governments (including consortia of local governments);

(C) tribal governments;

(D) telecommunications cooperatives; and

(E) any appropriate State and regional nonprofit entities (as determined by the Secretary).

(3) ELIGIBILITY CRITERIA.—

(A) IN GENERAL.—The Secretary shall establish criteria for eligibility for grants under this subsection, including criteria for the scope of the planning and feasibility studies to be carried out with grants under this subsection.

(B) CONTRIBUTION BY GRANTEE.—An entity may not be awarded a grant under this subsection unless the entity agrees to contribute (out of funds other than the grant amount) to the planning and feasibility study to be funded by the grant an amount equal to the amount of the grant.

(C) APPLICATION.—An entity seeking a grant under this subsection shall submit to the Secretary an application for the grant that includes (but is not limited to) the information that contains such information, as the Secretary shall require.

(5) USE OF GRANT AMOUNTS.—

(A) IN GENERAL.—Subject to subparagraph (B), an entity that receives a grant under this subsection shall use the grant amount for planning and feasibility studies on the deployment of broadband services in the area.

(B) LIMITATION.—Grant amounts under this subsection may not be used for the construction of buildings or other facilities, the acquisition or improvement of existing buildings or facilities, or the leasing of office space.

(C) LIMITATION ON GRANT AMOUNTS.—

(A) STATEWIDE GRANTS.—The amount of the grant made under this subsection in or with respect to any State in any fiscal year may not exceed $200,000.

(B) LOCAL GOVERNMENT, REGIONAL, OR TRIBAL GRANTS.—The amount of the grants
made under this subsection in or with respect to any local government, region, or tribal government in any fiscal year may not exceed $100,000.

(7) PROMOTION OF FINANCIALS.—

(A) IN GENERAL.—For each fiscal year, up to 3 percent of the funds made available to carry out this section for the fiscal year shall be reserved for grants under this subsection.

(B) REELAPSE.—Funds reserved under subparagraph (A) for a fiscal year shall be reserved until April 1 of the fiscal year.

(8) SUPPLEMENT NOT SUPPLANT.—

(A) IN GENERAL.—Eligibility for a grant under this subsection shall not affect eligibility for a grant, loan, or loan guarantee under another subsection of this section.

(B) CONSIDERATIONS.—The Secretary shall not take into account the award of a grant under this subsection, or the award of a grant, loan, or loan guarantee under another subsection of this section, in awarding a grant, loan, or loan guarantee under this subsection or another subsection of this section, as the case may be.

(I) TERMINATION OF AUTHORITY.—

On page 589, line 10, strike “or” at the end. On page 589, line 14, strike the period at the end and insert “,” or.

On page 589, between lines 14 and 15, insert the following:

“(iii) to create, expand, or operate value-added facilities in an area described in paragraph (3)(B)(ii) in connection with production agriculture.

On page 589, strike lines 19 through 21 and insert the following:

“(B) PRIORITY.—The Secretary shall give priority to—

(I) grant proposals for less than $200,000 submitted under this subsection; and

(ii) grant proposals submitted by an eligible nonprofit entity with a principal office that is located—

(1) on land of an existing or former Native American reservation; and

(2) in a city, town, or unincorporated area that has a population of no more than 5,000 inhabitants.

On page 615, strike lines 4 through 6 and insert the following:

Section 311(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929b(a)(11)(D)) is amended—

(1) by striking “$7,500,000” and inserting “$15,000,000”; and

(2) by striking “2002” and inserting “2006”.

Beginning on page 613, strike line 7 and all that is amended by it on page 615, line 2, and insert the following:

“(B) REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS.—

(I) IN GENERAL.—The Secretary may make grants to qualified private, nonprofit entities to capitalize revolving funds for the purpose of providing financing to eligible entities for—

(1) predevelopment costs associated with proposed water and wastewater projects or with existing water and wastewater systems; and

(2) short-term costs incurred for replacement equipment, small-scale extension services, or renovation of all capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

(I) ELIGIBILITY.—To be eligible to obtain financing from a revolving fund under clause (1), an eligible entity shall be eligible to obtain a loan, loan guarantee, or grant under another subsection of this paragraph.

(III) MAXIMUMAMOUNTOFFINANCING.—The amount of financing made to an eligible entity under this subparagraph shall not exceed—

(1) $100,000 for costs described in clause (i)(II); and

(II) $100,000 for costs described in clause (i)(II).

(IV) TERM.—The term of financing provided to an eligible entity under this subparagraph shall not exceed 10 years.

(V) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall limit the amount of grant funds that may be used by a grant recipient for administrative costs in accordance with paragraph (7).

(B) ANNUAL REPORT.—A nonprofit entity receiving a grant under this subparagraph shall submit an annual report to the Secretary that contains the number and size of communities served and the type of financing provided.

(VII) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subparagraph $30,000,000 for each of fiscal years 2002 through 2006."

On page 624, after line 24, add the following:

SEC. 6. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6) is amended by adding at the end the following:

“(27) TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.—

(A) IN GENERAL.—The Secretary may make grants to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1990 (20 U.S.C. 1092(c))) to provide the Federal share of the cost of developing specific tribal college or university essential community facilities in rural areas.

(B) FEDERAL SHARE.—

(I) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Secretary shall, by regulation, establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph.

(ii) MAXIMUMAMOUNT.—The amount of a grant provided under this paragraph for a facility shall not exceed 75 percent of the cost of developing the facility.

(iii) GRADUATED SCALE.—The Secretary shall provide for a graduated scale of the percentages of the cost covered by a grant made under this paragraph, with higher percentages for facilities in communities that have lower community population and income levels, as determined by the Secretary.

(C) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2003 through 2006."

On page 626, between lines 5 and 6, insert the following:

SEC. 6. RURAL BUSINESS ENTERPRISE GRANTS.

Section 310B(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921c(1)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(A) GRANTS.—The Secretary”; and

(2) by adding at the end the following:

“(B) SMALL AND EMERGING PRIVATE BUSINESS ENTERPRISES.—

(I) IN GENERAL.—For the purpose of sub-paragraph (A), a small and emerging private business enterprise shall include (regardless of the number of employees or operating capital of the enterprise) an eligible nonprofit entity, or other tax exempt organization, with a principal office in an area that is located—

(1) on land of an existing or former Native American reservation; and

(2) in a city, town, or unincorporated area that has a population of no more than 5,000 inhabitants.

(ii) USE OF GRANT.—An eligible nonprofit entity, or other tax exempt organization, described in clause (i) may use assistance pro-

vided under this paragraph to create, expand, or operate value-added processing in an area described in clause (i) in connection with production agriculture.

(IV) AUTHORIZATION OF APPROPRIATIONS.—

In making grants under this paragraph, the Secretary shall give priority to grants that will be used to provide assistance to eligible nonprofit entities and other tax exempt organizations described in clause (i)."

On page 629, strike lines 7 through 9 and insert the following:

Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923(e)) is amended—

(5) paragraph (5)(F), before the period at the end the following: “, except that the Secretary shall not require non-Federal financial support in an amount that is greater than the Federal share in the case of a 1994 institution (as defined in section 332 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382))”;

and

(9) in paragraph (9), by striking “2002” and inserting “2006”.

On page 630, line 7, strike “default” and insert “payment default”, or the collateral has not been converted."

On page 632, strike lines 21 through 25 and insert the following:

“(P) RURAL ENTREPRENEURS AND MICRO ENTERPRISE ASSISTANCE PROGRAM; NATIONAL RURAL cooperative assistance program; FUND, RURAL BUSINESS INVESTMENT PROGRAM.—

Section 376 and subtitutes G and H, the term ‘rural area’ means an area that is located—

On page 639, between lines 14 and 15, insert the following:

“(4) 1 representative of the Secretary of the Interior; and

(5) 1 representative of the Secretary of Transportation; and

(6) representatives of such other Federal agencies as the Secretary may designate.

On page 640, strike lines 4 through 13 and insert the following:

SEC. 6. GRANTS FOR TRAINING FARM WORKERS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.)—

“(a) DEFINITION OF ELIGIBLE ORGANIZATION.—In this section, the term ‘eligible organization’ means—

(1) a nonprofit organization; or

(B) grants.—The Secretary shall make grants to eligible organizations to provide training to farm workers—

(1) on the use of technology in agriculture; and

(2) develop the specialized skills necessary to produce higher value crops.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2006.”

On page 644, strike line 14 and insert the following:

SEC. 6. DELTA REGIONAL AUTHORITY.

(a) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 382D of the Consolidated
Farm and Rural Development Act (7 U.S.C. 2009aa-3) is amended to read as follows:

SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

(a) FINDINGS.—The Secretary may make grants to assist in the development of state-of-the-art technology in animal nutrition (including 5-year regional outcome targets); and value-added manufacturing to promote an economic platform for the Delta region (as defined in section 382A) to relieve severe economic conditions.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section (7 U.S.C. 2661 note; Public Law 103-354) $7 million for each of fiscal years 2002 through 2006.

(c) DEFINITION OF LOWER MISSISSIPPI.—Section 42(1) of the Delta Development Act (42 U.S.C. 4671u-40) is amended by inserting “Butler, Conecuh, Escambia, Monroe,” after “Russell.”

Beginning on page 675, strike line 17 and all that follows through page 708, line 12, and insert the following:

SEC. 6. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 382A) is amended by adding at the end the following:

Subtitle K—Northern Great Plains Regional Authority

SEC. 387A. DEFINITIONS.

(a) IN GENERAL.—The term ‘Authority’ means the Northern Great Plains Regional Authority established by section 387B.

(b) FEDERAL GRANT PROGRAM.—The term ‘federal grant program’ means a federal grant program to provide assistance in—

(1) implementing the recommendations of the Northern Great Plains Rural Development Council; and

(2) conducting research activities related to the activities described in paragraphs (A) through (D).

(c) CERTIFICATIONS.

(1) IN GENERAL.—The Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(D)) to be effective.

(2) CERTIFICATION BY AUTHORITY.—The approval of project and grant proposals shall be—

(A) a responsibility of the Authority; and

(B) conducted in accordance with section 387I.

(d) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal, State, or Indian tribe member for whom the alternate member is an alternate.

(e) VOTING.—The Authority shall—

(1) develop, on a consistent, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, tribal, and local planning and development activities in the region; and

(2) not later than 220 days after the date of enactment of this subtitle, establish priorities and approve grants for the economic development of the region, including 5-year regional outcome targets; and

(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, tribal, and local agencies, universities, local development districts, and other nongovernmental organizations.

(f) CONCLUSIONS.—The Authority shall—

(1) alternate federal cochairperson.

The President shall appoint an alternate federal cochairperson.

(2) STATE ALTERNATES.

The State member of a participating State may have a single alternate, who shall be—

(A) a resident of that State; and

(B) appointed by the Governor of the State.

(3) ALTERNATE TRIBAL COCHAIRPERSON.—The President shall appoint an alternate tribal cochairperson, by and with the advice and consent of the Senate.

(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any member of the Authority, shall be delegated to any person who is not—

(A) a member of the Authority; or

(B) entitled to vote in Authority meetings.

(c) VOTING.—

(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(D)) to be effective.

(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

(5) work with State, tribal, and local agencies in developing appropriate model legislation;

(5) work with State, tribal, and local agencies in developing appropriate model legislation;

(5) work with State, tribal, and local agencies in developing appropriate model legislation;

(5) work with State, tribal, and local agencies in developing appropriate model legislation; and

(6) CONCLUSIONS.—The Authority shall—

(5) work with State, tribal, and local agencies in developing appropriate model legislation;

(5) work with State, tribal, and local agencies in developing appropriate model legislation;
“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(7) provide such private investment in industrial, commercial, and other economic development projects in the region; and

“(8) cooperate with and assist State governing bodies, Indian tribes, and local agencies in developing programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal, State, or tribal cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, tribal, or local agency such information as may be available to or procurable by the agency that is necessary to enable the Authority in carrying out the duties of the Authority;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the procedures of the Authority;

“(5) request the head of any Federal agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State agency, tribal government, or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government or tribal government, or

“(B) providing, on request of the Authority, such information as may be personal and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, or other determination, the investigation, the taking or evidence received under oath; or

“(8) cooperate with and assist State governing bodies, Indian tribes, and local agencies in developing programs of participating States.

“(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

“(g) ADMINISTRATIVE EXPENSES.—

“(1) FEDERAL SHARE.—The Federal share of the administrative expenses of the Authority shall be—

“(A) for fiscal year 2002, 100 percent;

“(B) for fiscal year 2003, 75 percent; and

“(C) for fiscal year 2004 and each fiscal year thereafter, 50 percent.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the administrative expenses of the Authority shall be paid by non-Federal sources in the States that participate in the Authority.

“(B) SHARE PAID BY EACH STATE.—The share of administrative expenses of the Authority to be paid by non-Federal sources in each State shall be determined by the Authority.

“(C) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (B).

“(D) DETERMINATION.—If a State is delinquent in payment of the State’s share of administrative expenses of the Authority under this subsection—

“(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL AND TRIBAL COCHAIRPERSONS.—The Federal cochairperson and the tribal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule in subchapter III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) ALTERNATE FEDERAL AND TRIBAL COCHAIRPERSONS.—The alternate Federal cochairperson and the alternate tribal cochairperson—

“(A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate, shall receive per diem travel, subsistence, and other allowances as are delegated by the Federal cochairperson or the tribal cochairperson, respectively.

“(i) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by the Authority.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, tribal, local, or intergovernmental agency from which the person is detailed; or

“(ii) the Authority.

“(j) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

“(k) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(B) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, tribal, local, or intergovernmental agency from which the person is detailed; or

“(ii) the Authority.

“(A) COMPENSATION.—

“(A) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(II) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for level IV of the Executive Schedule in section 5302 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5346(h) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(l) FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(I) CONFLICTS OF INTEREST.—

“(i) IN GENERAL.—Except as provided under paragraph (2), no State member, Indian tribe member, State alternate, officer, or employee of the Authority determines that testimony should be personal and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, or other determination, the investigation, the taking or evidence received under oath; or

“(ii) VIOLATION.—Any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment, has a financial interest.

“(m) DISCLOSURE.—Paragraph (1) shall not apply if the State member, Indian tribe member, alternate, officer, or employee—

“(I) immediately advises the Authority of the existence and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State or the Indian tribe) of the member, alternate, officer, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment, has a financial interest.

“(m) DISCLOSURE.—Paragraph (1) shall apply if the member, alternate, officer, or employee—

“(I) immediately advises the Authority of the existence and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter preceding a potential conflict of interest;

“(J) makes full disclosure of the financial interest; and

“(K) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the proceedings that the Authority may expect from the State member, Indian tribe member, alternate, officer, or employee.

“VIOLATION.—Any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment, has a financial interest.

“(n) QUALIFICATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

“(o) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4) or subsection (i) of this title, or sections 202 through 209 of title 18, United States Code.

“(SEC. 378. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.—

“(a) IN GENERAL.—The Authority may approve grants to States, Indian tribes, local
governments, and public and nonprofit organizations for projects, approved in accordance with section 387—

(1) to develop the transportation and telecommunication infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may be made only to States, individual local governments, and nonprofit organizations);

(2) to assist the region in obtaining the job training, employment-related education, and business assistance (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

(5) to otherwise achieve the purposes of this subtitle.

(b) FUNDING.—

(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

(A) subject to appropriations to carry out this section;

(B) in combination with funds available under another Federal grant program; or

(C) from any other source.

(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal, State, and tribal resources in the region, Federal funds available under this subsection shall be used to meet pressing economic development needs in the region; and the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region, may—

(1) increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 387F(b)); and

(2) use amounts made available to carry out this subtitle to pay all or a portion of the increased Federal share.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, the Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

(B) could be approved for Federal contribution under the applicable Federal grant program if funds were available under the law for the project.

(2) CERTIFICATION BY AUTHORITY.—

(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 387—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—The project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the Agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

SEC. 387E. LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTH-ERNE GREAT PLAINS INC.

(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ‘local development district’ means an entity—

(1) that—

(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

(B) is—

(i) organized and operated in a manner that promotes broad-based community participation and an effective opportunity for other nonprofits to contribute to the development and implementation of programs in the region;

(ii) governed by a policy board with at least a simple majority of members consisting of—

(I) elected officials or employees of a general purpose local government who have been appointed to represent the government; or

(II) individuals appointed by the general purpose local government to represent the government; and

(iii) certified to the Authority as having the ability to make the certification; and

(iv) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located; or

(B) by the State officer designated by the appropriate State law to make the certification, and

(ii) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subsections (I) through (III); and

(iii) that has not, as certified by the Federal cochairperson—

(A) inappropriaely used Federal grant funds from any Federal source; or

(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section.

(2) CONDITIONS FOR GRANTS.—

(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(d) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

(1) serve as a liaison between State, tribal, and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

(A) are involved in multijurisdictional planning;

(B) provide technical assistance to local jurisdictions and potential grantees; and

(C) provide leadership and civic development assistance.

(e) NORTHERN GREAT PLAINS INC.—Northern Great Plains Inc., a nonprofit corporation incorporated in the State of Minnesota to implement the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2561 note; Public Law 103-318)—

(1) shall serve as an independent, primary resource for the Authority on issues of concern to the region;

(2) shall advise the Authority on development of international trade;

(3) may provide research, education, training, and other support to the Authority; and

(4) may carry out other activities on its own behalf or on behalf of other entities.

SEC. 387F. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

(a) Designation.—The Authority, not later than 90 days after the date of enactment of this subtitle, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration;

(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

(3) as isolated areas of distress, areas located in distressed counties (as designated under paragraph (2)) that have high rates of poverty, unemployment, or outmigration.

(b) DISTRESSED COUNTIES.—
"(1) IN GENERAL.—The Authority shall allocate at least 75 percent of the appropriations made available under section 387M for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

"(2) FUNDING LIMITATIONS.—The funding limitations under section 387D(b) shall not apply to grants made under subsection (a)(2) to provide transportation or telecommunication or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

"(3) NONDISTRESSED COUNTIES.—

"(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this section to any project located in a county designated as a non-distressed county under subsection (a)(2).

"(2) EXCEPTIONS.

"(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants made available under section 387M for projects in a county designated as a non-distressed county under subsection (a)(2).

"(B) MULTICOUNTY PROJECTS.—The Authority may waive the application of the funding prohibition under paragraph (1) to—

"(i) a multicity project that includes participation of 1 or more non-distressed counties; or

"(ii) any other type of project, if the Authority determines that the project could be of significant benefit to areas of the region outside a non-distressed county.

"(4) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

"(i) by the most recent Federal data available; or

"(ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"(b) CONTENT OF PLAN.—A State development plan or any multistate regional plan that is proposed for development under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 387B(b)(2).

"(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

"(1) consult with—

"(A) local development districts; and

"(B) local units of government; and

"(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

"(d) PRIORITY OF PROGRAMS.—

"(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

"(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

"SEC. 387H. ADMINISTRATION OF DEVELOPMENT PLANS AND PROJECTS.

"(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Authority.

"(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

"(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application complies with any applicable State development plan;

"(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority, an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 387B(c) shall be required for approval of the application.

"SEC. 387I. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

"(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Authority.

"(b) ANALYSIS.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, a reasonable consideration of—

"(1) the relationship of the project or class of projects to overall regional development;

"(2) the per capita income and poverty and unemployment and outmigration rates in an area;

"(3) the financial resources available to the applicants for assistance seeking to carry out the project or programs on their own and the guarantees of the prospects that the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

"(4) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

"(5) the extent to which the project design provides for or supports development strategies, by which grant expenditures and the results of the expenditures may be evaluated.

"(b) NO RELocation ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist a person or entity in relocating from one area to another, except that financial assistance authorized to be used as otherwise authorized by this title to attract businesses from outside the region to the region.

"(c) MAINTENANCE OF EFFORT.—Funds may be provided for a program or project in a State under this subtitle only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subtitle is the same as authorized by this subtitle, for the type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

"SEC. 387J. CONGRESSIONAL RECORD

"(a) IN GENERAL.—Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

"SEC. 387K. RECORDS.

"(a) RECORDS OF THE AUTHORITY.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

"(b) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).
SEC. 7. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electronic commerce sales in 1998 were approximately $100,000,000,000 and are expected to reach $1,300,000,000,000 by 2003;

(2) electronic commerce presents an enormous opportunity and challenge for small businesses, especially businesses in rural areas;

(3) while infrastructure for electronic commerce is growing rapidly in rural areas, small businesses may be able to take advantage of the new technology without assistance;

(4) while electronic commerce will give businesses opportunities and new ways of doing business, many small businesses in rural areas will have difficulty adopting appropriate electronic commerce business practices and technologies;

(5) the United States has an interest in ensuring that small businesses in rural areas participate in electronic commerce, to encourage success of the businesses and to promote productivity and economic growth throughout the economy of the United States; and

(6) an electronic commerce extension program should be established using the nationwide county-based infrastructure within the Cooperative Extension Service to help small businesses throughout the United States to identify, adapt, adopt, and use electronic commerce business practices and technologies;

(b) PURPOSE.—The purpose of this section is to establish within the Cooperative State Research, Education, and Extension Service of the Department of Agriculture a rural electronic commerce extension program for small businesses and microenterprises in rural areas of the United States.

