

the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

RULES OF PROCEDURE—COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, on January 26, 2005, the Senate Committee on Small Business and Entrepreneurship unanimously adopted its rules for the 109th Congress. Pursuant to rule XXVI of the Standing Rules of the Senate, I submit those rules to be printed in the RECORD.

Consistent with Standing Rule XXVI, I ask unanimous consent to have a copy of the Senate Committee on Small Business and Entrepreneurship's rules printed in the RECORD.

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

RULES, THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP, 109TH CONGRESS; ADOPTED ON JANUARY 26, 2005

1. GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended) shall govern the Committee.

2. MEETING AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, such member of the Committee as the Chairman shall designate shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Congressional Record Sec. 3231 (daily edition March 21, 1986).

(3) In hearings, whether in public or closed session a quorum for the asking of testi-

mony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote on the date of the meeting to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. This subsection may be waived by the agreement of the Chairman and Ranking Member or by a majority vote of the members of the Committee.

3. NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

4. HEARINGS, DEPOSITIONS, SUBPOENAS, AND LEGAL COUNSEL

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude an Administration witness unless such witness would be sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 2 business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Any Committee Member or staff may take depositions upon written authorization

by the Chairman. The Ranking Member shall be notified of the deposition five business days in advance or as soon as practicable. Attendance at depositions may be secured through notices for the taking of depositions authorized and be issued by the Chairman or through subpoenas. Notices shall specify a time and place for examination, and the name of the Committee Member or staff who will take the deposition. Unless otherwise specified, the deposition shall be in private. Witnesses shall be examined upon oath administered by a Committee Member or an individual authorized to administer oaths by local law. The transcript of a deposition shall be filed with the Committee and made available for review to Committee Members and staff.

(d) Any witness summoned to a public or closed hearing or a deposition may be accompanied by counsel of his own choosing, who shall be permitted while witness is testifying to advise him of his legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(e) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be issued by the Chairman with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chairman may subpoena attendance or production without the consent of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chairman or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing or the deposition and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(f) The Chairman shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings and depositions.

5. CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chairman with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

6. MEDIA AND BROADCASTING

(a) At the discretion of the Chairman, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chairman by submitting a

written request to the Committee Office by 5:00 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

7. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

8. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

SMALL BUSINESS AND FARM ENERGY EMERGENCY RELIEF ACT

Ms. CANTWELL. Mr. President, as small businesses in the State of Washington continue to struggle with the extraordinarily high costs of electricity following the Western Energy Crisis of 2000–2001 and significant increases in the costs of other petroleum fuels, I wanted to make a statement in support of the Small Business and Farm Energy Emergency Relief Act of 2005, S. 269, introduced yesterday by the Senator from Massachusetts, Mr. KERRY. This legislation establishes a critically important safety net for small businesses and family farms that suffer direct economic injury due to exorbitant and immediate increases in energy costs, and I am pleased to be an original cosponsor.

During the 107th Congress, I was proud to cosponsor the Small Business and Farm Energy Emergency Relief Act of 2001, which contained many of the same provisions that are included in this legislation.

The Small Business and Farm Energy Emergency Relief Act of 2005 would provide small businesses and farms economic relief in the form of low-interest emergency loans to help mitigate the effects of significant spikes in the prices of heating oil, propane, natural gas, and kerosene. To be eligible, an applicant must be a small-business owner or agriculture producer, must have used all reasonably available funds it may have, and must be unable to obtain credit elsewhere. The U.S. Small Business Administration would provide loans to small-businesses and farms would apply for loans through the U.S. Department of Agriculture.

As my colleagues know, small businesses and farms typically operate on narrow margins. They depend on affordable and stable cost inputs—such as fuel—to maintain their productivity. However, the recent volatility of energy prices has levied a considerable strain on the operating budgets of many American small businesses and family farms and ultimately threat-

ened their sustainability. Without this emergency assistance, the viability of some Washington State small businesses and farms would be compromised during times when energy prices spike. This emergency relief program is vital to protecting small businesses from the considerable economic impact of surging energy costs and we must do all that is possible to help them overcome these challenges.