(c) PROGRAM.—Subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921 et seq.) is amended by adding after section 1696 the following new section:

SEC. 1670. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

(1) DEFINITIONS.—In this section:

(A) DEVELOPMENT CENTER.—The term ‘development center’ means—

(i) the North Central Regional Center for Rural Development;

(ii) the Northeast Regional Center for Rural Development or its designee;

(iii) the Southern Rural Development Center; and

(B) SMALL BUSINESS.—The term ‘small business’ has the meaning given the term ‘small-business concern’ by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(2) EXTENSION PROGRAM.—The term ‘extension program’ means the rural electronic commerce extension program established under subsection (b).

(3) MICROENTERPRISE.—The term ‘microenterprise’ means a commercial enterprise that has 5 or fewer employees, 1 or more of whom owns the enterprise.

(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Administrator of the Cooperative State Research, Education, and Extension Service.

(5) SMALL BUSINESS.—The term ‘small business’ has the meaning given the term ‘small-business concern’ by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(6) ESTABLISHMENT.—The Secretary shall establish a rural electronic commerce extension program to—

(A) expand and enhance electronic commerce practices and technology to be used by small businesses and microenterprises in rural areas;

(B) disseminate information and expertise through a cooperative extension service clearinghouse system in rural areas;

(C) disseminate management, scientific, engineering, and technical information to small businesses in rural areas through the extension program;

(D) use, when appropriate, the expertise, technology, and capabilities of other institutions and organizations, including—

(i) State and local governments;

(ii) Federal departments and agencies;

(iii) institutions of higher education;

(iv) nonprofit organizations;

(v) small businesses and microenterprises that have experience in electronic commerce practice and technology; and

(E) the development centers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall—

(A) provide leadership, support, and coordination for the extension programs;

(B) establish criteria for the selection of projects and activities, and procedures to assist rural communities in the adoption and use of electronic commerce techniques;

(C) identify and strengthen existing mechanisms designed to assist rural areas in the adoption and use of electronic commerce techniques;

(D) provide grants to fund projects and activities under the extension program; and

(E) establish a clearinghouse system for States, communities, and businesses to obtain information on best practices, technology transfer, training, education, adoption, and use of electronic commerce in rural areas.

(d) OFFICE OF RURAL ELECTRONIC COMMERCE.—The Secretary shall establish, in the Cooperative State Research, Education, and Extension Service, an Office of Rural Electronic Commerce to assist in carrying out this section.

(e) GRANTS.—

(1) IN GENERAL.—The Secretary shall carry out a program under which—

(A) funds are distributed to each of the development centers to—

(i) assemble regional expertise, and develop innovative education programs, that may be adapted and refined by State extension programs;

(ii) train State-based cooperative extension agents to deliver electronic commerce education programs; and

(iii) establish networks among universities, local governments, and private industries to focus on regional economic issues; and

(B) competitive grants are made to cooperative extension service programs at land-grant colleges and universities—

(i) to develop and facilitate nationally innovative rural electronic commerce business strategies; and

(ii) to assist small businesses and microenterprises in identifying, adapting, implementing, and using electronic commerce business practices and technologies.

(2) ELIGIBILITY.—

(A) CRITERIA.—

(i) IN GENERAL.—The Secretary shall—

(D) evaluate, rank, and select grant applications described in clause (i) on the basis of the selection criteria.

(ii) FACTORS.—The selection criteria established under clause (i) shall include—

(V) the percentage of funding and in-kind commitments from non-Federal sources that would be needed by and available for a proposed project or activity under the extension program; and

(VI) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

(IV) the extent of participation of land-grant colleges and universities in the extension program (including any economic benefits that would result from that participation);

(V) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small business and microenterprise;

(III) the quality of the service to be provided by a proposed project or activity under the extension program;

(II) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

(III) the extent of participation of land-grant colleges and universities in the extension program (including any economic benefits that would result from that participation);

(III) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small business and microenterprise;

(II) the quality of the service to be provided by a proposed project or activity under the extension program;

(I) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

(II) the extent of participation of land-grant colleges and universities in the extension program (including any economic benefits that would result from that participation);

(I) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small business and microenterprise;

(II) the quality of the service to be provided by a proposed project or activity under the extension program;

(I) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

(II) the extent of participation of land-grant colleges and universities in the extension program (including any economic benefits that would result from that participation);

(I) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small business and microenterprise;

(II) the quality of the service to be provided by a proposed project or activity under the extension program;

(I) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

(II) the extent of participation of land-grant colleges and universities in the extension program (including any economic benefits that would result from that participation);

(I) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small business and microenterprise;

(II) the quality of the service to be provided by a proposed project or activity under the extension program; and

(I) the extent and geographic diversity of the area served by the proposed project or activity under the extension program.

(f) WITHHELDING OF OUTLAYS FOR RESEARCH, DEVELOPMENT, AND EXTENSION PROGRAMS.—

Of the amounts of outlays made under section 302 of the Trade Act of 1990 (7 U.S.C. 5921 et seq.) is amended by adding after section 302 the following new section:

SEC. 302A. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) small businesses and microenterprises will have difficulty adopting appropriate electronic commerce business practices and technologies;

(2) electronic commerce practices and technologies will be used by small businesses and microenterprises in rural areas;

(3) while infrastructure for electronic commerce is growing rapidly in rural areas, small businesses may be able to take advantage of the new technology without assistance;

(4) electronic commerce will give businesses opportunities and new ways of doing business, many small businesses in rural areas will have difficulty adopting appropriate electronic commerce business practices and technologies;

(5) the United States has an interest in ensuring that small businesses in rural areas participate in electronic commerce, to encourage success of the businesses and to promote productivity and economic growth throughout the economy of the United States; and

(6) an electronic commerce extension program should be established using the nationwide county-based infrastructure within the Cooperative Extension Service to help small businesses throughout the United States to identify, adopt, adapt, and use electronic commerce business practices and technologies;
“(ii) FORM.—The non-Federal share required under clause (1)(i) may be provided in the form of in-kind contributions.

(iii) EXCEPTION.—The non-Federal share required under clause (1)(i) may be reduced to 25 percent of the estimated capital and annual operating and maintenance costs of the extension program if the grant recipient serves predominantly minority-owned businesses or microenterprises, as determined by the Secretary.

(3) LIMITATION ON AMOUNT OF FUNDS AWARDED

(A) INDIVIDUAL LAND-GRANT COLLEGES AND UNIVERSITIES.—A land-grant college or university that is a member of a consortium shall not receive funds under this section in an amount that exceeds $900,000.

(B) CONSORTIA OF LAND-GRANT COLLEGES AND UNIVERSITIES.—With respect to a consortium of land-grant colleges and universities that receives funds under this section—

(i) the total amount of the funds awarded to the consortium shall not exceed the product obtained by multiplying—

(1) $900,000; by

(ii) the number of land-grant colleges and universities comprising the consortium; and

(ii) any amount in addition to the amount provided under clause (i) that is a member of the consortium shall receive, which amount is determined by the Secretary, shall be in an amount equal to the total amount of funds awarded to the consortium.

(4) APPRAISAL PANEL.—At least once every 180 days, the Secretary shall evaluate, prioritize, and fund applications for projects and activities under the extension program using criteria established under paragraph (2)(A)(i)(I).

(e) EVALUATION.—

(1) IN GENERAL.—Not later than 1 year after a project or activity under the extension program is funded by a grant under this section, the evaluation panel established under paragraph (2)(A)(i) shall evaluate the project or activity.

(2) EVALUATION PANEL.—The evaluation panel shall be composed of—

(A) appropriate Federal, State, local government, private sector, and other private or public sector officials, as determined by the Secretary; and

(B) individuals with expertise in electronic commerce, technology, or small business, as determined by the Secretary.

(f) CRITERIA.—The evaluation panel shall evaluate projects and activities under the extension program using criteria established by the Secretary that assess the efficiency and efficacy of the extension program.

(g) ASSISTANCE FROM GRANT RECIPIENTS.—A recipient under this section shall, to the maximum extent practicable, provide to the evaluation panel such materials as the evaluation panel may request to assist the Secretary in the evaluation of any project or activity carried out by the recipient under the extension program.

(h) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) the policies, practices, and procedures used to reach rural communities in efforts to adopt and use electronic commerce techniques;

(2) the clearinghouse system for States, communities, small businesses, and individuals established to obtain information regarding best practices, technology transfer, training, education, and use of electronic commerce in rural areas; and

(3) the criteria for the submission, evaluation, and funding of projects and activities under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year 2002 through 2006, of which $20,000,000 for each fiscal year shall be made available to carry out activities under subsection (d)(1)(A).

(2) ADMINISTRATIVE COSTS.—The Secretary may use not more than 2 percent of the funds made available under paragraph (1) to pay administrative costs incurred in carrying out this section.

On page 757, strike lines 15 through 18 and insert the following:

(iv) rapid diagnostic techniques for animal disease agents considered to be risks for agricultural bioterrorism attack, including evaluation and refinement of techniques for outbreak detection.

On page 758, strike lines 6 through 12 and insert the following:

"(28) PROGRAM TO COMBAT CHILDHOOD OBESITY.—(A) in paragraph (3), by striking the period at the end and inserting ‘‘or’’; and

(ii) in subparagraph (C), by striking the closing quotation marks and the following semicolon.

On page 760, between lines 13 and 14, insert the following:

"(29) DAIRY PIPELINE CLEANERS.—Research and extension grants may be made under this section for the purpose of preventing and eliminating the dangers of dairy pipeline cleaner, including—

(A) developing safer packaging mechanisms and a new transfer mechanism, including a new pumpping mechanism for dairy pipeline cleaner;

(B) outlining—

(i) the accident history for dairy pipeline cleaner; and

(ii) the causes of accidents involving dairy pipeline cleaner; and

(iii) potential means of prevention of such accidents, including improved labeling and pump structure; and

(C) other means of improving efforts to prevent ingestion of dairy pipeline cleaner.

(30) DEVELOPMENT OF PUBLICLY HELD PLANTS AND ANIMAL VARIETIES; GENETIC RESOURCES CONSERVATION ACTIVITIES.—Research and extension grants may be made under this section to colleges and universities, other Federal agencies, plant breeders, and other interested persons for the purpose of—

(A) development of publicly held plants and animal varieties (including germplasm for identity-protected markets); and

(B) genetic resource conservation activities:

(i) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(ii) by adding at the end the following:

‘‘(D) pursuant to the Farm Security and Rural Development Act of 2002 (7 U.S.C. 7621 et seq.),’’.

C O NGRESSIONAL RECORD

February 13, 2002

SEC. 7.—PRECISION AGRICULTURE.

Section 463 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (A), inserting ‘‘or horticultural’’ following ‘‘agricultural’’; and

(ii) in subparagraph (C), by striking ‘‘or’’ at the end;

(2) in subsection (b), by striking the period at the end and inserting ‘‘or’’; and

(3) by adding at the end the following:

‘‘(E) using such information to enable intelligent mechanized harvesting and sorting systems for horticultural crops.’’

SEC. 8.—BOVINE JOHNE DISEASE CONTROL PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

SEC. 409. BOVINE JOHNE DISEASE CONTROL PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs for the control and management of Johne’s disease in livestock.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for the fiscal years 2002 through 2006.

SEC. 7.—GRANTS FOR YOUTH ORGANIZATIONS.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

SEC. 407. GRANTS FOR YOUTH ORGANIZATIONS.
SEC. 410. GRANTS FOR YOUTH ORGANIZATIONS.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, shall make grants to eligible entities that are necessary to carry out this section, the Secretary of Agriculture shall submit to Congress a report that—

(1) describes—

(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department of Agriculture;

(2) the extent to which producers and handlers of organic agricultural products are participating in marketing orders, including proposals to terminate, modify, or otherwise establish or modify such orders; and

(3) ways in which the programs reflect the contributions made by producers and handlers of organic agricultural products and directly benefit the producers and handlers;

and

(2) evaluates industry and other proposals for improving the treatment of certified organic agricultural products and other products in new or existing volume limitations or other orderly marketing requirements.

On page 837, between lines 14 and 15, insert the following:

SEC. 8. WILDFIRE PREVENTION AND HAZARDOUS FUEL PURCHASE PILOT PROGRAM.

Section 7(b)(1) of the Cooperative Forestry Management Act of 1978 (16 U.S.C. 2103(b)(1)) is amended by adding at the end the following:

“(5) STATE AUTHORIZATION.—Notwithstanding any other provision of this Act, a State may authorize any local government, or any qualified organization that is defined in section 170(h)(3) of the Internal Revenue Code of 1986 and organized for at least 1 of the purposes described in clause (1), (ii), or (iii) of section 170(c)(4)(A) of that Code, to acquire in land in the State, in accordance with this section, 1 or more interests in connection with the removal of hazardous fuels from land; and

“(2) at least 1 center shall be located in Arizona, Colorado, Nevada, New Mexico, or Wyoming; and

Beginning on page 842, strike line 6 and all that follows through page 854, line 3, and insert the following:

SEC. 8. WILDFIRE PREVENTION AND HAZARDOUS FUEL PURCHASE PILOT PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the damage caused by wildfire disasters has been equivalent to the damage resulting from earthquakes, hurricanes, and the recent flooding of the Mississippi River; and

(2) the production and marketing costs to producers and handlers associated with transitioning to organic production;

(b) the production and marketing costs to producers and handlers associated with transitioning to organic production;

(c) the production and marketing costs to producers and handlers associated with transitioning to organic production.

SEC. 7. REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS.

Not later than 1 year after funds are made available to carry out this section, the Secretary of Agriculture shall submit to Congress a report that—

(1) describes—

(A) the extent to which producers and handlers of organic agricultural products are participating in marketing orders, including proposals to establish, modify, or otherwise establish or modify such orders; and

(B) the extent to which producers and handlers of organic agricultural products are participating in marketing orders, including proposals to establish, modify, or otherwise establish or modify such orders;

(2) in subsection (d), by changing “shall” to “may”;

(3) in subsection (e), in the last sentence of paragraph (1), after “the Secretary shall facilitate access by research and extension professionals, farmers, and other interested persons in the United States to, and the use by those professionals of, and insert “and the Economic Research Service, shall facilitate access by research and extension professionals in the United States to, and the use by those professionals of, and”; and

(4) in subsection (f), by striking “_of the National Agricultural Research, Extension, and Education Reform Act of 1998_” and inserting “_of the National Agricultural Research, Extension, and Education Reform Act of 1998_”.

SEC. 7. REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS.

Not later than 1 year after funds are made available to carry out this section, the Secretary of Agriculture shall submit to Congress a report that—

(1) describes—

(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department of Agriculture;

(B) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department of Agriculture; and

(C) ways in which the programs reflect the contributions made by producers and handlers of organic agricultural products and directly benefit the producers and handlers;

(2) in subsection (d), by changing “shall” to “may”.

SEC. 7. REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS.

Not later than 1 year after funds are made available to carry out this section, the Secretary of Agriculture shall submit to Congress a report that—

(1) describes—

(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department of Agriculture;

(B) the extent to which producers and handlers of organic agricultural products are participating in marketing orders, including proposals to terminate, modify, or otherwise establish or modify such orders; and

(C) ways in which the programs reflect the contributions made by producers and handlers of organic agricultural products and directly benefit the producers and handlers;

(2) in subsection (d), by changing “shall” to “may”.

SEC. 7. REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS.

Not later than 1 year after funds are made available to carry out this section, the Secretary of Agriculture shall submit to Congress a report that—

(1) describes—

(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department of Agriculture;
(C) protect lives, communities, watersheds, and wildlife habitat;

(5) the hazardous fuels removed from forest land represent an abundant renewable resource;

(6) the United States should invest in technologies that promote economic and entrepreneurial opportunities in processing forest products removed through hazardous fuel reduction activities; and

(7) the United States should—

(A) develop and expand markets for traditionally underused wood and other biomass as an outlet for value-added harvest residues; and

(B) commit resources to support planning, assessments, and project reviews to ensure that hazardous fuels management is accomplished expeditiously and in an environmentally sound manner.

(b) Definitions.—In this section:

(1) biomass-to-energy facility.—The term ‘‘biomass-to-energy facility’’ means a facility that uses forest biomass or other biomass as a raw material to produce electric energy, useful heat, or a transportation fuel.

(2) eligible community.—The term ‘‘eligible community’’ means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary), or any area represented by a nonprofit corporation or institution under Federal or State law to promote broad-based economic development, that—

(i) has a population of not more than 10,000 individuals; and

(ii) is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forest products, forest-related industries, such as recreation, forage production, and tourism; and

(iii) is located near forest land, the condition of which land the Secretary determines poses a substantial present or potential hazard to—

(I) the safety of a forest ecosystem;

(II) the safety of wildlife; or

(III) in the case of a wildfire, the safety of firefighters, other individuals, and communities.

(B) any county that is not contained within a metropolitan statistical area that meets the conditions described in clauses (ii) and (iii) of subparagraph (A).

(C) any county in which hazardous fuels are a significant threat to lives, property, or wildlife.

(3) forest biomass.—The term ‘‘forest biomass’’ means fuel and biomass accumulation from precommercial thinnings, slash, and brush on forest land.

(4) hazardous fuel.—The term ‘‘hazardous fuel’’ means any excessive accumulation of forest biomass or other biomass on public or private forest land in the wildland-urban interface (as defined by the Secretary) that—

(A) is located near an eligible community;

(B) is designated as condition class 2 or 3 under the report of the Forest Service entitled ‘‘Protecting People and Sustainable Resources in Fire-Adapted Ecosystems’’, dated October 13, 2000 (including any related maps); and

(C) the Secretary determines poses a substantial present or potential hazard to—

(i) the safety of a forest ecosystem;

(ii) the safety of wildlife;

(iii) in the case of a wildfire, the safety of firefighters, other individuals, and communities; and

(iv) the Indian tribe.

(5) Indian tribe.—The term ‘‘Indian tribe’’ has the meaning given in the section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) national fire plan.—The term ‘‘National Fire Plan’’ means the plan prepared by the Secretary of Agriculture and the Secretary of the Interior entitled ‘‘Managing the Impact of Wildfires on Communities and the Environment’’ and dated September 8, 2000.

(7) person.—The term ‘‘person’’ includes—

(A) a community;

(B) an Indian tribe;

(C) a small business, microbusiness, or other being a recipient of a grant under subparagraph (A) that is incorporated in the United States; and

(D) a nonprofit organization.

(8) secretariat.—The term ‘‘secretariat’’ means—

(A) the Secretary of Agriculture (or a designee), with respect to the National Fire System land and private land in the United States; and

(B) the Secretary of the Interior (or a designee) with respect to Federal land under the jurisdiction of the Secretary of the Interior or an Indian tribe.

(c) Wildfire Prevention and Hazardous Fuel Purchase Pilot Program.—

(1) grants.—

(A) in general.—Subject to the availability of appropriations, the Secretary may make grants to—

(i) persons that operate existing or new biomass-to-energy facilities to offset the costs incurred by the recipient in purchasing hazardous fuels derived from public and private forest land adjacent to eligible communities; and

(ii) persons in rural communities that are seeking ways to improve the use of, or add value to, hazardous fuels.

(B) selection criteria.—The Secretary shall select recipients for grants under subparagraph (A)(i) based on—

(i) the level of anticipated benefits of those purchases in reducing the risk of wildfires;

(ii) the extent to which the biomass-to-energy facility avoids adverse environmental impacts, including cumulative impacts, over the expected life of the biomass-to-energy facility; and

(iii) the cost of removal of hazardous fuels; and

(ii) a report that describes the technical feasibility of the use by small-scale biomass energy units of small-diameter trees and forest residues as a source of fuel; and

(iii) any social or economic benefits of small-scale biomass energy units for rural communities.

(6) grants to other persons.—
(A) In general.—In addition to biomass-to-energy facilities, the Secretary may make grants under this subsection to persons in rural communities that are seeking ways to improve the use of, or add value to, hazardous fuels.

(B) Selection.—The Secretary shall select recipients of grants under subparagraph (A) based on—

(i) the extent to which the grant recipient avoids environmental impacts; and

(ii) the demonstrable level of anticipated benefits to rural communities, including opportunities for small businesses and micro-businesses and the potential for new job creation, that may result from the provision of the grant.

(C) Monitoring.—With respect to a grant made under this paragraph—

(i) the terms in departing provisions described in paragraph (3) and applicable to biomass-to-energy facilities shall apply; and

(ii) the Secretary shall monitor the environmental impacts of projects funded by grants provided under this paragraph.

(7) Authorization of Appropriations.—

There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2006.

(8) National Forest Plan;—

The National Fire Plan would best be accomplished using separate contracts for the harvesting, collection, and sale, of merchantable material.

(9) Excluded Areas.—

SEC. 9A. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 9 (16 U.S.C. 2105) the following:

"SEC. 9A. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.

"(A) DEFINITIONS.—In this section:

"(1) AGREEMENT.—The term ‘Agreement’ means the Chesapeake Bay watershed forestry program of the Secretary described in section 9 of the Cooperative Forestry Assistance Act of 1978.

"(2) BAY-AREA STATE.—The term ‘Bay-area State’ means a State any part of which is located in the watershed of the Chesapeake Bay.

"(3) INCLUSION.—The term ‘Bay-area State’ includes the District of Columbia.

"(4) DIRECTOR.—The term ‘Director’ means the Secretary of Agriculture; the Director with regard to the Chesapeake Bay watershed forestry program;

"(5) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

"(A) the government of a Bay-area State (or a political subdivision); and

"(B) an organization such as an educational institution or a community or conservation organization; and

"(6) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project the purpose of which is to—

"(A) improve wildlife habitat and water quality through the establishment, protection, and stewardship of riparian and wetland areas; and

"(B) develop and implement a watershed management plan that addresses forest conservation, restoration, and stewardship actions.