Mr. President, the Small Business and Farm Energy Emergency Relief Act provides critical assistance for our small businesses and farms through trying economic conditions. Therefore, I urge my colleagues to give it their full support.

527 REFORM ACT OF 2005

Mr. FEINGOLD: Mr. President, I am pleased once again to be working with my partner in reform, the Senator from Arizona, Mr. MCCAIN, on the 527 Reform Act. And it is an honor to again have Senator LIEBERMAN and Senator SCHUMER as original cosponsors of our bill. This year, there is a very significant new addition to our effort, the Chairman of the Rules Committee, Senator LOTT. Senators SNOWE and COLLINS from the great State of Maine, who were both exceptional partners in the fight for campaign finance reform a few years ago, are original cosponsors as well. It is also gratifying to have a new Member of the Senate, the junior Senator from Colorado, Mr. SALAZAR, on board. This is a very strong bipartisan group and I look forward to working with all of them.

Our purpose is simple—to pass legislation that will do what the FEC could and should do under current law, but, once again, has failed to do. It sometimes seems like our mission in life is to clean up the mess that the FEC has made. We had to do that with BCRA, the Bipartisan Campaign Reform Act, which passed in 2002, closing the soft money loophole that the FEC created in the late '70s and expanded in the '90s. We are doing it again with the regulations that the FEC put in place after BCRA passed.

I am pleased to announce the introduction of legislation that will make absolutely clear that the Federal election laws apply to 527 organizations. Let me emphasize one thing—current Federal election law requires these groups to register as political committees and stop raising and spending soft money. But the FEC has failed to enforce the law, so we must act in the Congress.

This bill will require all 527s to register as political committees unless they fall into a number of narrow exceptions. The exceptions are basically for groups that Congress exempted from disclosure requirements because they are so small or for groups that are involved exclusively in state election activity.

Once a group registers as a political committee, certain activities such as

ads that mention only Federal candidates will have to be paid for solely with hard money. But the FEC permits Federal political committees to maintain a non-federal account to pay a portion of the expenses of activities that affect both Federal and non-federal elections. Our bill sets new allocation rules that will make sure that these allocable activities are paid for with at least 50 percent hard money.

Finally, the bill makes an important change with respect to the non-federal portion of the allocable activities. We put a limit of \$25,000 per year on the contributions that can be accepted for that non-federal account. So no more million dollar soft money contributions to pay for get-out-the-vote efforts in the presidential campaign.

Nothing in this bill will affect legitimate 501(c) advocacy groups. The bill only applies to groups that claim a tax exemption under section 527.

In closing, I want to make one final point. The soft money loophole was opened by FEC rulings in the late '70s. By the time we started work on BCRA, the problem had mushroomed and led to the scandals we saw in the 1996 campaign. When we passed BCRA, I said we would have to be vigilant to make sure that the FEC enforced the law and that similar loopholes did not develop. That is what we have been doing for the past three years, and what are again doing today.

I have no doubt that if we don't act on this 527 problem now, we will see the problem explode into scandals over the next few election cycles. In the 2004 cycle, Federal-oriented 527s spend \$423 million. Ten donors gave at least \$ million each to 527s involved in the 2004 Federal elections and two donors each contributed over \$20 million. This time we cannot afford to wait for a problem to grow into a disaster that undermines the scheme of the Federal election laws.

Mr. President, I ask unanimous consent that a summary of the bill's provisions be printed in the RECORD.

THE 527 REFORM ACT

Under the Internal Revenue Code, a 527 group is defined as an organization "organized and operated primarily" to influence elections (or the appointment of individuals to non-elective office). The Federal Election Commission ("FEC"), however, has failed to apply existing Federal campaign finance laws to require that 527 groups spending money to influence federal elections register as federal political committees and comply with federal campaign finance laws, including the limits on the contribution they may receive.

As a result, both Democratic-leaning and Republican-leaning 527 groups spent tens of millions of dollars in soft money to influence the 2004 federal elections. A number of 527 groups did not register as federal political committees and spent soft money on ads attacking and promoting federal candidates. Other 527 groups did register as federal political committees but claimed that under FEC rules they could spend as much as 98 percent soft money on partisan voter drive activities for the purpose of influencing the 2004 federal elections.