"(7) PROGRAM.—The term ‘program’ means the Chesapeake Bay watershed forestry program established under subsection (b)(1).

"(8) DIRECTOR.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(9) ELIGIBLE ENTITIE.—

"(A) In general.—The Secretary shall designate an employee of the Forest Service to serve as the Director for the Chesapeake Bay watershed forestry efforts.

"(B) Duties.—The Director shall work in cooperation with the Secretary to carry out the purposes of the program described in paragraph (1).

"(c) CHESAPEAKE WATERSHED FOREST GRANTS.—

"(1) In general.—In carrying out the program, the Secretary, in coordination with the Director, may provide grants to eligible entities in carrying out eligible projects.

"(2) Cost sharing.—The amount of a grant awarded under this subsection shall not exceed 75 percent of the total cost of the eligible project.

"(3) Additional requirements.—The Secretary, in consultation with the Director, may prescribe any requirements and procedures necessary to carry out this subsection.

"(4) Management strategies.—The term ‘management strategies’ includes action taken under subparagraphs (A) through (C) to—

"(A) maintain or improve forest cover;

"(B) maintain or improve watershed health; and

"(C) maintain or improve fish and wildlife habitat.
“(ii) ways in which the Federal Government can work with State, county, local, and private entities to conserve critical forests, including recommendations on the feasibility and potential of the new units of the National Forest System; and

“(E) identifies further inventory, assessment, and research needed to achieve the purposes described in subparagraph (A);”

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Director shall submit to Congress a comprehensive report on the results of the study under paragraph (1).

“(e) CHESAPEAKE BAY URBAN WATERSHED FORESTRY RESEARCH COOPERATIVE PROGRAM.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Director, may establish a comprehensive Chesapeake Bay urban watershed forestry research cooperative program to provide technical and financial assistance to eligible entities.

“(2) PURPOSES.—The purposes of the cooperative program shall be—

“(A) to meet the need of the urban population of the Chesapeake Bay watershed in managing forest land in urban and urbanizing areas; and

“(B) to provide a link between research and urban and community forestry policy, planning, and management.

“(f) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Forest Service a program to be known as the ‘Suburban and Community Forestry and Open Space Initiative’. 

“(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out projects and activities to—

“(A) conserve private forest land and maintain working forests in suburban environments; and

“(B) provide communities a means by which to address significant suburban sprawl.

“(g) GRANT PROGRAM.—

“(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

“(A) IN GENERAL.—The Secretary, in consultation with State foresters or equivalent State officials and State or county planning offices, shall establish criteria for—

“(i) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

“(ii) the identification of eligible entities.

“(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(i) shall be land that is—

“(1) located in an area that is affected, or threatened to be affected, by significant suburban sprawl determined by—

“(I) the appropriate State forester or equivalent State official; and

“(II) the planning office of the State or county in which the private forest land is located; and

“(2) threatened by present or future conversion to nonforest use.

“(2) GRANTS.—

“(A) PROJECTS AND ACTIVITIES.—

“(i) IN GENERAL.—In carrying out this section, the Secretary shall award grants to eligible entities to carry out a project or activity described in clause (i) and activities to—

“(I) the Secretary, in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant); and

“(ii) the State forester or equivalent State official and the State or county planning office request, and provide justification for the request, that the requirement be waived.

“(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit for approval—

“(1) to the Secretary, in such form as the Secretary shall prescribe, an application for the grant including a description of any private forest land to be conserved using funds from the grant; and

“(2) to the State forester or equivalent State official a statement that describes the manner in which any private forest land to be conserved using funds from the grant will be managed in accordance with this section

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) ELIGIBLE ENTITY.

“(A) DEFINITIONS.—In this section:

“(i) the term ‘eligible entity’ means a State (including a political subdivision) or nonprofit organization that the Secretary determines under subsection (c)(1)(A)(i) is eligible to receive a grant under subsection (c)(2).

“(ii) IN GENERAL.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(iii) PRIVATE FOREST LAND.—The term ‘private forest land’ means land that is—

“(A) owned by a private entity; or

“(B) owned by an Indian tribe.

“(4) Grant program to—

“(B) such sums as are necessary for each fiscal year thereafter.

“(B) Sales at less than fair market value.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

“(C) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

“(1) a State (including a political subdivision of a State); or

“(2) a nonprofit organization.

“(D) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section—

“(1) $50,000,000 for fiscal year 2003; and

“(2) such sums as are necessary for each fiscal year thereafter.”

On page 869, after line 24, add the following:

“SEC. 810. ENHANCED COMMUNITY FIRE PROTECTION.

The Cooperative Forestry Assistance Act of 1976 is amended by inserting after section 7 (16 U.S.C. 274m) the following:

“SEC. 7A. SUBURBAN AND COMMUNITY FOREST AND OPEN SPACE INITIATIVE.

“(a) DEFINITIONS.—In this section:

“(1) SUBURBAN FOREST.—The term ‘suburban forest’ means the Suburban and Community Forestry and Open Space Initiative established by subsection (b).

“(B) SUBURBAN AND COMMUNITY FOREST AND OPEN SPACE INITIATIVE.

“(1) ELIGIBILITY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

“(2) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Forest Service a program to be known as the ‘Suburban and Community Forestry and Open Space Initiative’. 

“(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out projects and activities to—

“(A) conserve private forest land and maintain working forests in suburban environments; and

“(B) provide communities a means by which to address significant suburban sprawl.

“(c) GRANT PROGRAM.—

“(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

“(A) IN GENERAL.—The Secretary, in consultation with State foresters or equivalent State officials and State or county planning offices, shall establish criteria for—

“(i) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

“(ii) the identification of eligible entities.

“(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(i) shall be land that is—

“(1) located in an area that is affected, or threatened to be affected, by significant suburban sprawl determined by—

“(I) the appropriate State forester or equivalent State official; and

“(II) the planning office of the State or county in which the private forest land is located; and

“(2) threatened by present or future conversion to nonforest use.

“(2) GRANTS.—

“(A) PROJECTS AND ACTIVITIES.—

“(i) IN GENERAL.—In carrying out this section, the Secretary shall award grants to eligible entities to carry out a project or activity as—

“(1) is carried out to conserve private forest land and contain significant suburban sprawl; and

“(2) provides for guaranteed public access to land on which the project or activity is carried out, unless the appropriate State forester or equivalent State official and the State or county planning office request, and provide justification for the request, that the requirement be waived.

“(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit for approval—

“(1) to the Secretary, in such form as the Secretary shall prescribe, an application for the grant including a description of any private forest land to be conserved using funds from the grant; and

“(2) to the State forester or equivalent State official a statement that describes the manner in which any private forest land to be conserved using funds from the grant will be managed in accordance with this section

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) ELIGIBLE ENTITY.

“(A) DEFINITIONS.—In this section:

“(i) the term ‘eligible entity’ means a State (including a political subdivision) or nonprofit organization that the Secretary determines under subsection (c)(1)(A)(i) is eligible to receive a grant under subsection (c)(2).

“(ii) IN GENERAL.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(iii) PRIVATE FOREST LAND.—The term ‘private forest land’ means land that is—

“(A) owned by a private entity; or

“(B) owned by an Indian tribe.

“(4) Grant program to—

“(B) such sums as are necessary for each fiscal year thereafter.”

On page 851, between lines 22 and 23, insert the following:

“SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.

“(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1622 note; Public Law 101-624) is amended—

“(1) by striking the section heading and inserting the following:

“SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER;”

and

“(2) in subsection (a)—

“(A) by striking ‘SEMIARID’ and inserting ‘USDA NATIONAL’;” and

“(B) by striking ‘SEMIARID’ and inserting ‘USDA National’.

“(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1622 note; Public Law 101-624) is amended—

“(1) by inserting ‘the Institute of Tropical Forestry and the Institute of Pacific Islands
Forestry of the Forest Service," after "entities;"

(2) in paragraph (1), by striking "on semi-arid lands;"

(3) in paragraph (3), by striking "from semiarid land;"

(4) by striking paragraph (4) and inserting the following:

"(4) provide information on the design and installation of forested riparian and upland buffers to—

(A) protect water quality; and

(B) manage water flow;"

(5) in paragraphs (6) and (7), by striking "on semiarid lands" each place it appears;

(6) by striking paragraph (8) and inserting the following:

"(8) provide international leadership in the worldwide development and exchange of agroforestry practices;"

(7) in paragraph (9), by striking "on semiarid lands;"

(8) in paragraph (10), by striking "and" at the end;

(9) in paragraph (11), by striking the period at the end and inserting "; and;" and

(10) by adding at the end the following:

"(12) quantify the carbon storage potential of agroforestry practices such as—

(A) windbreaks;

(B) forested riparian buffers;

(C) silvopasture timber and grazing systems;

(D) alley cropping.

SEC. 8. OFFICE OF TRIBAL RELATIONS.

The Cooperative Forestry Assistance Act of 1976 is amended by inserting after section 19 (16 U.S.C. 2131) the following:

"SEC. 19A. OFFICE OF TRIBAL RELATIONS.

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) OFFICE.—The term 'Office' means the Office of Tribal Relations established under subsection (b)(1).

(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish an office as the Office of Tribal Relations within the Forest Service.

(2) DIRECTOR.—The Office shall be headed by a Director, who shall—

(A) report directly to the Secretary; and

(B) report directly to the Secretary.

(3) ADMINISTRATIVE SUPPORT.—The Secretary shall ensure, to the maximum extent practicable, that adequate staffing and funds are made available to enable the Director to carry out the duties described in subsection (c).

(c) DUTIES OF THE DIRECTOR.—

(1) IN GENERAL.—The Director shall—

(A) provide advice to the Secretary on all issues involving policies, actions, and programs of the Forest Service that affect Indian tribes, including—

(i) consultation with tribal governments;

(ii) programmatic review for equitable tribal participation;

(iii) monitoring and evaluation of relations between the Forest Service and Indian tribes; and

(iv) the coordination and integration of programs of the Forest Service that affect, or are of interest to, Indian tribes;

(B) defend the Forest Service personnel for competency in tribal relations; and

(vi) the development of legislation affecting Indian tribes;

(B) in paragraph organizational responsibilities within the administrative units of the Forest Service to ensure that matters affect-

ing the rights and interests of Indian tribes are handled in a manner that is—

(i) comprehensive;

(ii) responsive to tribal needs; and

(iii) consistent with policy guidelines of the Forest Service;

(C)(i) develop generally applicable policies and procedures of the Forest Service pertaining to fair procedures for determining the distribution of assistance under that subsection.

(2) CONSULTATION.—In developing regulations under paragraph (1), the Secretary shall consult with Indian tribes and representatives of Indian tribes.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2002 and each fiscal year thereafter.

SEC. 8A. ASSISTANCE TO TRIBAL GOVERNMENTS.

The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 21. ASSISTANCE TO TRIBAL GOVERNMENTS.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) ESTABLISHMENT.—The Secretary may provide financial, technical, educational, and related assistance to Indian tribes for—

(1) tribal consultation and coordination with the Forest Service on issues relating to—

(A) tribal rights and interests on National Forest System land (including national forests and national grassland);

(B) cooperative or cooperative management of resources shared by the Forest Service and Indian tribes; and

(C) provision of tribal traditional, cultural, or other tribal knowledge.

(2) projects and activities for conservation education and awareness with respect to forest land under the jurisdiction of Indian tribes;

(3) technical assistance for forest resource planning, management, and conservation on land under the jurisdiction of Indian tribes;

(4) the acquisition by Indian tribes, from willing sellers, of conservation interests (including conservation easements) in forest land and resources on land under the jurisdiction of the Indian tribes.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to implement subsection (b) (including regulations for determining the distribution of assistance under that subsection).

(2) CONSULTATION.—In developing regulations under paragraph (1), the Secretary shall consult with Indian tribes and representatives of Indian tribes.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2002 and each fiscal year thereafter.

SEC. 8. SUDDEN OAK DEATH SYNDROME.

(a) FINDINGS.—Congress finds that—

(1) oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic Phytophthora fungus, is approaching epidemic proportions;

(3) very little is known about the new species of Phytophthora, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of transmission, and how sudden oak death syndrome can best be treated;

(4) the Phytophthora fungus has been found on—

(A) Rhododendron plants in nurseries in California; and

(B) wild huckleberry plants, potentially enabling the commercial blueberry and cranberry industries;

(5) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to—

(i) restrictions on imports of oak products and nursery stock; and

(ii) the impact on the commercial rhododendron, blueberry, and cranberry industries;

(6) Oregon and Canada have imposed an emergency quarantine on the importation of oak trees, oak products, and certain nursery plants from California.

(b) RESEARCH, MONITORING, AND TREATMENT OF SUDDEN OAK DEATH SYNDROME.

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall carry out a sudden oak death syndrome research, monitoring, and treatment program to develop methods to control, manage, or eradicate sudden oak death syndrome from oak trees on public and private land.

(2) RESEARCH, MONITORING, AND TREATMENT ACTIVITIES.—In carrying out the program under paragraph (1), the Secretary shall—

(A) conduct open space, roadside, and aerial surveys;
(B) provide monitoring technique workshops;
(C) develop baseline information on the distribution, condition, and mortality rates of oaks in California and the Pacific Northwest;
(D) maintain a geographic information system database;
(E) conduct research activities, including research on forest pathology, Phytophthora ecology, forest insects associated with oak decline, urban forestry, arboriculture, forest ecology, fire management, silviculture, landscape ecology, and epidemiology;
(F) evaluate the susceptibility of oaks and other endemic species throughout the United States; and
(G) develop and apply treatments.

(3) MANAGEMENT, REGULATION, AND FIRE PREVENTION ACTIVITIES.—In carrying out paragraph (1), the Secretary may—

(A) conduct hazard tree assessments;
(B) provide grants to local units of government and nonprofit organizations for fire removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, relict tree breeding, and exotic weed control;
(C) increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to oak die-off;
(D) treat vegetation to prevent fire, and assessment of fire risk, in areas heavily infested with sudden oak death syndrome;
(E) conduct national surveys and inspections of—
(i) commercial rhododendron and blueberry nurseries; and
(ii) native rhododendron and huckleberry plants;
(F) provide for monitoring of oaks and other vulnerable species throughout the United States to ensure early detection; and
(G) provide diagnostic services.

(4) EDUCATION AND RESEARCH.—

(A) The Secretary shall conduct education and outreach activities to make information available to the public on sudden oak death syndrome;
(B) The Secretary shall establish a website to provide information on sudden oak death syndrome; and
(C) provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

(2) S UDDEN OAK DEATH SYNDROME ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Secretary shall establish a Sudden Oak Death Syndrome Advisory Committee (referred to in this subsection as the “Committee”) to assist the Secretary in carrying out this section.

(B) MEMBERSHIP.—

(1) The Committee shall consist of—

(I) 1 representative of the Animal and Plant Health Inspection Service, to be appointed by the Administrator of the Animal and Plant Health Inspection Service;
(II) 1 representative of the Agricultural Research Service, to be appointed by the Administrator of the Agricultural Research Service;
(III) 1 representative of the Forest Service, to be appointed by the Chief of the Forest Service;
(IV) 2 individuals appointed by the Secretary from each of the States affected by sudden oak death syndrome; and
(V) any individuals appointed by the Secretary, in consultation with the Governors of the affected States, that the Secretary determines—
(aa) has an interest or expertise in sudden oak death syndrome; and
(bb) would contribute to the Committee.

(2) DUTIES.—

(A) IMPLEMENTATION PLAN.—The Committee shall prepare an implementation plan to address the management, control, and eradication of sudden oak death syndrome.

(B) REPORTS.—

(I) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to Congress the implementation plan prepared under paragraph (1).

(II) FINAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Committee shall submit to Congress a report that contains—

(I) a summary of the activities of the Committee;
(II) an accounting of funds received and expended by the Committee; and
(III) findings and recommendations of the Committee.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2002 through 2006—

(1) to carry out subsection (b), $7,500,000, of which not more than $1,500,000 shall be used for treatment;
(2) to carry out subsection (c), $5,000,000;
(3) to carry out subsection (d), $500,000; and
(4) to carry out subsection (e), $250,000.

SEC. 8. INDEPENDENT INVESTIGATION OF FIREFIGHTER FATALITIES.

In the case of each fatality of an officer or employee of the Forest Service that occurs due to wildfire entrapment or burnover, the Inspector General of the Department of Agriculture shall—

(1) conduct an investigation that does not rely on, and is completely independent of, any investigation of the fatality that is conducted by the Forest Service; and
(2) submit to Congress and the Secretary of Agriculture a report on the fatality.

SEC. 8A. ADAPTIVE ECOSYSTEM RESTORATION ON PUBLIC LANDS OF WESTERN MEXICO FOR ESTS AND WOOLANDS.

(a) FINDINGS.—Congress finds that—

(1) fire suppression, logging, and overgrazing have degraded the ecological conditions of forests and woodlands in Arizona and New Mexico;
(2) some of those forests and woodlands contain stands of high biomass species that are subject to large, high intensity wildfires that endanger human lives and livelihoods and ecological sustainability;
(3) degraded forests and woodlands have led to—

(A) declining biodiversity; (B) decreased stream and spring flows; (C) impaired watershed values; (D) increased susceptibility to insects and diseases; (E) increased mortality in the oldest trees; and
(F) degraded habitats for wildlife and humans;

(3) healthy forest and woodland ecosystems—

(A) minimize the threat of unnatural wildfire;
(B) improve wildlife habitat;
(C) increase tree, grass, forb, and shrub productivity;
(D) enhance watershed values; and
(E) provide a basis for economically and environmentally sustainable uses;

(4) forest and woodland treatments intended to restore degraded ecosystems should be developed using the best available scientific knowledge;

(5) treatments not supported by sound science may fail to achieve long-term ecosystem health and resource restoration objectives;

(6) scientific research must be integrated with ongoing land management activities; and

(7) the scientific knowledge must be translated and transferred to land managers, resource specialists, communities, and stakeholders that collaborate in the development and implementation of those treatments.

(b) DEFINITIONS.—In this section—

(1) ADAPTIVE ECOSYSTEM MANAGEMENT.—The term “adaptive ecosystem management” means management practiced by engaging researchers, land managers, resource specialists, policy analysts, decisionmakers, nonprofit organizations, and communities in conducting collaborative large-scale management experiments that seek to restore ecological conditions that offer unexplored opportunities to enhance natural resource values.

(2) ECOLOGICAL INTEGRITY.—The term “ecological integrity” includes a critical range of variability in biodiversity, ecological processes and structures, regional and historical
context, and sustainable forestry practices in forests and woodlands.

(3) **ECOLOGICAL RESTORATION.**—The term "ecological restoration" means the process of assisting the recovery and management of ecological integrity.

(4) **INSTITUTE.**—The term "institute" means an institute established under subsection (b).

(5) **LAND MANAGEMENT AGENCY.**—The term "land management agency" means a Federal, State, local, or tribal land management agency.

(6) **PRACTITIONER.**—The term "practitioner" means a person or entity that practices natural resource management.

(7) **SECRETARIES.**—The term "Secretaries" means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and
(B) the Secretary of the Interior.

(8) **STATE.**—The term "State" means—

(A) the State of Arizona; and
(B) the State of New Mexico.

(d) **ESTABLISHMENT OF INSTITUTES.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall establish—

(A) an Ecological Restoration Institute in Flagstaff, Arizona; and
(B) an Institute of college or university in the State of New Mexico selected by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(2) **REPORT; TRANSFER OF INFORMATION.**—Each Institute shall—

(A) plan, conduct, or otherwise arrange for applied ecosystem management research that—

(i) assists in answering questions identified by land managers, practitioners, and others concerned with land management; and
(ii) will be useful in the development and implementation of practical, science-based, ecological restoration treatments;

(B) translate scientific knowledge into communication tools that are easily understood by land managers, natural resource professionals, and concerned citizens; and

(C) provide similar information to land managers and other interested persons.

(3) **COORDINATION.**—Each Institute shall cooperate with—

(A) researchers at colleges and universities in the States that have demonstrated capabilities for research, information dissemination, continuing education, and undergraduate and graduate training, to develop broad agreements on ecological restoration in forest and woodland ecosystems; and

(B) other organizations and entities in the region (such as the Western Governors’ Association, Southwest Strategy group, the Southwest Fire Management Board, and the Arizona Governor’s Forest Health/Fire Plan Advisory Committee), to increase and accelerate efforts to restore forest ecosystem health and abate unnatural and unwanted wildfires.

(f) **APPROVAL OF ANNUAL WORK PLAN; REQUIREMENTS.**—As a condition to the receipt of funds made available under subsection (a), for each fiscal year, each Institute shall submit to the Secretary of Agriculture, for review by the Secretary of Agriculture, in consultation with the Secretary of the Interior, an annual work plan that includes assurances, satisfactory to the Secretaries, that the proposed work will serve the information needs of—

(A) land managers;
(B) practitioners;
(C) concerned citizens and communities; and
(D) the States.

(g) **COORDINATION BETWEEN INSTITUTES AND FEDERAL AGENCIES.**—In carrying out this section, the Secretary of Agriculture, in consultation with the Secretary of the Interior:

(1) shall encourage other Federal department and agency, instrumentalities to use and take advantage of, on a cooperative basis, the expertise and capabilities that are available through the Institutes;
(2) shall assist in coordination and coordination with other Federal programs relating to—

(A) ecological restoration; and
(B) wildfire risk reduction;
(3) may (notwithstanding section 33 of title 31, United States Code) [(ii) enter into contracts, cooperative agreements, interagency agreements; and (iii) carry out other transactions;]
(4) may accept funds from other Federal departments, agencies, and instrumentalities to supplement or fully fund grants made, and contracts entered into, by the Secretaries;
(5) may promulgate such regulations as the Secretaries consider appropriate;
(6) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out the educational and training objectives of this section; and
(7) shall encourage professional education and public information activities relating to the purposes of this section.

(f) **MONITORING AND EVALUATION.**—

(1) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall complete a detailed evaluation of each Institute.

(A) to ensure, to the maximum extent practicable, that the research, communication tools, and information transfer activities of the Institute meet the needs of—

(i) land managers;
(ii) practitioners;
(iii) concerned citizens and communities; and
(iv) the States; and
(B) to determine whether continued provis——ion of Federal assistance to the Institute is warranted.

(2) **STANDARDS FOR RECEIPT OF FINANCIAL ASSISTANCE.**—If, as a result of an evaluation under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, determines that an Institute does not qualify for further Federal assistance under this section, the Institute shall receive no further Federal assistance under this section until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.

On page 875, at the end of line 3, add "and".

On page 875, beginning on line 9, strike the semicolon and all that follows through line 21 and insert the following:

On page 876, line 4, strike "647" and insert "651."

On page 877, strike lines 1 through 7 and insert the following:

"(C) EXCLUSIONS.—The term ‘biorefinery’ does not include—"

(i) paper that is commonly recycled; or
(ii) unsegregated garbage.

On page 884, strike lines 1 through 3 and insert the following:

"(2) BIOREFINERY.—The term ‘biorefinery’ means equipment and processes that—"

(A) convert biomass into fuels and chemicals; and
(B) may produce electricity.

On page 885, strike lines 7 through 15 and insert the following:

"(A) IN GENERAL.—In selecting projects to receive grants under subsection (c), the Secretary—"

(i) shall select projects based on the like-lihood that the projects will demonstrate the commercial viability of a process for converting biomass into fuels or chemicals; and
(ii) may consider the likelihood that the projects will produce electricity.

On page 886, line 8, strike "and."

On page 886, line 10, strike the period and insert "; and."

On page 886, between lines 10 and 11, insert the following:

"(x) the potential for developing advanced industrial biotechnology approaches."

On page 888, line 8, strike "15" and insert "30."

On page 889, strike lines 10 through 14 and insert the following:

"(ii) MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN.—The combined amount of a grant and loan made or guaranteed under subsection (a) for a renewable energy system shall not exceed 60 percent of the cost of the renewable energy system.

On page 889, line 9, strike "15" and insert "25."

On page 890, strike lines 11 through 15 and insert the following:

"(b) FUNDING.—Congress finds that—"

(1) fuel cells are a highly efficient, clean, and flexible technology for generating electricity from hydrogen that promises to improve the environment, electricity reliability, and energy security; and
(2)(A) because fuel cells can be made in any size, fuel cells can be used for a wide variety of farm applications, including powering farm vehicles, equipment, houses, and other operations; and
(B) much of the initial use of fuel cells is likely to be in remote and off-grid applications in rural areas; and
(3) hydrogen is a clean and flexible fuel that can play a critical role in storing and delivering energy produced on farms from renewable sources (including biomass, wind, and solar energy).

(b) **GRANT PROGRAM.**—The Secretary of Agriculture, in

On page 902, strike line 5 and insert the following:

"(c) ELIGIBLE ENTITIES.—Under subsection (b), the

On page 902, line 12, strike "research".

On page 902, line 15, strike "or".

On page 902, line 16, strike the period and insert "or".

On page 902, between lines 16 and 17, insert the following:

"(7) a consortium comprised of entities described in paragraphs (1) through (6)."

On page 902, line 17, strike "(c)" and insert "(d)"

On page 902, line 19, strike "(a)(1)," and insert "(b)(1),".

On page 902, strike line 23 and insert the following:

"(i) to generate both usable electricity and heat;
(ii) to improve efficiency of existing energy systems; or
(iii) to assist in the conversion of agricultural, municipal solid waste, and industrial waste.

On page 903, line 5, strike "(d)" and insert "(e)"

On page 903, line 7, strike "(a)" and insert "(b)".

On page 903, line 9, strike "(e)" and insert "(f)".

In Amendment No. 291 (PL0033), on page 8, strike lines 21 through 24 and insert the following:
“(A) a college or university or a research foundation maintained by a college or university;

In Amendment No. 2471 (FLO01.633), on page 9, line 11, strike “leakage and performance” and insert “leakage, performance, and permanence”.

In Amendment No. 2471 (FLO01.633), on page 10, line 5, strike “and establish”.

In Amendment No. 2471 (FLO01.633), on page 10, strike line 15 and insert the following:

“(2) DEVELOPMENT OF BENCHMARK STANDARDS.—

(A) IN GENERAL.—The Secretary shall de-
velop national guidelines for measuring the carbon content of soils and plants (including trees) based on—

(i) information from the conference under paragraph (1);

(ii) research conducted under this section; and

(iii) other information available to the Secretary.

(B) OPPORTUNITY FOR PUBLIC COMMENT.—
The Secretary shall provide an opportunity for the public to comment on the benchmark standards developed under subparagraph (A).

(3) REPORT.—Not later than 180 days after

In Amendment No. 2471 (FLO01.633), on page 13, line 22, strike “emission” and insert “emissions”.

In Amendment No. 2471 (FLO01.633), on page 14, lines 9 and 10, strike “farmers and ranchers” and insert “farmers, ranchers, private forest landowners, and State agen-
cies.”

In Amendment No. 2471 (FLO01.633), on page 15, beginning on line 16, strike “farmers and ranchers” and all that follows through line 18 and insert “farmers, ranchers, private forest landowners, and State agencies may better understand the global implications of the activities of the farmers, ranchers, pri-

In Amendment No. 2471 (FLO01.633), on page 15, strike lines 12 through 23 and insert the following:

“SEC. 310. FUNDING.

(1) TRANSFERS BY THE SECRETARY OF THE TREASURY.—

Each transfer made by the Secretary of the Treasury to carry out section 7261 et seq. shall be made from the surplus of the Department of the Treasury.

(2) RECEIPT AND ACCEPTANCE.—The Sec-
retary shall be entitled to receive, shall ac-
cept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation.

(3) AUTHORIZATION OF APPROPRIATIONS.—

In addition to amounts transferred under subsection (a), there are authorized to be ap-
propriated to carry out this title $450,000,000 for each of fiscal years 2002 through 2006.

In Amendment No. 2471 (FLO01.633), on page 16, line 6, strike “(as amended by sec-
tion 661)”.

In Amendment No. 2471 (FLO01.633), on page 16, line 8, strike “21” and insert “20”.

In Amendment No. 2471 (FLO01.633), on page 16, strike lines 10 through 13 and insert the following:

“(a) DEFINITIONS.—In this section:

(1) RENEWABLE ENERGY.—The term ‘re-
newable energy’ means energy derived from a wind, hydro, geothermal, or bio-

(2) RURAL AREA.—The term ‘rural area’ includes any area that is not within the boundaries of—

(A) a city, town, village, or borough hav-
ing a population of more than 20,000; or

(B) an urbanized area (as determined by the Secretary).

In Amendment No. 2471 (FLO01.633), on page 16, line 17, after “utilities”, insert the following—

“(as determined by the Sec-

In Amendment No. 2471 (FLO01.633), on page 20, line 14, strike “409” and insert “412”.

In Amendment No. 2471 (FLO01.633), on page 20, line 14, strike “and establish”.

In Amendment No. 2471 (FLO01.633), beginning on page 23, strike line 23 and all that follows through page 25, line 10, and insert the following:

(B) ELIGIBILITY CRITERIA.—To be eligible for a grant under paragraph (1), a project shall be—

(i) designed to—

(I) increase the long-term sequestration of carbon or net reduction in greenhouse gas emissions;

(II) address concerns regarding leakage and permanence; or

(iii) provide for the use of renewable energy to reduce the transaction costs of the eligible project; and

(iv) reduce the costs of measuring, monitoring, and verifying any net sequestration of carbon or net reduction in greenhouse gas emissions; and

(ii) provides certain benefits, such as improvements in—

(I) soil fertility;

(II) wildlife habitat;

(III) water quality;

(IV) soil erosion management;

(V) the use of renewable resources to produce energy;

(VI) the avoidance of ecosystem fragment-

mentation; and

(VII) the promotion of ecosystem restora-

In Amendment No. 2471 (FLO01.633), on page 27, line 6, strike “(e)” and insert “(d)”.

On page 930, strike lines 8 through 10 and insert the following:

“Subtitle D—Country of Origin Labeling

SEC. 281. DEFINITIONS.

On page 930, between lines 21 and 22, insert the following:

(iv) WILD FISH.—

(A) IN GENERAL.—The term ‘wild fish’ means naturally-born or hatchery-raised fish and shellfish harvested in the wild.

(B) INCLUSIONS.—The term ‘wild fish’ includes a fillet, steak, nugget, and any other flesh from wild fish or shellfish.

(C) EXCLUSIONS.—The term ‘wild fish’ ex-
cludes net-pen aquacultural or other farm-

In Amendment No. 2471 (FLO01.633), on page 322, strike “722” and insert “724”.

On page 932, line 20, strike “and” at the end.

On page 932, after line 23, add the follow-

(3) the health of animals is affected by the

(2) animal diseases and pests are primarily transmitted by animals and articles regu-

(3) the health of animals is affected by the

(3) the health of animals is affected by the

(3) the health of animals is affected by the

(3) the health of animals is affected by the

(3) the health of animals is affected by the

(3) the health of animals is affected by the
(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—
(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;
(ii) to regulate effectively interstate commerce and foreign commerce; and
(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

SEC. 1023. DEFINITIONS.

In this subtitle:

(1) ANIMAL.—The term “animal” means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term “article” means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term “disease” means—
(A) any infectious or noninfectious disease or condition affecting the health of livestock;
(B) any condition detrimental to production of livestock;
(C) to carry, enter, import, mail, ship, or transport;
(D) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;
(E) to release into the environment;
(F) to allow any of the activities described in this paragraph; or
(G) An arthropod.

(3) FACILITY.—The term “facility” means any structure.

(4) IMPORT.—The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(5) INTERSTATE COMMERCE.—The term “interstate commerce” means trade, traffic, or other commerce—
(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or
(B) within the District of Columbia or any territory or possession of the United States.

(6) LIVESTOCK.—The term “livestock” means all farm-raised animals.

(7) MEANS OF CONVEYANCE.—The term “means of conveyance” means any of the organisms described in this paragraph.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(9) INTERSTATE COMMERCE.—The term “interstate commerce” means trade, traffic, or other commerce—
(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or
(B) within the District of Columbia or any territory or possession of the United States.

(10) LIVESTOCK.—The term “livestock” means all farm-raised animals.

(11) MEANS OF CONVEYANCE.—The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term “move” means—
(A) to carry, enter, import, mail, ship, or transport;
(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;
(C) to offer to carry, enter, import, mail, ship, or transport;
(D) to receive in order to carry, enter, import, mail, ship, or transport;
(E) to release into the environment; or
(F) to allow any of the activities described in this paragraph.

(13) Pest.—The term “pest” means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:
(A) A parasite.
(B) A plant.
(C) A bacteria.
(D) A fungus.
(E) A virus or rickettsia.
(F) An infectious agent or other pathogen.
(G) An arthropod.
(H) A parasite.
(I) A prion.
(J) A vector.
(K) An animal.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(15) STATE.—The term “State” means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) THIS SUBTITLE.—Except when used in this section, the term “this subtitle” includes any regulation or order issued by the Secretary under the authority of this subtitle.

(17) UNITED STATES.—The term “United States” means all of the States.

SEC. 1024. REGULATION ON IMPORTATION OR ENTRY.

(a) IN GENERAL.—The Secretary may prohibit or restrict—
(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;
(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and
(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(b) REGULATIONS.—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) DESTRUCTION OR REMOVAL.—
(1) IN GENERAL.—The Secretary may order the destruction or removal from the United States of—
(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;
(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this section; or
(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) REQUIREMENTS OF OWNERS.—
(A) ORGANS OR TISSUES.—The Secretary may require the disinfection of—
(i) a means of conveyance used in connection with the importation of an animal;
(ii) an individual involved in the importation of an animal and personal articles of the individual; and
(iii) any article used in the importation of an animal.

(B) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—
(i) take remedial action, destroy, or remove from the United States the animal or article, or means of conveyance as authorized under paragraph (1); and
(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

SEC. 1025. EXPORTATION.

(a) IN GENERAL.—The Secretary may prohibit or restrict—
(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;
(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;
(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or
(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—
(1) ORDERS TO COMPLY.—The Secretary may require the sanitation of any of the organisms described in this paragraph:

(A) to remove the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

SEC. 1026. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination of any pest or disease of livestock; and
(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

SEC. 1027. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—
(A) is moving or has been moved in inter-state commerce or has been imported and entered; and

(B) the Secretary has reason to believe that—

(i) the person or means of conveyance, or any portion thereof, has been moved, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this subtitle; or

(ii) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been moved in interstate commerce in violation of this subtitle;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this subtitle; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this subtitle.

(2) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency because of the presence of a pest or disease in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock industry may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this subtitle;

(B) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b) and

(C) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(2) LIMITATION.—Compensation paid any owner under this subsection shall not exceed the difference between—

(A) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(B) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(3) RECOVERABILITY OF DETERMINATION.—The determination of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this subtitle;

(B) any article, facility, or means of conveyance in violation of a law or treaty of the United States; and

(C) any animal, article, facility, or means of conveyance that is refused entry under this subtitle;

or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or in violation of this subtitle by the owner.

SEC. 1028. INSPECTIONS, SEIZURES, AND WAREHOUSEMENTS.

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this subtitle;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this subtitle; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 1027(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 1027(b).

(c) INJUNCTIONS, EXCELSIOR WAREHOUSEMENTS.—

(1) IN GENERAL.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this subtitle.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this subtitle, a United States judge of a district court in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrates of any animal, article, facility, or means of conveyance regulated under this subtitle.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States Marshal.

SEC. 1029. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) IN GENERAL.—To carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of livestock), including animal or animal products, animal or article regulated under this subtitle.

(b) COOPERATION.—The Secretary shall consult with State and local governments, Indian tribes, and other persons.

SEC. 1030. VETERINARY ACCREDITATION PROGRAM.

(a) IN GENERAL.—To carry out this subtitle, the Secretary may establish a veterinary accreditation program that is consistent with this subtitle, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

SEC. 1031. COOPERATION.

(a) IN GENERAL.—To carry out this subtitle, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, or any foreign country or State, or under the jurisdiction of an Indian tribe, other than on land owned or controlled by the United States; and

(b) USE OF FACILITIES AND MEANS.—On all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land owned or controlled by the United States.

(c) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROHIBITIONS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be deposited into the Treasury of the United States; and
(i) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(ii) cooperative production and sale.

(d) cooperation in program administration.—the Secretary may cooperate with state authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) consultation with other federal agencies.—

(1) in general.—the Secretary shall consult with the head of a federal agency with respect to any activity that is under the jurisdiction of the federal agency.

(2) lead agency.—the Department of agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

(f) SEC. 1032. reimbursable agreements.

(a) authority to enter into agreements.—the Secretary may enter into reimbursable fee agreements with persons for clearance of animals or articles at locations outside the United States.

(b) funds collected for clearance.

(funds collected for clearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section;

(2) remain available until expended for the clearance activities, without fiscal year limitation.

(c) payment of employees.—

(1) in general.—notwithstanding any other law, the Secretary may pay an officer or employee of the department of agriculture for personal services under this subtitle relating to imports into and exports from the United States for all overtime, night, or work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) reimbursement.—

(funds collected under this subsection shall—

(1) be credited to accounts that may be established by the Secretary for clearinghouse activities under this section;

(2) remain available until expended, without fiscal year limitation.

(d) late payment penalties.—

(1) collection.—on failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 5717 of title 31, United States Code.

(2) use of funds.—any late payment penalty and any accrued interest shall—

(a) be credited to the account that incurs the costs; and

(b) remain available until expended, without fiscal year limitation.

(f) sec. 1034. penalties.

(a) criminal penalties.—any person that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this subtitle shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) civil penalties.—

(1) in general.—any person that violates this subtitle, and any finder of fact, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this subtitle shall be liable for a civil penalty for the violation.

(A) $50,000 in the case of any individual, except that the civil penalty may not exceed $1,000 in the case of an individual moving regulated articles not for monetary gain; or

(B) $250,000 in the case of any other person for each violation; and

(ii) $50,000 in the case of any other person for each violation; and

(ii) $50,000 in the case of any other person for each violation; and

(iii) $50,000 in the case of any other person for each violation.

(b) civil penalties.

(1) factors in determining civil penalty.

(A) In general.—in determining the amount of a civil penalty, the Secretary may consider—

(i) the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violations,

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) the history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.

(2) finality of orders.

The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this section.

(i) final order.—the order of the Secretary assessing a civil penalty shall be treated as a final order under chapter 158 of title 28, United States Code.

(ii) review.—the validity of the order of the Secretary may not be reviewed in an action to collect a civil penalty.

(iii) interest.—any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(f) sec. 1035. suspension or revocation of accreditation.

(1) in general.—the Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this subtitle that violates this subtitle.

(2) final order.—the order of the Secretary suspending or revoking the accreditation of any veterinarian accredited under this subtitle shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(f) sec. 1033. suspension.

(a) in general.—notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(b) hearings.—the Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(f) sec. 1033. suspension.

(a) in general.—notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(b) hearings.—the Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(f) sec. 1033. suspension.

(a) in general.—notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(b) hearings.—the Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(g) sec. 1033. suspension.

(a) in general.—notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(b) hearings.—the Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(h) sec. 1033. suspension.

(a) in general.—notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(b) hearings.—the Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(i) sec. 1033. suspension.

(a) in general.—notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(b) hearings.—the Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(j) sec. 1033. suspension.

(a) in general.—notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(b) hearings.—the Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.
paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be paid the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1531(h)) is amended by striking “animal quarantine laws” and inserting “animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a-1))”.

(ii) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking “of the cattle” and all that follows through “is hereby described” and inserting “of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines”.

(iii) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

“(ii) REMEDIES.—The provisions of this section apply to actions brought by the Secretary to enforce provisions of the Meat Inspection Act (21 U.S.C. 612 through 619).”;

(b) CONFORMING AMENDMENTS.—

(i) The Act of May 31, 1910 (21 U.S.C. 1351) is amended by striking “1351” and inserting “1351a”.

(ii) Section 8(f) of the Endangered Species Act of 1973 (16 U.S.C. 1538(f)) is amended by striking “Section 2509(f)” and inserting “Section 2509(c)”. The first proviso under the heading “GENERAL EXPERIENCES” is amended by striking “the Secretary” and inserting “the Secretary of Commerce”.

(iii) Section 9 of the Act of August 30, 1890 (21 U.S.C. 114) is amended by striking “the Attorney General” and inserting “the Secretary of Commerce”.

(iv) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking “of the cattle” and all that follows through “is hereby described” and inserting “of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines”.

(b) The Animal Health Protection Act; or

(ii) Any other Act administered by the Secretary relating to plant or animal diseases or pests.”.

(c) Exempt Regulations.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation that supersedes the earlier regulation.

In Amendment No. 2594 (FL001.579), on page 1, strike line 2 and insert the following:

Subtitle D—General Provisions

SEC. 10. FEES FOR PESTICIDES.

(a) MAINTENANCE FEE.—

(1) AMOUNTS FOR REGISTRANTS.—Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(5)) is amended—

(A) in subparagraph (a), by striking “each year” and all that follows and inserting “each year $2,300 for each registration”; and

(B) in subparagraph (b), by striking “$65,000” and inserting “$30,000.”

(2) TOTAL AMOUNT OF FEES.—Section 4(1)(s)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(5)) is amended—

(A) by striking “(C) The” and inserting the following:

“(C) TOTAL AMOUNT OF FEES.—The”; and

(B) by striking “$34,000,000 each fiscal year” and inserting “$20,000,000”.

(3) DEFINITION OF SMALL BUSINESS.—Section 1(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)(C)) is amended—

(A) in clause (1), by striking “$20,000” and inserting “$66,500”;

(B) in clause (2), by striking “$65,000” and inserting “$120,000”;

(C) in subparagraph (A) of clause (i)—

(1) in subclause (1) by striking “$38,500” and inserting “$70,000”; and

(2) in subclause (2) by striking “$46,000” and inserting “$60,000”; and

(D) in subclause (3), by striking “$55,000” and inserting “$50,000”. 
(B) in subclause (II), by striking “gross revenue from chemicals that did not exceed $40,000,000” and inserting “global gross revenue from pesticides that did not exceed $60,000,000”.

(4) PERIOD OF EFFECTIVENESS.—Section 4(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(5)) is amended by striking the “period beginning on January 1, 2002, and ending on February 28, 2002.”

(b) OTHER FEES.—Section 4(c)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(6)) is amended by striking “the period of the enactment of this section ending on September 30, 2001” and inserting “the period beginning on January 1, 2002, and ending on February 28, 2002.”

(c) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(3)(k)) is amended—

(1) in the paragraph heading, by striking “EXPEDITED” and inserting “REVISED”;

(2) in subparagraph (A)—

(1) by inserting “each of the” and all that follows “fiscal year” and inserting “the period beginning on January 1, 2002, and ending on February 28, 2002, 1/4 of the maintenance fees collected during the period”;

(B) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and adjusting the margins appropriately; and

(c) by striking “assure the expedited processing and review of any applicant that” and inserting the following—

“(i) review and evaluate inert ingredients; and

(ii) ensure the expedited processing and review of any application that—

(d) PESTICIDE TOLERANCE PROCESSING FEES.—Section 48(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(a)(1)) is amended—

(1) by striking “The Administrator” and inserting the following—

“(A) IN GENERAL.—The Administrator”;

(2) by striking “Under the regulations” and inserting the following—

“(B) INCLUSIONS.—Under the regulations”;

(3) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and adjusting the margins appropriately; and

(4) by striking “The regulations may” and inserting the following—

“(C) WAIVER; REFUND.—The regulations may”;

(5) by adding at the end the following—

“(D) ANNUAL ADJUSTMENT OF FEES.—The Administrator may annually promulgate regulations to implement changes in the amounts in the schedule of pesticide tolerance processing fees in effect on the date of enactment of this subsection by increasing or decreasing the percentage by the same amount as the annual adjustment to the Federal General Schedule pay scale under section 5301 of Title 5, United States Code.”

(2) PERIOD OF EFFECTIVENESS.—This paragraph shall be in effect during the period beginning on January 1, 2002, and ending on February 28, 2002.

SEC. 10. PEST MANAGEMENT IN SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the “School Environment Protection Act of 2002.”

(b) PEST MANAGEMENT.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w–7) the following:

“SEC. 33. PEST MANAGEMENT IN SCHOOLS.

“(a) DEFINITIONS.—In this section:

“(I) BAIT.—The term ‘bait’ means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest.

“(II) CONTACT PERSON.—The term ‘contact person’ means an individual who is—

“(A) knowledgeable about school pest management plans; and

“(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school.

“(3) EMERGENCY.—The term ‘emergency’ means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

“(4) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given in section 3 of the Elementary and Secondary Education Act of 1965.

“(5) SCHOOL.—

“(A) IN GENERAL.—The term ‘school’ means a public elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

“(B) SECONDARY SCHOOL.—The term ‘secondary school’ means a public secondary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

“(C) KINDERGARTEN OR NURSERY SCHOOL.—The term ‘kindergarten or nursery school’ means a facility that is controlled, managed, or owned by the school or school district.

“(6) SCHOOL PEST MANAGEMENT PLAN.—The term ‘school pest management plan’ means a pest management plan developed under subpart (b).

“(7) STAFF MEMBER.—

“(A) IN GENERAL.—The term ‘staff member’ means a person employed at a school or local educational agency.

“(B) EXCLUSIONS.—The term ‘staff member’ does not include—

“(i) a person hired by a school, local educational agency, or State to apply a pesticide; or

“(ii) a person assisting in the application of a pesticide.

“(8) STATE AGENCY.—The term ‘State agency’ means a State education agency established under section 611 of the Elementary and Secondary Education Act of 1965 that exercises primary jurisdiction over matters relating to pesticide regulation.

“(9) UNIVERSAL NOTIFICATION.—The term ‘universal notification’ means notice provided by a local educational agency or school to—

“(A) parents, legal guardians, or other persons with legal standing as parents of each child attending the school;

“(B) staff members of the school;

“(C) State agency.

“(10) STATE PLAN.—The term ‘State plan’ means a plan developed by a State agency under section 213 of this Act.

“(11) USE OF FUNDS.—The term ‘use of funds’ means—

“(A) any funds made available from the bilingual education assistance fund; and

“(B) any funds appropriated for the elementary and secondary education assistance act (25 U.S.C. 450b), that exercises primary jurisdiction over matters relating to pesticide regulation.

“(b) SCHOOLS.—In this section:

“(1) PEST MANAGEMENT.—

“(A) IN GENERAL.—As soon as practicable (but not later than 180 days) after the date of enactment of the School Environment Protection Act of 2002, the Administrator shall develop, in consultation with the States, a school pest management plan for local educational agencies in the State.

“(B) EMERGENCY.—In the event of an emergency, the Administrator shall, upon the request of the local educational agency, adopt an emergency management plan that meets the requirements of the school pest management plan.

“(c) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given in section 3 of the Elementary and Secondary Education Act of 1965.

“(d) SCHOOLS.—In this section:

“(A) IN GENERAL.—As soon as practicable (but not later than 1 year) after the date of enactment of the School Environment Protection Act of 2002, each State agency shall develop and submit to the Administrator for approval, as part of the State cooperative agreement, a school pest management plan for local educational agencies in the State.

“(B) EMERGENCY.—In the event of an emergency, the State agency shall develop an emergency management plan that meets the requirements of the school pest management plan submitted by the local educational agency in the State.

“(c) STATE AGENCY.—The term ‘State agency’ means a State education agency that exercises primary jurisdiction over matters relating to pesticide regulation.

“(d) USE OF FUNDS.—The term ‘use of funds’ means—

“(A) any funds made available from the bilingual education assistance fund; and

“(B) any funds appropriated for the elementary and secondary education assistance act (25 U.S.C. 450b), that exercises primary jurisdiction over matters relating to pesticide regulation.

“(e) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given in section 3 of the Elementary and Secondary Education Act of 1965.

“(f) USE OF FUNDS.—The term ‘use of funds’ means—

“(A) any funds made available from the bilingual education assistance fund; and

“(B) any funds appropriated for the elementary and secondary education assistance act (25 U.S.C. 450b), that exercises primary jurisdiction over matters relating to pesticide regulation.

“(g) IN GENERAL.—The term ‘in general’ means a term that is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), that exercises primary jurisdiction over matters relating to pesticide regulation.

“(h) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given in section 3 of the Elementary and Secondary Education Act of 1965.

“(i) USE OF FUNDS.—The term ‘use of funds’ means—

“(A) any funds made available from the bilingual education assistance fund; and

“(B) any funds appropriated for the elementary and secondary education assistance act (25 U.S.C. 450b), that exercises primary jurisdiction over matters relating to pesticide regulation.
a State has implemented a school pest management plan that, at a minimum, meets the requirements under subparagraph (C) (as determined by the Administrator), the State agency may register as a school pest management plan and shall not be required to develop a new school pest management plan under subparagraph (B).

(2) EXCEPTION FOR EXISTING PLANS.—If, on the date of enactment of the School Environment Protection Act of 2002, a State maintains a school pest management plan that, at a minimum, meets the standards and criteria established under this section (as determined by the Administrator), and a local educational agency in the State has implemented the school pest management plan, the local educational agency may maintain the plan and shall not be required to develop and implement a new school pest management plan under subparagraph (A).

(3) ADES OF PESTICIDES AT SCHOOLS.—A school pest management plan shall prohibit—

(A) In general.—Not later than 1 year after the date on which a local educational agency receives a copy of a school pest management plan of a State agency under paragraph (1)(B), the local educational agency shall develop and implement in each of the schools under the jurisdiction of the local educational agency a school pest management plan that meets the standards and requirements under the school pest management plan of the State agency, as determined by the Administrator.

(B) EXCLUSION OF PESTICIDES.—(i) The application of a pesticide (other than a pesticide, including a bait, gel, or paste, described in paragraph (4)(C)) to any area or room at a school while the area or room is occupied or in use by students or staff members (including persons participating in regular or vocational agricultural instruction involving the use of pesticides); and

(ii) the use by students or staff members of an area or room treated with a pesticide by broadcast spraying, basin spraying, tenting, or fogging during the treatment period and after application.

(C) CONTACT PERSON.—(A) In general.—Each local educational agency shall designate a contact person to carry out a school pest management plan in schools under the jurisdiction of the local educational agency.

(B) Duties.—The contact person of a local educational agency shall—

(i) maintain information about the scheduling of pesticide applications in each school under the jurisdiction of the local educational agency;

(ii) act as a contact for inquiries, and disseminate information requested by parents or guardians, about the school pest management plan;

(iii) maintain and make available to parents, legal guardians, or other persons with legal standing as parents of students enrolled during the school year; and

(iv) provide to the local educational agency a description of the procedures that may be used to address those problems;

(iv) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

(v) a description of the purposes of the pesticide application.

(D) NOTIFICATION AND POSTING EXEMPTION.—A notice under subparagraph (A)(iv) (other than the ninth sentence of that statement).

(E) NEW STAFF MEMBERS AND STUDENTS.—After the beginning of each school year, a local educational agency or school within a local educational agency shall provide each new staff member who is employed during the school year; and

(F) Method of notification.—A local educational agency or school shall provide a description of the procedures that may be used to address those problems.

(G) Pesticides that may be used as a part of that curriculum shall be provided to persons on registry only on the beginning of each academic term of the school.

(H) Contents of notice.—A notice under clause (i) shall contain—

(i) the trade name, common name (if applicable), and Environmental Protection Agency registration number of each pesticide that may be used as a part of that curriculum shall be provided to persons on registry only on the beginning of each academic term of the school.

(3)(i) a description of each location at the school at which a pesticide is to be applied;

(3)(ii) a description of the date and time of application, except that, in the case of an outdoor pesticide application, a notice shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled;

(4)(i) the application of potentially acute and chronic effects that may result from exposure to each pesticide to be applied, as stated on the label of the pesticide approved by the Administrator;

(ii) the name and telephone number of the Office of Pesticide Programs of the Environmental Protection Agency; and

(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency.

(4)(b) Alternatives to the registration of pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their effects on human health, particularly on the health of pregnant women, infants, and children. The Environmental Protection Agency; and

(5)(A) UNIVERSAL NOTIFICATION.—(i) A school pest management plan shall include—

(I) a summary of the requirements and procedures under the school pest management plan;

(II) a description of any potential pest problems that the school may experience (including a description of procedures that may be used to address those problems);

(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

(iv) the following statement (including information to be supplied by the school as indicated in subparagraph (D)(iv))

(A) the application of pesticides (including a description of the procedures that may be used to address those problems);

(B) the period specified on the label of the pesticide approved by the Administrator;

(C) the period specified on the label of the pesticide approved by the Administrator;

(D) the period specified on the label of the pesticide approved by the Administrator; and

(E) the period specified on the label of the pesticide approved by the Administrator.

(6)(A) PUBLIC NOTICE.—A school pest management plan shall include—

(i) a description of all pesticides used by the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A) of that 3 years after the date of adoption by each school, a school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

(i) a summary of the requirements and procedures under the school pest management plan;

(ii) a description of any potential pest problems that the school may experience (including a description of procedures that may be used to address those problems);

(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

(iv) the following statement (including information to be supplied by the school as indicated in subparagraph (D)(iv))

(A) the application of pesticides (including a description of the procedures that may be used to address those problems);

(B) the period specified on the label of the pesticide approved by the Administrator;

(C) the period specified on the label of the pesticide approved by the Administrator; and

(D) the period specified on the label of the pesticide approved by the Administrator.

(7)(A) PUBLIC NOTICE.—A school pest management plan shall include—

(i) a description of all pesticides used by the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A) of that 3 years after the date of adoption by each school, a school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

(i) a summary of the requirements and procedures under the school pest management plan;

(ii) a description of any potential pest problems that the school may experience (including a description of procedures that may be used to address those problems);

(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

(iv) the following statement (including information to be supplied by the school as indicated in subparagraph (D)(iv))

(A) the application of pesticides (including a description of the procedures that may be used to address those problems);

(B) the period specified on the label of the pesticide approved by the Administrator;

(C) the period specified on the label of the pesticide approved by the Administrator; and

(D) the period specified on the label of the pesticide approved by the Administrator.

(8)(A) PUBLIC NOTICE.—A school pest management plan shall include—

(i) a description of all pesticides used by the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A) of that 3 years after the date of adoption by each school, a school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

(i) a summary of the requirements and procedures under the school pest management plan;

(ii) a description of any potential pest problems that the school may experience (including a description of procedures that may be used to address those problems);

(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

(iv) the following statement (including information to be supplied by the school as indicated in subparagraph (D)(iv))

(A) the application of pesticides (including a description of the procedures that may be used to address those problems);

(B) the period specified on the label of the pesticide approved by the Administrator;

(C) the period specified on the label of the pesticide approved by the Administrator; and

(D) the period specified on the label of the pesticide approved by the Administrator.

(9)(A) PUBLIC NOTICE.—A school pest management plan shall include—

(i) a description of all pesticides used by the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A) of that 3 years after the date of adoption by each school, a school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

(i) a summary of the requirements and procedures under the school pest management plan;

(ii) a description of any potential pest problems that the school may experience (including a description of procedures that may be used to address those problems);

(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

(iv) the following statement (including information to be supplied by the school as indicated in subparagraph (D)(iv))

(A) the application of pesticides (including a description of the procedures that may be used to address those problems);

(B) the period specified on the label of the pesticide approved by the Administrator;

(C) the period specified on the label of the pesticide approved by the Administrator; and

(D) the period specified on the label of the pesticide approved by the Administrator.
“(i) a written notice sent home with the students and provided to staff members;  
“(ii) a telephone call;  
“(iii) direct contact;  
“(iv) written notice mailed at least 1 week before the application; or  
“(v) a notice delivered electronically (such as through electronic mail or facsimile).

(F) RESCUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall issue a notice that extends the new date and location of application.

(G) POSTING OF SIGNS.—  
“(i) IN GENERAL.—As provided in paragraph (5)—  
“(I) a school shall post a sign not later than the last business day during which school is in session preceding the date of application of a pesticide at the school; and  
“(II) the application for which a sign is posted under clause (i) shall not commence before the time that is 24 hours after the end of the business day on which the sign is posted.  
“(ii) LOCATION.—A sign shall be posted under clause (i)—  
“(I) at a central location noticeable to individuals entering the building; and  
“(II) at the proposed site of application.  
“(iii) A sign required to be posted under clause (i) shall—  
“(I) remain posted for at least 24 hours after the end of the application;  
“(II) be—  
“(aa) at least 8½ inches by 11 inches for signs posted inside the school; and  
“(bb) at least 4 inches by 5 inches for signs posted outside the school; and  
“(III) contain—  
“(aa) information about the pest problem for which the application is necessary;  
“(bb) the name of each pesticide to be used;  
“(cc) the date of application;  
“(dd) the name and telephone number of the designated contact person; and  
“(ee) the statement contained in subparagraph (A)(IV).  
“(iv) OUTDOOR PESTICIDE APPLICATIONS.—  
“(I) IN GENERAL.—In the case of an outdoor pesticide application at a school, each sign shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled.  
“(II) DURATION OF POSTING.—A sign described in subclause (I) shall be posted after an outdoor pesticide application in accordance with clauses (ii) and (iii).  

(5) EMERGENCIES.—  
“(A) IN GENERAL.—A school may apply a pesticide at the school without complying with this part in an emergency, subject to subsection (B).  

(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next business day, the school shall provide to each parent or guardian of a student listed on the registry, a staff member listed on the registry, and the designated contact person, and notice of the application of the pesticide in an emergency that includes—  
“(i) the information required for a notice under paragraph (4)(G); and  
“(ii) a description of the problem and the factors that required the application of the pesticide to avoid a threat to the health or safety of a student or staff member.

(C) METHOD OF NOTIFICATION.—The school may provide the notice required by paragraph (B) by any method of notification described in paragraph (A)(IV) that provides service "(B) Exclusions.—(1) Exclusion of pest management activities.  

(a) In general.  

(b) Department of Agriculture minor use program.  

(1) Authorization of appropriations.  

(2) Minor Use Pesticide Data Revolving Fund.  

(c) Staff person.  

(D) POSTING OF SIGNS.—Immediately after the application of a pesticide under this paragraph, a school shall post a sign warning of the pesticide application in accordance with clauses (ii) through (iv) of paragraph (4)(B); and  

(E) Relationship to State and local requirements.  

Nothing in this section (including regulations promulgated under this section) shall—  

(G) Authorization of appropriations.  

There are authorized to be appropriated such sums as are necessary to carry out this section.  

(H) Confoming amendment.  

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 1221d) is amended by striking the item relating to sections 30 through 32 and inserting the following:  

"Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.  

Sec. 31. Environmental Protection Agency small area monitoring program.  

Sec. 32. Department of Agriculture minor use program.  

(a) In general.  

(b)(1) Minor use pesticide data.  

(2) Minor Use Pesticide Data Revolving Fund.  

Sec. 33. Pest management in schools.  

(1) By the local educational agency.  

(2) By the local educational agency.  

(3) Contact person.  

(4) Notification.  

(5) Emergencies.  

(c) Relationship to State and local requirements.  

(d) Exclusion of certain pest management activities.  

(e) Authorizations of appropriations.  

(f) Implementation by local educational agencies.  

(g) School.  

(h) Staff person.  

(i) Implementing regulations.  

(j) Effective date.  

This section and the amendments made by this section take effect on October 1, 2002.

SEC. 10. EXPANSION OF STATE MARKETING PROGRAMS.  

(a) STATE MARKETING PROGRAMS.—Section 206(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(b)) is amended—  

(1) by striking "(b) The" and all that follows through "in the case of a" and inserting the following:  

"(b) State Marketing Programs.—  

(1) In general.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $7,000,000 for fiscal year 2003, $8,000,000 for fiscal year 2004, and $10,000,000 for each of fiscal years 2005 and 2006 for allotment to State departments of agriculture, State bureaus and departments of markets, State agricultural extension stations, and other appropriate State agencies for cooperative projects in marketing service and in marketing research to effectuate the purposes of—  

(A) Federal-State cooperative projects;  

(B) the Farmer's Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1990 (7 U.S.C. 2001 et seq.).  

(2) SMALL FARMS AND LIMITED RESOURCE FARMERS.—Of the funds made available under this paragraph (1), a priority shall be given for initiatives designed to support direct and other marketing efforts of small farms and limited resource farmers.  

(3) State funds.—  

(2) by striking "The funds which" and inserting the following:  

"(4) ADDITIONAL FUNDS.—The funds that;  

(3) by striking "The allotments" and inserting the following:  

"(5) Recipient agencies.—The allotments;  

(4) by striking "Such allotments" and inserting the following:  

"(6) Cooperative agreements.—The allotments; and  

(F) Description.—"Should duplication" and inserting the following:  

"(7) Duplication.—If duplication.

(b) FARMERS' MARKET PROMOTION PROGRAM.  

(1) SURVEY.—Section 4 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3003) is amended—  

(A) in the first sentence, by striking "a continuing" and inserting "an annual"; and  

(B) by striking the second sentence.  

(2) DEMONSTRATION.—Section 5 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004) is amended—  

(A) in subsection (a)—  

(i) in the first sentence, by striking "Extension Service of the United States Department of Agriculture" and inserting "Secretary"; and  

(ii) in the second sentence—  

(I) by striking "Extension Service" and inserting "Secretary"; and  

(II) by striking "and on the basis of which of these two agencies, or combination thereof, can best perform these activities" and inserting ": as determined by the Secretary";  

(B) by redesignating subsection (b) as subsection (c); and  

(C) by inserting after subsection (a) the following:  

"(b) Development of Farmers' Markets.—The Secretary shall—  

(1) work with the Governor of a State, and a State agency designated by the Governor, to develop programs to train managers of farmers' markets;  

(2) develop opportunities to share information among managers of farmers' markets;  

(3) establish a program to train cooperative extension service employees in the development of direct marketing techniques; and  

(4) work with producers to develop farmers' markets.

(c) FARMERS' MARKET PROMOTION PROGRAM.  

The Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3001 et seq.) is amended by inserting after section 5 the following:  

"SEC. 6. FARMERS' MARKET PROMOTION PROGRAM.  

(a) Establishment.—The Secretary shall carry out a program to be known as the "Farmers' Market Promotion Program" (referred to in this section as the "Program"), to
make grants to eligible entities for projects to establish, expand, and promote farmers’ markets; (b) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to increase domestic consumption of agricultural commodities by improving and expanding, or assisting in the improvement and expansion of, domestic farmers’ markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure; and

(2) to develop, or aid in the development of, new farmers’ markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure.

(c) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under the Program if the entity is—

(1) an agricultural cooperative;

(2) a local government;

(3) a nonprofit corporation;

(4) a public benefit corporation;

(5) an economic development corporation;

(6) a regional farmers’ market authority; or

(7) such other entity as the Secretary may designate.

(d) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(e) AMOUNT.—

(1) IN GENERAL.—Under the Program, the amount of a grant to an eligible entity for any project shall be not more than $500,000 for any 1 fiscal year.

(2) AVAILABILITY.—The amount of a grant to an eligible entity for a project shall be available under a grant awarded until the date on which the project terminates.

(f) COST SHARING.—

(1) IN GENERAL.—The share of the costs of a project covered by a grant awarded under the Program shall not exceed 60 percent.

(2) GRANTEE SHARE.—

(A) FORM.—The non-Federal share of the cost of a project carried out under the Program may be paid in the form of cash or the provision of services, materials, or other in-kind contributions.

(B) LIMITATION.—The value of any real or personal property owned by an eligible entity as of the date on which the eligible entity submits a grant application for a project may not exceed the grant share required under this paragraph.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2006.

(2) LIMITATION.—Except for funds made available pursuant to section 220(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1625(b)), no amounts may be made available to carry out this section unless specifically provided by an appropriation Act.

On page 946, line 18, insert “(a) IN GENERAL.—” before “Section”.

On page 951, between lines 6 and 7, insert the following:

(b) DEFINITION OF SOCIALLY DISADVANTAGED GROUP.—Section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)) is amended by striking “racial or ethnic” and inserting “gender, racial, or ethnic”.

SEC. 10. WILD FISH AND WILD SHELLFISH.

Section 210(a)(1) of the Organic Foods Production Act of 1990 (7 U.S.C. 6505) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

(c) WILD FISH AND WILD SHELLFISH.—

(1) IN GENERAL.—Notwithstanding section 210(a)(1), the Secretary may allow, through regulations promulgated after public notice and opportunity for comment, wild fish or shellfish in publicly salt water to be certified or labeled as organic.

(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

(A) consult with—

(i) the Secretary of Commerce;

(ii) the National Organic Standards Board established under section 6006 of the Organic Trade Act of 2000 (7 U.S.C. 6606); and

(iii) producers, processors, and sellers; and

(iv) other interested members of the public; and

(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild fish and shellfish.

SEC. 10. ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.

(a) IN GENERAL.—Section 218 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 691b) is amended by adding at the end the following:

(1) ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.

(2) ESTABLISHMENT OF POSITION.—The Secretary shall establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights.

(3) APPOINTMENT.—The Assistant Secretary of Agriculture for Civil Rights shall be appointed by the President, by and with the advice and consent of the Senate.

(4) DUTIES.—The Secretary of Agriculture for Civil Rights shall—

(A) enforce and coordinate compliance with all civil rights laws and related laws—

(i) by the agencies of the Department; and

(ii) under all programs of the Department (including all programs supported with Department funds);

(B) ensure that—

(i) the Department has measurable goals for treating customers and employees fairly and on a nondiscriminatory basis; and

(ii) the Department has measurable goals in meeting the goals are included in—

(I) strategic plans of the Department; and

(II) annual reviews of the plans;

(C) compile and disclose data used in assessing civil rights compliance in achieving on a nondiscriminatory basis participation of socially disadvantaged farmers and ranchers in programs of the Department;

(D)(i) hold Department agency heads and senior executives accountable for civil rights compliance and performance; and

(ii) that participation data and election results involving the committees are made available to the public; and

(E) ensure, to the maximum extent practicable—

(i) a sufficient level of participation by socially disadvantaged farmers and ranchers in deliberations of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(ii) that participation data and election results involving the committees are made available to the public; and

(F) perform such other functions as may be prescribed by the Secretary.

(b) By Complying with 535 of title 5, United States Code, is amended by striking “Assistant Secretaries of Agriculture (2)” and inserting “Assistant Secretaries of Agriculture (3)”.

(c) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 701(b)) is amended—

(1) in paragraph (3), by striking “or” at the end, inserting “or” after the period at the end and inserting “; and”;

(2) in paragraph (4), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

(5) the authority of the Secretary to establish within the Department the position of Assistant Secretary for Agriculture for Civil Rights under section 218(b). [1]

On page 951, strike lines 7 through 11 and insert the following:

SEC. 10A. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) PURPOSE.—The purpose of this section is to ensure compliance and public disclosure of data to assess and report the Department of Agriculture accountable for the nondiscriminatory participation of socially disadvantaged farmers and ranchers in programs of the Department.

(b) DEFINITION OF SOCIALLY DISADVANTAGED FARMER OR RANCHER.—In this section, the term “socially disadvantaged farmer or rancher” means the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

(c) COMPLIANCE OF PROGRAM PARTICIPATION DATA.

(1) ANNUAL REPORT.—For each county and State in the United States, the Secretary shall compute annually the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each program of the Department of Agriculture established for farmers or ranchers.

(2) DETERMINATION OF PARTICIPATION.—In determining the rates under paragraph (1), the Secretary shall determine the participation of farmers and ranchers of each race, ethnicity, and gender in proportion to the total number of farmers and ranchers participating in each program.

(b) PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.—Section 2501A(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 590h(b)(5)) is amended by striking subparagraph (B) and inserting the following:

(3) PUBLIC AVAILABILITY AND REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, all data required to be collected, compiled, and maintained under section 2501A(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 and clause (ii)(V) collected annually since the most recent Census of Agriculture.

(2) REPORT TO CONGRESS.—After each Census of Agriculture, the Secretary shall report to Congress the rate of loss or gain in participation by each disadvantaged group, by race, ethnicity, and gender, since the previous Census.”.
On page 958, between lines 3 and 4, insert the following:

**SEC. 10. TRANSPORTATION OF PIGMEAT DISEASE ANIMALS.**

Section 5402(d)(2) of title 39, United States Code (as amended by section 651(2) of Public Law 107-67 (115 Stat. 557)), is amended by striking subparagraph (C).

**SEC. 10. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.**

Section 202(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) in subsection (a), by striking “not to exceed $20,000,000 annually”; and

(2) by striking subsection (c) and inserting the following:

**SEC. 2505A. PRECLEARANCE QUARANTINE INSPECTIONS.**

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 2305 (21 U.S.C. 611 et seq.) the following:

**SEC. 10. REVIEW OF STATE MEAT INSPECTION PROGRAMS.**

(a) FINDINGS. —Congress finds that—

(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States is achieved if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

(2) under such a system, Federal and State meat inspection programs would function to prevent the spread of animal diseases and to ensure consumer confidence in the food supply in interstate commerce; and

(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

(b) MARKETING FUND. —Not later than September 30, 2003, the Secretary of Agriculture shall conduct a comprehensive review of each State meat and poultry inspection program, which shall include—

(1) an analysis of the effectiveness of the State program; and

(2) an identification of changes that are necessary to enable the possible future transformation of the State program to a State meat and poultry inspection program that includes the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related requirements of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (including the regulations, directives, notices, policy memoranda, and other regulatory requirements of those Acts).

(c) COMMENT. —In carrying out subsection (a), the Secretary shall, to the maximum extent practicable, obtain comment from interested parties.

(d) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 10. AGRICULTURAL RESEARCH AND TECHNOLOGY.**

(a) SCIENTIFIC STUDIES. —In general.—The Secretary of Agriculture shall conduct scientific studies—

(A) the transmission of spongiform encephalopathy in deer, elk, and moose; and

(B) chronic wasting disease (including the risks that chronic wasting disease poses to livestock).

(b) RESEARCH AND EXTENSION GRANT PROGRAM. —The Secretary shall establish a program to provide research and extension grants to eligible entities (as determined by the Secretary) to develop, for livestock production—

(1) prevention and control methodologies for infectious animal diseases that affect trade; and

(2) laboratory tests to expedite detection of—

(A) infected livestock; and

(B) diagnostics of diseases within herds or flocks of livestock.

(c) VACCINES.—(1) VACCINE STORAGE STUDY.—The Secretary shall—

(A) conduct a study to determine the number of doses of livestock disease vaccines that should be available to protect against infectious animal diseases that should be introduced into the United States; and

(B) compare that number with the number of doses of the livestock disease vaccines that are available as of that date.

(2) STOCKPILING OF VACCINES.—If, after conducting the study and comparison described in paragraph (1), the Secretary determines that there is an insufficient number of doses of a particular vaccine referred to in that paragraph, the Secretary shall take such actions as are necessary to obtain the required additional doses of the vaccine.

(d) VETERINARY TRAINING.—The Secretary shall develop a program to maintain in all regions of the United States a sufficient number of Federal and State veterinarians who are well trained in recognition and diagnosis of exotic and endemic animal diseases.

(e) AUTHORIZATION OF APPROPRIATIONS. —There are authorized to be appropriated to carry out this paragraph such sums as are necessary for each of fiscal years 2002 through 2006.

**SEC. 10. OFFICE OF SCIENCE TECHNOLOGY POLICY.**

(a) IN GENERAL.—The President may—
(1) establish within the Office of Science and Technology Policy a noncareer, senior executive service appointment position for a Veterinary Advisor; and
(2) submit to Congress a report that describes actions taken to carry out this section, including a plan to implement the following:

"Veterinary Advisor, Office of Science and Technology Policy."

SEC. 10. OPERATION OF AGRICULTURAL AND NATURAL RESOURCE PROGRAMS ON TRIBAL TRUST LAND.

(a) REVIEW.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall carry out a review of the operation of agricultural and natural resource programs available to farmers and ranchers operating on tribal and trust land, including—

(1) natural resource management programs;
(2) incentive programs; and
(3) farm income support programs.

(b) ADMINISTRATION.—The Secretary shall carry out programs described in subsection (a) in a manner that, to the maximum extent practicable, is consistent with the American Indian Agricultural Resource Management Act of 1990.

(c) FACT-FINDING TEAM.—The Secretary shall establish a fact-finding team to obtain input from local officials and program recipients to assist in carrying out this section.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes actions taken to carry out this section, including a plan to implement the actions.

SEC. 10a. ASSISTANCE FOR GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) any community-based organization, network, or coalition of community-based organizations that—

(i) has demonstrated experience in providing agricultural education or other agriculture-related services to geographically disadvantaged farmers and ranchers; and

(ii) has provided to the Secretary documentation that, in consultation with the geographically disadvantaged farmers and ranchers during the 2-year period preceding the submission of an application for assistance under this section;

and

(iii) has not engaged in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986;

(B) a land-grant college or university that is located in an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1990) (as amended by section 701(a)) or in a State other than one of the 48 contiguous States; and

(C) any other institution of higher education, non-profit, non-federal, agricultural research, education, or extension service that—

(i) has demonstrated experience in providing agricultural education or other agriculture-related services to geographically disadvantaged farmers and ranchers in a region; and

(ii) has not engaged in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986;

(b) ELIGIBLE ENTITY .—(1) The term "eligible entity" means—

(A) a non-profit, non-federal, agricultural research, education, extension, or demonstration service; or

(B) a Federal agency.

(c) ELIGIBILITY.—(1) An eligible entity may make grants to, and enter into contracts and other agreements with, eligible entities to provide information on, and assistance with—

(A) commodity, conservation, credit, rural, and business development programs;

(B) application and bidding procedures;

(C) farm and risk management;

(D) marketing; and

(E) other activities essential to participation in agricultural and other programs of the Department.

(d) GRANTS AND CONTRACTS.—The Secretary may make grants to, and enter into contracts and other agreements with, an eligible entity to provide information and technical assistance under this section.

(e) REPORT.—Not later than 1 year after funds are made available to carry out this section, the Secretary shall submit to Congress a report that identifies barriers to efficient and competitive operation of input and output products by geographically disadvantaged farmers and ranchers.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2006.

SEC. 10b. SENSE OF SENATE REGARDING USE OF THE NAME GINSENG.

It is the sense of the Senate that the Commissioner of Food and Drugs should promulgate regulations to ensure that, for the purposes of sections 408, 450i, 450j, 701(m), and 701(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343), the name "ginseng" or any name that includes the word "ginseng" shall be used in reference only to an herb or herbal ingredient that—

(1) is a part of a plant of the species Panax; and

(2) is produced in compliance with United States law regarding the use of pesticides.

Subtitle E—Studies and Reports

SEC. 10c. REPORT ON POACHED AND CANNED SALMON.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act the Secretary of Agriculture (referred to in this section as the "Secretary") shall submit to Congress a report on efforts to expand the market for wild-caught fish by banning the importation into the United States of poached and canned salmon harvested and processed in the United States under food and nutrition programs administered by the Secretary.

(b) COMPONENTS.—The report under subsection (a) shall include—

(1) an analysis of the demand for poached and canned salmon and value-added products (such as salmon "nuts") by—

(A) consumers; and

(B) buyers of canned salmon;

(2) an analysis of impediments to additional purchases of poached and canned salmon, including—

(A) any marketing issues; and

(B) recommendations for methods to resolve those impediments.

SEC. 10d. SETTLEMENT AGREEMENT REPORT.

Not later than December 31, 2002, and annually thereafter through the year 2006, the Commissioner General of the United States shall submit to Congress a report that describes all programs and activities that States have carried out using funds received under all phases of the Master Settlement Agreement of 1997.

SEC. 10e. REPORT ON GENETICALLY MODIFIED PEST-PROTECTED PLANTS.

(a) FINDINGS.—Congress finds that—

(1) in 2000, the Committee on Genetically Modified Pest-Protected Plants of the Board on Agriculture and Natural Resources of the National Research Council made several recommendations concerning food safety, ecological, economic, and health issues for genetically engineered crops with plant incorporated protectants; and

(2) the Committee recommended enhancement efforts to certain operational aspects of the regulatory framework for agricultural biotechnology, such as—

(A) improving coordination and enhanced consistency of review across all regulatory agencies; and

(B) clarifying the scope of the regulatory jurisdiction of the Animal and Plant Health Inspection Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture should—

(1) review the recommendations described in subsection (a); and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a study that describes actions taken to implement those recommendations by agencies within the Department of Agriculture, including agencies that develop or implement programs or objectives relating to marketing, regulation, food safety, research, education, or economics.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for each subsequent fiscal year.

SEC. 10f. STUDY OF CREATION OF LITTER BANK UNDER TITLE 50 OF THE URBAN WATERSHEDS ACT.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study to evaluate the creation of a litter bank by the Department of Agriculture at the request of the Governor of the State of Arkansas for the purpose of enhancing health and viability of watersheds in areas with large concentrations of animal producing units.

(b) COMPONENTS.—In conducting the study, the Secretary shall evaluate the costs, needs, and means by which litter may be collected and disposed of, or deposited or distributed outside of watersheds to reduce potential point source and nonpoint source phosphorus pollution.
SEC. 10. STUDY OF FEASIBILITY OF PRODUCING IMPROVEMENT FROM GOVERNMENT-CAUSED DISASTERS.

(a) FINDINGS.—Congress finds that the implementation of Federal disaster assistance programs under Federal laws and the implementation of Federal disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7335), to agricultural producers experiencing disaster conditions caused primarily by Federal agency action.

(b) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

SEC. 10A. REPORT ON SALE AND USE OF PESTICIDES FOR AGRICULTURAL USES.

Not later than 120 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the Committee on Agriculture of the House of Representatives a report on the manner in which the Agency is applying regulations of the Agency governing the sale and use of pesticides for inclusion in electronic commerce transactions.

SEC. 10B. REPORT ON RATS, MICE, AND BIRDS.

(a) IN GENERAL.—Not later than 1 year after date enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives a report on the implications of including rats, mice, and birds within the definition of animal under the Animal Welfare Act (7 U.S.C. 2131 et seq.), and noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7335), to agricultural producers experiencing disaster conditions caused primarily by Federal agency action.

(b) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit report to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

SEC. 10C. CONGRESSIONAL RECORD.

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(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

SEC. 10D. TASK FORCE ON NATIONAL INSTITUTES FOR PLANT AND AGRICULTURAL SCIENCES.

(a) IN GENERAL.—Not later than 90 days after date of enactment of this Act, the Secretary of Agriculture shall establish a task force to evaluate the merits of establishing 1 or more National Institutes for Plant and Agricultural Sciences.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of at least 8 members, appointed by the Secretary, that—

(A) have a broad-based background in food, nutrition, biotechnology, crop production methods, environmental science, or related disciplines; and

(B) are familiar with the infrastructure used to conduct Federal and private research, including—

(i) the National Institutes of Health; (ii) the National Science Foundation; (iii) the National Aeronautics and Space Administration; (iv) the Department of Energy laboratory system; (v) the Agricultural Research Service; and (vi) the Cooperative State Research and Extension Service.

(2) PRIVATE SECTOR.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 6 members that are members of private sector, including institutions of higher education.

(3) PLANT AND AGRICULTURAL SCIENCES RESEARCH.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 2 members that have an extensive background and preeminence in the field of plant and agricultural sciences research.

(4) CHAIRPERSON.—Of the members appointed under paragraph (1), the Secretary shall designate a Chairperson that has significant leadership experience in educational and research institutions and in depth knowledge of the research enterprises of the United States.

(5) CONSULTATION.—Before appointing members under this sub-section, the Secretary shall consult with the National Academy of Sciences and the Office of Science and Technology Policy.

(c) DURATION OF TASK FORCE.—The Task Force shall—

(1) evaluate and compare—

(A) publicly funded agricultural and plant sciences research activities, including competitive awarded research; and

(B) privately funded agricultural and plant sciences research activities;

(2) evaluate and compare—

(A) competitive publicly funded agricultural research activities; and

(B) other forms of publicly funded research, such as medical research, including an assessment of the methods of evaluation, administration, and funding;

(3) evaluate the need for competitive public plant and agricultural sciences research necessary—

(A) to increase crop yields and productivity;

(B) to improve food safety; and

(C) to enhance food safety; and

(D) to promote health and improve nutrition;

(E) to enhance food safety; and

(F) to increase effective agricultural production to meet the future needs of the growing population of the world, especially in developing countries;

(4) evaluate the merits of establishing 1 or more National Institutes for Plant and Agricultural Sciences, that is similar to the National Institute of Health—

(A) to coordinate competitive, innovative research and technological development and innovation;

(B) to ensure the necessary supply of scientific personnel in order to ensure the competitiveness of the United States in an increasingly global trade market for agricultural products; and

(C) to facilitate the integration of scientific advances from medical sciences, engineering, and information technologies into plant and agricultural sciences; and

(5) if establishment of 1 or more National Institutes for Plant and Agricultural Sciences is recommended, provide further recommendations to the Secretary, including recommendations on—

(A) the structure for establishing the Institutes;

(B) the location of the Institutes in 1 or more multistate regions with preeminence in plant, agricultural, and related biological sciences research (including in existing Federal plant and animal research facilities and land grant institutions), in order to—

(1) use all relevant fields of knowledge; and

(ii) promote collaborative and interdisciplinary research; and

(C) the amount of funding necessary to establish the Institutes.

(d) REPORT.—Not later than July 1, 2003, the Task Force shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary a report that describes the results of the evaluation conducted under this subsection, including recommendations described in subsection (c)(5).

SEC. 10E. COMMODITY CREDIT CORPORATION FUNDING.

Except for funds made available through a user fee, any funds made available in an appropriation Act, notwithstanding any other provision of this Act or an amendment made by this Act, any funds that are made available through the transfer of funds and are available through the transfer of funds from the Secretary of the Treasury to the Secretary of Agriculture expressly under this Act or an amendment made by this Act shall be made available through funds of the Commodity Credit Corporation.

Strike page 888, line 24, through page 889 line 2, and insert in lieu thereof the following: “(e) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—

(1) IN GENERAL.—The Corporation shall carry out, through at least the 2003 risk insurance year, the adjusted gross revenue insurance pilot program in effect for the 2002 risk insurance year, with the following:

(A) to counties in the State that produces (as of the date of enactment of this subsection) the

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Sec-
highest quantity of specialty crops for which
adjusted gross revenue insurance under this

title is not available.

"(B) SELECTION CRITERIA.—In carrying out
subparagraph (A), the Corporation shall in-
clude in the pilot program counties that (as
determined by the Corporation) produce a
significant quantity of specialty crops.".

SEC. 401. DEFINITIONS.—

"For purposes of any provision of fed-
eral law under which a food or food product
is required to undergo a treatment of pas-
teurization, the term ‘pasteurization’ means any
safe treatment that—

‘(1) is a treatment prescribed as pasteur-
ization applicable to the food or food product
under any federal law (including a regula-
tion); or

‘(2) has been demonstrated to the satis-
faction of the Secretary of HHS to achieve a
level of reduction in the food or food product
of the microorganisms of public health con-
cern that—

‘(A) is at least as protective of the public
health as a treatment described in paragraph
(1); and

‘(B) is effective for a period that is at least
as long as the shelf life of the food or food
product when stored under normal, mod-
erate, and severe abuse conditions.”.

Strike “Agriculture, Conservation, and
Rural Development Act of 2001,” each place
it appears and insert “Agriculture, Conserva-
tion, and Rural Enhancement Act of 2002.”

SA 2860. Mr. KERRY submitted an
amendment intended to be proposed to
amendment SA 2688 proposed by Mr.
Dodd to the bill (S. 565) to establish the
Commission on Voting Rights and Pro-
cedures to study and make rec-
ommendations regarding election tech-
nology, voting, and election adminis-
tration, to establish a grant program under
which the Office of Justice Pro-
grams and the Civil Rights Division of
the Department of Justice shall pro-
vide assistance to States and localities in
improving election technology and the
administration of Federal elections,
to require States to meet uni-
form and nondiscriminatory election

technology and administration require-
ments for the 2004 Federal elections,
and for other purposes; as follows:

(a) Election Day Observed.—

(1) Designation.—November 5, 2002, and
November 2, 2004, are designated as “Federal
Election Day.”

(b) Legal Public Holiday.—Federal Elec-
tion Day—

(A) is a legal public holiday for the purpose of
statutes relating to pay and leave of em-
ployees;

(B) shall be treated as a holiday in accord-
cance with section 603 of title 5, United
States Code; and

(C) shall begin at 1 o’clock post meridian.

(3) Regulations.—The President may pre-
scribe regulations to carry out this sub-
section.

(b) GAO Study.—

(1) IN GENERAL.—The Comptroller General
shall conduct a study of the impact on voter par-
ticipation and the making of Federal Election
Day a legal public holiday.

(2) REPORT.—Not later than May 2, 2005,
the Comptroller General shall submit a re-
port to Congress and the President detailing
the results of the study conducted under paragraph (1).

(b) Definitions.—

"Section 107 of the Uni-
formed and Overseas Citizens Absentee
Voting Act (42 U.S.C. 1973ff-3), as amended—

(1) by redesignating paragraphs (7) and (8)
as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the fol-
lowing new paragraph:

"(7) The term ‘separately uniformed
services voter’ means any individual
who was a uniformed services voter on the
date that is 60 days before the date on which
the individual seeks to vote for
the purpose described in paragraph (4), and
for any other official proof of the National
Guard or Reserve, as described in section
1606(a)(1) of the National Defense Au-
thorization Act for Fiscal Year 2002 (Public
Law 107-107; 115 Stat. 1279), is amended—

(1) by striking “Each State may not refuse
to count a ballot submitted in an election for
Federal office by an absent uniformed serv-
ices voter—

(A) solely on the grounds that the ballot
lacked—

‘(i) a notarized witness signature;

(ii) an address other than on a Federal
vote- in absentee ballot, commonly
known as ‘SP168’; or

(iii) a postmark if there are any other in-
dicia that the vote was cast in a timely
manner;

or

(iv) an overseas postmark;

(B) solely on the basis of a comparison of
signatures on ballots, envelopes, or registra-
tion forms under lack of reason-
able similarity between the signatures.

(2) NO EFFECT ON FILING DEADLINES
UNDER STATE LAW.—Nothing in this subsection may be
considered to affect the application to bal-
lots submitted by absent uniformed services
voters of any ballot submission deadline ap-
plicable under State law.”.

SEC. 402. MAXIMIZATION OF ACCESS OF RE-
CENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—Section 102(a) of the Uni-
formed and Overseas Citizens Absentee
Voting Act (42 U.S.C. 1973ff-3), as amended
by section 403(a) of this Act and section
1606(a) of the National Defense Author-
ization Act for Fiscal Year 2002 (Public
Law 107-107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking “and”
after the semicolon;

(2) in paragraph (4), by striking the period
at the end and inserting a semicolon; and

(b) Expense.—

(1) IN GENERAL.—The amendment
made by subsection (a) shall apply with re-
spect to elections for Federal office that
occur after the date of enactment of this Act.

(b) Definitions.—

"Section 104 of the Uni-
formed and Overseas Citizens Absentee
Voting Act (42 U.S.C. 1973ff-3), as amended
by section 1606(b) of the National Defense Au-
thorization Act for Fiscal Year 2002 (Public
Law 107-107; 115 Stat. 1279), is amended by
inserting the following new subsection:

"(c) Prohibition of Refusal of Applica-
tions on Grounds of Early Submission.—
A State may not refuse to accept or process,
with respect to any election for Federal of-
lice, any absentee ballot application or absentee ballot
application (including the postcard form prescribed
under section 101) submitted by an absent
uniformed services voter during a year on
the grounds that the voter submitted the
application before the first date on which
the State otherwise accepts or processes such ap-
plications for that year submitted by absent
uniformed services voter who are not members of the uni-
formed services.”.

(2) Effective Date.—The amendment
made by subsection (a) shall apply with re-
spect to elections for Federal office that
occur after the date of enactment of this Act.
SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.

Not later than the date that is 60 days after the enactment of this Act, the Secretary of Defense (in this section referred to as the ‘‘Secretary’’), as part of any voting assistance program conducted by the Secretary to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 19731-6) enough copies of the Federal military voter laws, to include an entire copy of this Act, to each State to print, distribute, and maintain copies for public access.

SEC. 405. EFFECTIVE DATES.

Notwithstanding the preceding provisions of this title, each effective date otherwise provided under this title shall take effect 1 day after such effective date.

SA 2862. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 2868 proposed by Mr. Dodd to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 22, strike ‘‘Commission’’ and insert ‘‘Commission, in consultation with the Architectural and Transportation Barriers Compliance Board, shall consult with the Architectural and Transportation Barriers Compliance Board, in consultation with the.’’

SA 2863. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 2868 proposed by Mr. Dodd to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 22, strike ‘‘Commission’’ and insert ‘‘Commission, in consultation with the Architectural and Transportation Barriers Compliance Board. ’’

SA 2865. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2868 proposed by Mr. Dodd to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, between lines 17 and 18, insert the following:

SEC. 402. DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.

(a) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—

(1) ADDITIONAL DUTIES.—Section 1566(g) of title 10, United States Code, as added by section 1032(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1274), is amended—

(A) by redesignating paragraph (3) as paragraph (4) and redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by striking paragraph (2) and inserting the following new paragraphs:

(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held.

(3) The Secretary of each military department shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation on the last date before a general Federal election for which absentee ballots mailed from the post office facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1602 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1274) upon the enactment of that Act.

SA 2866. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 2868 proposed by Mr. Dodd to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 9 through 12, and insert the following submitted under section 212(c)(1)(B) of such section:

(6) to establish toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights abuses; or

(7) to meet the requirements under section 101, 102, or 103.

SA 2867. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2868 proposed by Mr. Dodd to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 22, strike ‘‘Commission’’ and insert ‘‘Commission, in consultation with the Architectural and Transportation Barriers Compliance Board. ’’

SEC. 2076. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2868 proposed by Mr. Dodd to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 22, strike ‘‘Commission’’ and insert ‘‘Commission, in consultation with the Architectural and Transportation Barriers Compliance Board. ’’
and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike lines 15 through 17, and insert the following: "hours, including the advisability of establishing a uniform poll closing time."

SA 2868. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2888 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 402. ESTABLISHMENT OF ELECTION DAY IN FEDERAL ELECTION YEARS AS A FEDERAL HOLIDAY.

Section 6108(a) of title 5, United States code, is amended by inserting after the item relating to Veterans Day the following: "Election Day, the Tuesday next after the first Monday in November in each even-numbered year."

SA 2869. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2888 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 403. SENSE OF THE SENATE REGARDING STATE AND LOCAL INPUT INTO CHANGES MADE TO THE ELECTORAL PROCESS.

(a) FINDINGS.—Congress finds the following:

(1) Although Congress has the responsibility to ensure that our citizens’ right to vote is protected, Congress finds that votes are cast in a fair and accurate manner, States and localities have some say in the electoral process.

(2) The Federal Government should ensure that States and localities have some say in any election mandates placed upon the States and localities.

(3) Congress should ensure that any election reform laws contain provisions for input by State and local election officials.

(b) SENSR OF THE SENATE.—It is the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

SA 2870. Mr. WYDEN (for himself, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2888 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, beginning with line 8, strike through page 19, line 19, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if:

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual:

(i) in the case of an individual who votes in person—

(II) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual’s identity;

(III) provides a signature or personal mark for matching with the signature or personal mark on record with the appropriate State or local election official; or

(II) in the case of an individual who votes by mail, submits with the ballot—

(II) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) a signature or personal mark for matching with the signature or personal mark on record with the appropriate State or local election official.

(B) SIGNATURE COMPARISON.—Notwithstanding the requirements of subparagraph (A), a State may elect to require voters described in subsection (b)(1)(A) and (B) to provide a signature or personal mark for matching with the voter’s signature or personal mark on record with a state or local election official, in lieu of the requirements under such subparagraph. States making such election shall provide notice to such voters consistent with the notice provided for provisional ballots under Section 102(a)(6) and (6).

On line 20, change “(B)” to “(C).”

SA 2871. Mr. SCHUMER proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 8, strike lines 5 through 18, and insert the following:

(B) EXCEPTIONS.—

(i) If a State makes the criteria of item (aa) of subparagraph (A)(i) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if—

(I) less than 5 percent of the total number of eligible citizens in the jurisdiction speak that language as their first language and are limited-English proficient; and

(II) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language.

(ii) A State or locality that uses a lever voting system and that area of the State or locality that vote in that State or locality has a request filed with the Office of Election Administration of the Federal Election Commission or the Office of Election Administration of the State or locality under section 316(a)(2), with the Election Administration Commission, that describes the need for the waiver and how the voting system under paragraph (B) would provide alternative language accessibility; and

(iii) the Office of Election Administration of the Election Administration Commission (the "Election Administration Commission") has approved the request filed under clause (ii).

SA 2872. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, to establish the
Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 1 through 5, and insert the following:

(B)(i) Except as provided in clause (ii), the question ‘Will you be 18 years of age on or before election day?’ and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(ii) If the State law permits an individual to register to vote even though the individual is not 18 years of age on election day, the State may substitute a question reflecting the State’s age requirement for the question in clause (i).

SA 2873. Mr. SCHUMER proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 13, strike line 22, and insert the following: “is not counted (such notice shall include the State’s voter registration form); and”.

SA 2874. Mr. DODD (for Ms. CANTWELL (for himself, Mrs. MURRAY, and Mr. DODD)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 5, strike lines 4 through 14, and insert the following:

(A) A State or locality that uses a paper ballot voting system, a punchcard voting system, or a central count voting system (including mail-in absentee ballots or mail-in ballots), may meet the requirement of subparagraph (A)(i) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and count. Provided further, in cases in which the voter has not been notified on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.

SA 2875. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, strike lines 10 through 24, and insert the following:

vote;

(iii) provides written affirmation on a form provided by the appropriate State or local election official of the individual’s identity; or

(iv) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank

statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(IV) a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official under section 102(a).

(B) Provisional voting.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) Identity verification by signature or personal mark.—(A) In general.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

(B) Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (U.S.C. 1973gg-6(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) Requirements.—

(A) In general.—An individual meets the requirements of this paragraph if the individual—

(i) presents to the appropriate State or local election official a current and valid photo identification;

(ii) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(iii) provides written affirmation on a form provided by the appropriate State or local election official of the individual’s identity; or

(iv) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official under section 102(a).

(B) Provisional voting.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) Identity verification by signature or personal mark.—(A) In general.—In lieu of the requirements of paragraph (1), a State may require
each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

(B) NOTIFY REQUIREMENTS.—If a State elects to adopt the requirements described in subparagraph (A), the appropriate State shall—

(i) provide each individual providing a signature or personal mark under such subparagraph with—

(I) written information similar to the information described in paragraph (5) of section 102(a); and

(II) notice similar to the notice described in paragraph (1) of such section; and

(ii) establish a free access system similar to the system described in paragraph (6)(B) of such section.

On page 21, strike lines 24 and 25, and insert the following:

section (b) on and after January 1, 2004.

On page 58, strike lines 2 and 3, and insert the following:

procedures and programs to identify, the following:

VERIFICATION AND ADMINISTRATION REQUIREMENTS.

On page 158, strike lines 24 and 25, and in insert the following:

notices to be utilized by the State as an existing system as long as such systems meet the voting systems standards and the other requirements established under title I.

SECRETARY OF THE NAVY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a nomination hearing during the session of the Senate on Wednesday, February 13, 2002. The purpose of this hearing will be to consider the following nominations: Thomas Dorr the nominee for Under Secretary of Rural Development; Nancy Bryson, the administration's nominee to serve as general counsel for USDA; and Grace Daniel and Fred Dailey who are nominated to serve on the Board of Federal Agricultural Mortgage Corporation.

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

COMMITTEE ON RANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 13, 2002, at 10 a.m., to conduct a hearing on “HUD’s FY03 Budget and Legislative Proposals.”

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 13, 2002 at 9:30 a.m. to conduct a hearing to examine the administration's Fiscal Year 2003 budget proposal for the Environment Protection Agency. The hearing will be held in SD-406.

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

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 13, 2002 at 1:30 p.m. to hear testimony on “The Secular Trade Dispute: Lumber and Steel.”

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

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 13, 2002 at 4 p.m. on “Energy Tax Incentives.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, February 13, 2002 at 2 p.m. on “The Limits of Existing Law during the session of the Senate on Wednesday, February 13, 2002.”

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 13, 2002, at 2 p.m. in room 485 Russell Senate Building to conduct an oversight hearing on the Implementation of the Native American Housing Assistance and Self-Determination Act. A business meeting to mark up S. 1857, tribal claims, will precede the hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “The Application of Federal Antitrust Laws to Major League Baseball” on Wednesday, February 13, 2002 at 10 a.m. in Dirksen Room 226.

Witness List

Panel I: The Honorable Paul Wellstone, the Honorable Bill Nelson, and the Honorable Mark Dayton.

Panel II: The Honorable Bob Butterworth, Attorney General of Florida, Tallahassee, FL; the Honorable Lori Swanson, Deputy Attorney General of Minnesota, St. Paul, MN; Mr. Robert DuPuy, Vice President and Chief Legal Officer, Office of the Commissioner of Major League Baseball, New York, NY; Mr. Donald M. Fehr, Executive Director and General Counsel, Major League Baseball Players Association, New York, NY; and Mr. Stan Brand, Vice President, Minor League Baseball, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 13, 2002 at 2:30 p.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND COURTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet on Wednesday, February 13, 2002 at 2 p.m. in Dirksen 226, to conduct a public briefing by Richard A. Clarke, Special Advisor to the President for Cyber-space Security and Chairman of the President’s Infrastructure Board, the White House, Washington, DC.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, Restructuring, and the District of Columbia

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Wednesday, February 13, 2002 at 9:30 a.m. for a hearing to examine “Illicit Diamonds, Conflict and Terrorism: The Role of U.S. Agencies in Fighting the Conflict Diamond Trade.”
The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 696 and 698. I ask unanimous consent that these nominations be confirmed, the motions to reconsider be laid upon the table, the Senate be immediately notified of the Senate’s action, and that any statements relating to the nominations be printed in the RECORD.

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

The nominations were considered and confirmed, as follows:

SPECIAL PANEL ON APPEALS

John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals for a term of six years.

OFFICE OF PERSONNEL MANAGEMENT

Dan Gregory Blair, of the District of Columbia, to be Deputy Director of the Office of Personnel Management.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of the following nominations: Linda Combs, to be Chief Financial Officer at the Environmental Protection Agency, and Morris Winn, to be Assistant Administrator for Administration and Resource Management at the Environmental Protection Agency; that the nominations be considered and confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

ENVIRONMENTAL PROTECTION AGENCY

Linda Morrison Combs, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

Morris X. Winn, of Texas, to be an Assistant Administrator of the Environmental Protection Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

READING OF WASHINGTON’S FAREWELL ADDRESS

Mr. REID. Mr. President, notwithstanding the resolution of the Senate of January 24, 1901, I ask unanimous consent that the traditional reading of Washington’s Farewell Address take place on Monday, February 25, 2002.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 13, 2002, appoints the Senator from New Jersey (Mr. CORZINE) to read Washington’s Farewell Address on February 25, 2002.

PERMITTING USE OF ROTUNDA OF CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 325 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A 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 the victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 325) was agreed to.

CONDITIONAL ADJOURNMENT OR RECESSION OF THE SENATE AND HOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 97, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 97) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 97) was agreed to.

The text of the resolution is printed in today’s RECORD under “Statements on Submitted Resolutions.”

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 31

Mr. REID. Mr. President, I ask unanimous consent that at a time determined by the majority leader, following consultation with the Republican leader, the Senate turn to the consideration of Calendar No. 315, S.J. Res. 31; that the statutory time limitation be reduced to 30 minutes, with the time equally divided and controlled between the chairman and ranking member of the Budget Committee or their designee; that upon the use or yielding back of time, the Senate proceed to vote on passage of the joint resolution, without further action or debate.

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

ORDERS FOR THURSDAY, FEBRUARY 14, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, February 14; that following the prayer and the 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 there be a period of morning business until 10:15 a.m., with Senators permitted to speak for up to 10 minutes each, with the first 20 minutes under the control of Senators DORGAN and HAGEL; further, that at 10:15 a.m. the Senate resume consideration of the election reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.
ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Thursday, February 14, 2002, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 2002:

SPECIAL PANEL ON APPEALS

JOHN L. HOWARD, OF ILLINOIS, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF SIX YEARS.

OFFICE OF PERSONNEL MANAGEMENT

DAN GREGORY BLAIR, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

MORRIS X. WINN, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

LINDA MORRISON COMBS, OF NORTH CAROLINA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.
EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 14, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

FEBRUARY 26

10 a.m.

Indian Affairs
To hold hearings on rulings of the United States Supreme Court affecting tribal government powers and authorities.

SD–106

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine accounting and investor protection issues, focusing on proposals for change relating to financial reporting by public companies, accounting standards, and oversight of the accounting profession.

SD–533

FEBRUARY 27

9:30 a.m.

Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentations of the Disabled American Veterans and the Veterans of Foreign Wars.

345 Cannon Building

10 a.m.

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine acquisition policy issues of the Department of Defense.

SR–222

2 p.m.

Indian Affairs
To hold oversight hearings on the management of Indian Trust Funds.

SD–106

MARCH 5

10 a.m.

Indian Affairs
To hold hearings on the President’s proposed budget request for fiscal year 2003 for Indian programs.

SR–485

2:30 p.m.

Veterans’ Affairs
To hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.

SR–418

MARCH 6

10 a.m.

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine financial management issues of the Department of Defense.

SR–222

MARCH 7

10 a.m.

Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.

345 Cannon Building

Indian Affairs
To resume hearings on the President’s proposed budget request for fiscal year 2003 for Indian programs.

345 Cannon Building

2:30 p.m.

Energy and Natural Resources
National Parks Subcommittee
To hold hearings on S. 213 and H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; S. 1095 and H.R. 884, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the system; and H.R. 1384, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

SD–366

MARCH 14

10 a.m.

Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Officers Association.

345 Cannon Building

MARCH 20

2 p.m.

Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.

345 Cannon Building

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*This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Wednesday, February 13, 2002

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2646, Farm Aid bill.
The House passed H.R. 2356, Bipartisan Campaign Reform Act.

Senate

Chamber Action

Routine Proceedings, pages S675–S792

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 1937–1944, S. Res. 208–209, and S. Con. Res. 97.

Measures Reported:

S. 1857, to Encourage the Negotiated Settlement of Tribal Claims, with an amendment in the nature of a substitute.

S.J. Res. 31, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Measures Passed:

Farm Aid: By 58 yeas to 40 nays (Vote No. 30), Senate passed H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1731, Senate companion measure, and after taking action on the following amendments proposed thereto:

Adopted:

By a unanimous vote of 98 yeas (Vote No. 27), 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.

By 56 yeas to 42 nays (Vote No. 28), 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.

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.

Harkin/Lugar Amendment No. 2859 (to Amendment No. 2471), to make certain improvements to Farm Aid.

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Rejected:

Lugar (for Domenici) Modified Amendment No. 2851 (to Amendment No. 2471), to require the Secretary of Agriculture to make payments to milk producers. (By 56 yeas to 42 nays (Vote No. 29), Senate tabled the amendment.)

During consideration of this measure today, Senate also took the following action:

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, fell when H.R. 2646, listed above, was passed.

Pursuant to the order of February 7, 2002, Senate insisted on its amendment and requested a conference with the House thereon.

Also, pursuant to the order of February 7, 2002, S. 1731 was returned to the Senate calendar.

Capitol Rotunda Holocaust Ceremony: Senate agreed to 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.

Adjournment Resolution: Senate agreed to S. Con. Res. 97, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

Election Reform: Senate began consideration of S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereto:
Adopted: Smith (NH) Amendment No. 2861 (to Amendment No. 2858), of a perfecting nature.

Allard Amendment No. 2858, to clarify the standard for invalidation of ballots cast by absent uniformed services voters in Federal elections, to maximize the access of recently separated uniformed services voters to the polls, to prohibit the refusal of voter registration and absentee ballot applications on grounds of early submission, and to distribute copies of the Federal military voter laws to the States.

Dodd/McConnell Amendment No. 2688, in the nature of a substitute.

Dodd (for Cantwell) Amendment No. 2874, to treat absentee ballots and mail-in ballots in the same manner as other paper ballot voting systems under the voting systems standards and to ensure that voters are informed how to correct voting errors before a ballot is cast and counted.

Schumer Amendment No. 2871, to specify how lever voting systems may meet the multilingual voting materials requirement.

Schumer Amendment No. 2873, to require States and localities to mail a voter registration form to individuals who cast provisional ballots that were not counted.

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:15 a.m., on Thursday, February 14, 2002.

Reading of Washington's Farewell Address: A unanimous-consent agreement was reached providing that, notwithstanding the Resolution of the Senate of January 24, 1901, as modified by the order of February 13, 2002, on Monday, February 25, 2002, immediately following the prayer and the disposition of the Journal, the traditional reading of Washington's Farewell Address take place, and the Chair, on behalf of the Vice President, was authorized to appoint Senator Corzine to perform this task.

Budget and Deficit Control—Agreement: A unanimous-consent agreement was reached providing that, at a time to be determined by the Majority Leader, following consultation with the Republican Leader, Senate begin consideration of S.J. Res. 31, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, with a vote to occur on passage of the joint resolution.

Nominations Confirmed: Senate confirmed the following nominations:

John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals.

Dan Gregory Blair, of the District of Columbia, to be Deputy Director of the Office of Personnel Management.

Linda Morrison Combs, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency. (Prior to this action, Committee on Environment and Public Works was discharged from further consideration.)

Morris X. Winn, of Texas, to be an Assistant Administrator of the Environmental Protection Agency. (Prior to this action, Committee on Environment and Public Works was discharged from further consideration.)

Messages From the House:

Amendments Submitted:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: Four record votes were taken today. (Total—30)

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:28 p.m., until 9:30  a.m., on Thursday, February 14, 2002.

Committee Meetings

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Personnel concluded 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, after receiving testimony from David S. C. Chu, Under Secretary of Defense for Personnel and Readiness; Reginald J. Brown, Assistant Secretary of the Army for Manpower and Reserve Affairs; SMA Jack L. Tilley, USA, Sergeant Major of the Army; SM Alford L. McMichael, USMC, Sergeant Major of the Marine Corps; MCPON James L. Herdt, USN, Master Chief Petty Officer of the Navy; CMSGT Frederick J. Finch, USAF, Chief Master Sergeant of the Air Force; Craig W. Duehring, Principal Deputy Assistant Secretary of Defense for Reserve Affairs; Lt. Gen. Russell C. Davis, ANG, Chief, National Guard Bureau; Maj. Gen. Craig Bambrough, USA, Deputy Commanding General, U.S. Army Reserve Command; VADM John B. Totushek, USNR, Commander, U.S. Naval Reserve Force; Lt. Gen. James E. Sherrard III, USAF, Chief, Air Force Reserve; and Lt. Gen. Dennis M. McCarthy, USMCR, Commander, Marine Forces Reserve.
HOUSING AND URBAN DEVELOPMENT
BUDGET
Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the President’s proposed budget request for fiscal year 2003 for the Department of Housing and Urban Development, after receiving testimony from Mel Martinez, Secretary of Housing and Urban Development; Sheila Crowley, National Low Income Housing Coalition, Washington, D.C.; Joseph F. Reilly, JP Morgan Chase Community Development Group, New York, New York, on behalf of the National Association of Affordable Housing Lenders; and Thomas L. Jones, Habitat for Humanity International, Americus, Georgia.

BUSINESS MEETING
Committee on the Budget: Committee ordered unfavorably reported S.J. Res. 31, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

2003 BUDGET
Committee on the Budget: Committee resumed hearings on the President’s proposed budget request for fiscal year 2003 and revenue proposals, focusing on the Department of Defense, after receiving testimony from Paul Wolfowitz, Deputy Secretary of Defense.

Hearings continue tomorrow.

EPA 2003 BUDGET
Committee on Environment and Public Works: Committee concluded hearings on the President’s proposed budget request for fiscal year 2003 for the Environmental Protection Agency, after receiving testimony from Christine Todd Whitman, Administrator, Environmental Protection Agency.

BUSINESS MEETING
Committee on Finance: Committee ordered favorably reported an original bill establishing Energy Tax Incentives Act of 2002.

SECTORAL TRADE DISPUTES
Committee on Finance: Committee held hearings to examine sectoral trade disputes concerning lumber and steel, focusing on open and fair competition in international markets, receiving testimony from Grant D. Aldonas, Under Secretary of Commerce for International Trade; Peter Allgeier, Deputy United States Trade Representative; Bobby Rayburn, National Association of Home Builders, Rodger Schlickesien, Defenders of Wildlife, and Jon E. Jenson, Consuming Industries Trade Action Coalition, all of Washington, D.C.; W. J. Wood, Tolleson Lumber Company, Perry, Georgia, on behalf of the Coalition for Fair Lumber Imports; Thomas J. Usher, United States Steel Corporation, and Leo W. Gerard, United Steelworkers of America, both of Pittsburgh, Pennsylvania; Daniel R. DiMicco, Nucor Corporation, Charlotte, North Carolina; Gary C. Hill, National Metalwares, Aurora, Illinois, on behalf of the Emergency Committee for American Trade; and Joseph Cannon, Geneva Steel, Vineyard, Utah.

Hearings recessed subject to call.

HIV/AIDS
Committee on Foreign Relations: Committee concluded hearings to examine bilateral and multilateral responses to halt the spread of HIV/AIDS, focusing on new prevention tools including microbicides, treatment and care of people living with HIV/AIDS, and mitigation of current and future social and economic impacts of the epidemic, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services; Andrew Natsios, Administrator, U.S. Agency for International Development; Paula J. Dobriansky, Under Secretary of State for Global Affairs; Peter Piot, UNAIDS, Geneva, Switzerland; Princeton Lyman, Aspen Institute, Washington, D.C., on behalf of the Center for Strategic and International Studies Task Force on HIV/AIDS; Sunanda Ray, Southern Africa HIV/AIDS Information Dissemination Service, Harare, Zimbabwe; and Peter Okaalet, Medical Assistance Program International, Nairobi, Kenya.

DIAMOND TRADE
Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine the implementation and enforcement of the Kimberly Process Agreement (to ban the source of income from illicit diamonds), after receiving testimony from Senators DeWine, Feingold, and Gregg; John E. Leigh, Ambassador of Sierra Leone to the United States; Joseph H. Melrose, Jr., former U.S. Ambassador to Sierra Leone; Loren Yager, Director, International Affairs and Trade, General Accounting Office; Alan W. Eastham, Special Negotiator for Conflict Diamonds, Bureau of Economic and Business Affairs, Department of State; Timothy Skud, Acting Deputy Assistant Secretary of the Treasury for Regulatory, Tariff, and Trade Enforcement; and James Mendenhall, Deputy General Counsel, U.S. Trade Representative.

GENETIC DISCRIMINATION
Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the existing laws and proposed legislation necessary to protect genetic information, in order to prevent genetic discrimination that may lead to loss of health insurance or employment discrimination, including S. 318/S. 382, to prohibit discrimination on the basis of genetic information with respect to health insurance, after receiving testimony from Cari M. Dominguez, Chairman, Equal Employment Opportunity Commission; Bobby P. Jindal, Assistant Secretary of Health and Human Services for Planning and Evaluation; Debra L. Ness, National Partnership for Women and Families, Joanne L. Hustead,

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported S. 1857, to Encourage the Negotiated Settlement of Tribal Claims.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT

Committee on Indian Affairs: Committee concluded oversight hearings on the implementation and reauthorization of the Native American Housing Assistance and Self-Determination Act (NAHASDA), after receiving testimony from Michael Liu, Assistant Secretary of Housing and Urban Development for Office of Public and Indian Housing; Kelsey A. Begaye, Navajo Nation, Window Rock, Arizona; Robert Gauthier, Salish and Kootenai Housing Authority, Pablo, Montana; Chester Carl, Coalition for Indian Housing and Development, Washington, D.C.; and Joe Garcia, National Congress of American Indians, San Juan Pueblo, New Mexico.

BASEBALL ANTITRUST EXEMPTION

Committee on the Judiciary: Committee held hearings to examine the application of federal antitrust laws to Major League Baseball, receiving testimony from Senators Wellstone, Nelson, and Dayton; Florida Attorney General Bob Butterworth, Tallahassee; Minnesota Deputy Attorney General Lori R. Swanson, St. Paul; Robert A. DuPuy, Major League Baseball, and Donald M. Fehr, Major League Baseball Players Association, both of New York, New York; and Stanley M. Brand, Minor League Baseball, Washington, D.C.

Hearings recessed subject to call.

CYBER TERROR ATTACK

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts met to receive a briefing on issues surrounding potential threats of cyber terror attacks from Richard A. Clarke, Special Advisor to the President for Cyberspace Security, and Chairman of the President’s Infrastructure Board.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters, made no announcements, and recessed subject to call.

House of Representatives

Chamber Action


Reports Filed: Reports were filed today as follows: H. Res. 347, providing for consideration of the Senate Amendments to H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit (H. Rept. 107–359). Page H365

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. Page H337

Journal Vote: Agreed to the Speaker’s approval of the Journal of Tuesday, Feb. 12 by a yea-and-nay vote of 378 yeas to 40 nays, Roll No. 17. Pages H337–38

Motion to Adjourn: Rejected the Lewis of Georgia motion to adjourn by recorded vote of 13 ayes to 405 noes, Roll No. 18. Page H338

Bipartisan Campaign Reform Act: The House passed H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform by a recorded vote of 240 ayes to 189 noes, Roll No. 34. Pages H339–64 (continued next issue)

Agreed to the Meehan motion to recommit the bill to the Committee on House Administration with instructions to report it back forthwith to the House with an amendment that prohibits any soft money to be used to pay to any debts or obligations incurred for any hard money activities. Subsequently, the Committee on House Administration reported the bill back with the amendment, and the amendment was then agreed to. (See next issue.)

Agreed To:

Shays amendment in the nature of a substitute No. 9, printed in the Congressional Record of Feb. 12 that bans soft money beginning Nov. 6, 2002 and provides a transition rule for spending funds prior to Jan. 1, 2003 by national parties to retire outstanding debts or obligations (agreed to by a recorded vote of 240 ayes to 191 noes, Roll No. 21); (See next issue.)

Green of Texas amendment No. 11, printed in the Congressional Record of Feb. 12 that strikes section 305 which had guaranteed special television media rates for candidates (agreed to by a recorded vote of 327 ayes to 101 noes, Roll No. 23); (See next issue.)
Capito amendment No. 10, printed in the Congressional Record of Feb. 12, that increases contribution limits for House candidates in response to personal expenditures by wealthy opponents;

Wamp amendment No. 12, printed in the Congressional Record of Feb. 12, that increases the contribution limits for House candidates from $1,000 to $2,000 and indexes this amount for inflation in future years (agreed to by a recorded vote of 218 ayes to 211 noes, Roll No. 28);

Kingston amendment No. 25, printed in the Congressional Record of Feb. 12, that prohibits the use of soft money after the effective date of the ban to defray the costs of the construction or purchase of any office building or facility (agreed to by a recorded vote of 232 ayes to 196 noes, Roll No. 32);

Rejected:

Arney amendment in the nature of a substitute No. 13, printed in the Congressional Record of Feb. 12 that sought to ban all soft money activities of parties and candidates (rejected by a recorded vote of 179 ayes to 249 noes, Roll No. 19);

Ney amendment in the nature of a substitute No. 14, printed in the Congressional Record of Feb. 12 that sought to ban soft money by political parties for Federal election activity, increase contribution limits for political parties and individuals, and define and regulate "express advocacy" communications (rejected by a recorded vote of 53 ayes to 377 noes, Roll No. 20);

Hyde amendment No. 32, printed in the Congressional Record of Feb. 12, that sought to clarify that nothing may be construed to abridge the freedoms found in the First Amendment to the Constitution, 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 (rejected by recorded vote of 188 ayes to 237 noes with 1 voting "present", Roll No. 22);

Pickering amendment No. 27, printed in the Congressional Record of Feb. 12 that sought to exempt non-candidate communications pertaining to the Second Amendment of the Constitution, the right of individuals to keep and bear arms (rejected by a recorded vote of 209 ayes to 219 noes, Roll No. 24);

Watts of Oklahoma amendment No. 31, printed in the Congressional Record of Feb. 12, that sought to exempt non-candidate communications pertaining to civil rights and issues affecting minorities (rejected by a recorded vote of 185 ayes to 237 noes, Roll No. 25);

Sam Johnson of Texas amendment No. 28, printed in the Congressional Record of Feb. 12, that sought to exempt non-candidate communications pertaining to Veterans, Military Personnel, or Seniors (rejected by a recorded vote of 200 ayes to 228 noes, Roll No. 26);

Combest amendment No. 30, printed in the Congressional Record of Feb. 12, that sought to exempt non-candidate communications pertaining to workers, farmers, families, and individuals (rejected by a recorded vote of 191 ayes to 237 noes, Roll No. 27);

Emerson amendment No. 33, printed in the Congressional Record of Feb. 12, that sought to ban soft money expenditures by a State, district, or local committee of a political party for Federal election activity (rejected by a recorded vote of 185 ayes to 244 noes, Roll No. 29);

Wicker amendment No. 34, printed in the Congressional Record of Feb. 12, that sought to ban political contributions in Federal elections by all individuals not citizens or nationals of the United States (rejected by a recorded vote of 160 ayes to 268 noes, Roll No. 30);

Ney amendment in the nature of a substitute No. 26, printed in the Congressional Record of Feb. 12, that sought to establish the Campaign Reform and Citizen Participation Act, effective on the date of enactment, to place restrictions on the soft money of national political parties, modify contribution limits, and disclose information on targeted mass communications (rejected by a recorded vote of 181 ayes to 248 noes, Roll No. 33).

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill.

H. Res. 344, the rule that provided for consideration of the bill was agreed to on Feb. 12.

Quorum Calls—Votes: One yea-and-nay vote and seventeen recorded votes developed during the proceedings of the House today and appear on pages H337–38, H338 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 2:45 a.m. on Thursday, Feb. 14.

Committee Meetings

REVIEW—AGRICULTURAL RISK PROTECTION ACT IMPLEMENTATION

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review the implementation of the Agricultural Risk Protection Act. Testimony was heard from Representative Pomeroy; and Phyllis Honor, Acting Administrator, Risk Management Agency, USDA.
AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies began appropriation hearings. Testimony was heard from Ann M. Veneman, Secretary of Agriculture.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS
Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs began appropriation hearings. Testimony was heard from Colin L. Powell, Secretary of State.

LABOR, HHS, AND EDUCATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education began appropriation hearings. Testimony was heard from Elaine L. Chao, Secretary of Labor.

TRANSPORTATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Transportation held a hearing on the Federal Motor Carrier Safety Administration and the Office of Inspector General. Testimony was heard from the following officials of the Department of Transportation: Kenneth M. Mead, Inspector General; and Joseph M. Clapp, Administrator, Federal Motor Carrier Safety Administration.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST
Committee on Armed Services: Continued hearings on the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of the Navy: Gordon R. England, Secretary; Adm. Vern Clark, Chief of Naval Operations; and Gen. James L. Jones, Commandant of the Marine Corps.

ENRON AND BEYOND
Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on “Enron and Beyond: Enhancing Worker Retirement Security.” Testimony was heard from public witnesses.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES—RESPONDING TO NEEDS
Committee on Education and the Workforce: Subcommittee on Select Education and the Subcommittee on 21st Century Competitiveness held a joint hearing on “Responding to the Needs of Historically Black Colleges and Universities in the 21st Century.” Testimony was heard from public witnesses.

CHALLENGES FACING AMATEUR ATHLETICS
Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled “Challenges Facing Amateur Athletics.” Testimony was heard from Representatives Osborne and Berkley; and public witnesses.

ENRON BANKRUPTCY EFFECTS ON ENERGY MARKETS
Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled “The Effect of the Bankruptcy of Enron on the Functioning of Energy Markets.” Testimony was heard from the following officials of the Department of Energy: Patrick H. Wood III, Chairman, Federal Energy Regulatory Commission; and Mary Hutzler, Acting Director, Office of Integrated Analysis and Forecasting, Energy Information Administration; James E. Newsome, Chairman, Commodity Futures Trading Commission; Isaac Hunt, Commissioner, SEC; Thomas L. Welch, Chairman, Public Utilities Commission, State of Maine; and public witnesses.

HUD PROPOSED BUDGET
Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on the proposed budget of the Department of Housing and Urban Development for fiscal year 2003. Testimony was heard from Mel Martinez, Secretary of Housing and Urban Development.

JOE BARBOZA MURDER TRIAL
Committee on Government Reform: Held a hearing entitled “The California Murder Trial of Joe ‘The Animal’ Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?” Testimony was heard from Marteen Miller, former Public Defender, who represented Joseph Barboza; and the following former officials of the State of California: Ed Cameron, Investigator, Office of the District Attorney, Santa Rosa; and Tim Brown, Detective Sergeant, Office of the Sheriff, Sonoma County.

Hearings continue tomorrow.

COMMUNIST ENTRANCEHMENT AND RELIGIOUS PERSECUTION
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Communist Entrenchment and Religious Persecution in China and Vietnam. Testimony was heard from Michael K. Young, Commissioner, U.S. Commission on International Religious Freedom; and public witnesses.

OVERSIGHT—INDIVIDUAL FISHING QUOTAS
Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a oversight hearing on Individual Fishing Quotas (IFQs). Testimony was heard from William T. Hogarth, Acting Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; Rear Adm. Terry M. Cross, USCG, Assistant Commandant, Operations, U.S. Coast Guard, Department of Transportation; and public witnesses.
MOTION TO CONCUR IN THE SENATE AMENDMENTS WITH AN AMENDMENT TO H.R. 622—HOPE FOR CHILDREN ACT

Committee on Rules: Granted by voice vote, a rule providing for a single motion to be offered by the Chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments to H.R. 622, Hope for Children Act, with the amendment printed in the Rules Committee report accompanying the resolution. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the motion to concur in the Senate amendments with an amendment. Finally, the rule provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question. Testimony was heard from Chairman Thomas and Representatives Rangel, Dooley, and Jackson-Lee.

R&D BUDGET—AN EVALUATION

Committee on Science: Held a hearing on the R&D Budget for Fiscal Year 2003: An Evaluation. Testimony was heard from Jack Marburger, Director, Office of Science and Technology Policy; Rita Covell, Director, NSF; Samuel W. Bodman, Deputy Secretary, Department of Commerce; and Bruce Carnes, Chief Financial Officer, Director, Office of Management, Budget and Evaluation, Department of Energy.

SBA PROPOSED BUDGET

Committee on Small Business: Held a hearing on the Administration’s Proposed Budget for the SBA for Fiscal Year 2003. Testimony was heard from Hector V. Barreto, Jr., Administrator, SBA; and public witnesses.

PORT SECURITY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Port Security: Credentials for Port Security. Testimony was heard from Adm. James Underwood, USCG, Director, Office of Intelligence and Security, Department of Transportation; and public witnesses.

OFFICE OF PIPELINE SAFETY REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on the Reauthorization of the Office of Pipeline Safety. Testimony was heard from the following officials of the Department of Transportation: Ellen Engelman, Administrator, Research and Special Programs Administration; and Mark Dayton, Deputy Assistant Inspector General, Competition, Economic, Rail and Special Programs; Robert J. Chipkevich, Director, Office of Railroad, Pipeline and Hazardous Materials Investigations, National Transportation Safety Board; and public witnesses.

VA BUDGET PROPOSAL

Committee on Veterans’ Affairs: Held a hearing on the Department of Veterans Affairs Fiscal Year 2003 budget. Testimony was heard from Anthony J. Principi, Secretary of Veterans Affairs; Frederico Juarbe, Jr., Assistant Secretary, Veterans’ Training and Employment, Department of Labor; and representatives of veterans organizations.

HEALTH CARE TAX CREDITS

Committee on Ways and Means: Held a hearing on Health Care Tax Credits to Decrease the Number of Uninsured. Testimony was heard from Mark B. McClellan, member, Council of Economic Advisors; Mark Weinberger, Assistant Secretary, Tax Policy, Department of the Treasury; and public witnesses.

MILOSEVIC TRIAL

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a hearing on the Milosevic Trial. Testimony was heard from departmental witnesses.

SPEAKER—MANDATED REPORT

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to discuss Speaker-mandated Report. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see Daily Digest of February 12, 2002, p. D90)


COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 14, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 2005 for the U.S. Coast Guard, 10 a.m., SD–124.

Committee on Armed Services: to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the results of the Nuclear Post Review; to be followed by closed hearings (in Room SH–219), 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to resume oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies, 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 Energy and Natural Resources: Subcommittee on National Parks, to hold hearings on S. 202 and H.R. 2440, to rename Wolf Trap Farm Park for the Performing Arts as “Wolf Trap National Park for the Performing Arts”; S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument; S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historic Park; S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park; and H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona, 2:30 p.m., SD–366.

Committee on Finance: Subcommittee on Long-term Growth and Debt Reduction, to hold hearings to examine Administration’s request to increase the federal debt limit, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the prevention and treatment of the HIV/AIDS crisis in Africa, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine needs of the working poor, 10 a.m., SD–430.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine privacy, identity theft, and protection of personal information in the 21st century, 2:30 p.m., SD–226.

Committee on Veterans’ Affairs: to hold hearings to examine the President’s proposed budget request for fiscal year 2003 for veterans’ programs, 10 a.m., SR–418.

House

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Office of Inspector General, 9:30 a.m., 2362A Rayburn.

Subcommittee on Defense, on Fiscal Year 2002 Department of Defense Budget Overview, 10 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services and Education, on Department of Labor-Worker Protection Agencies Panel, 9:45 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on European Command, 9 a.m., H–140 Capitol.

Subcommittee on Transportation, on Office of the Secretary, 10 a.m., 2358 Rayburn.

Committee on the Budget, on Members Day, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Select Education, hearing on “Equipping Museums and Libraries for the 21st Century,” 9:30 a.m., 2175 Rayburn.


Subcommittee on Oversight and Investigations, to continue hearings on the Financial Collapse of Enron Corp, 11 a.m., 2322 Rayburn.


Committee on International Relations, Subcommittee on East Asia and the Pacific, hearing on U.S. Interests in East Asia and the Pacific: Problems and Prospects in the Year of the Horse, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on the “Federal Trademark Dilution Act,” 10 a.m., 2141 Rayburn.


Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 1712, to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park; and H.R. 2937, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range, 2 p.m., 1354 Longworth.


Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on the Amtrak Reform Council’s Restructuring Plan, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Agency Budgets and Priorities for Fiscal Year 2003, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, hearing on Ballistic and Cruise Missile Threats, 10 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine reform of the International Monetary Fund and the World Bank, 10 a.m., 2318 Rayburn Building.
Next Meeting of the SENATE
9:30 a.m., Thursday, February 14

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:15 a.m.), Senate will continue consideration of S. 565, Election Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, February 14

House Chamber

Program for Thursday: Consideration of Senate amendments to H.R. 622, Economic Security and Worker Assistance Act of 2002 (closed rule, one hour of debate).