

Daily Digest

HIGHLIGHTS

Senate passed Radio Free Afghanistan Act.

Senate

Chamber Action

Routine Proceedings, pages S441–S511

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 1914–1923, S.J. Res. 31, and S. Res. 205. **Pages S487–88**

Measures Reported:

S. 396, to provide for national quadrennial summits on small business and State summits on small business, to establish the White House Quadrennial Commission on Small Business. (S. Rept. No. 107–136) **Page S487**

Measures Passed:

Radio Free Afghanistan Act: Committee on Foreign Relations was discharged from further consideration of H.R. 2998, to authorize the establishment of Radio Free Afghanistan, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1779, Senate companion measure, as amended. **Page S511**

Subsequently, S. 1779 was returned to the Senate calendar. **Page S511**

Federal Farm Bill: Senate continued consideration of S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, taking action on the following amendments proposed thereto: **Pages S441–85**

Adopted:

By 96 yeas to 1 nay (Vote No. 17), Durbin/Lugar Modified Amendment No. 2821 (to Amendment No. 2471), to prevent individuals illegally in the United States for more than one year from receiving food stamps. **Pages S442–43**

Dorgan Amendment No. 2826 (to Amendment No. 2471), to strengthen payment limitations for commodity payments and benefits and use the resulting savings to improve certain programs. (By 31

yeas to 66 nays (Vote No. 18), Senate earlier failed to table the amendment.) **Pages S443–57**

By 93 yeas, 0 nays, 1 responding present (Vote No. 20), Carnahan Amendment No. 2830 (to Amendment No. 2471), to permanently reenact the family farmer bankruptcy provisions (chapter 12 of title 11, United States Code). **Pages S467–69, S471–72**

Rejected:

By 11 yeas to 85 nays (Vote No. 19), Lugar Amendment No. 2827 (to Amendment No. 2471), of a perfecting nature. **Pages S458–67**

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute. **Page S441**

Daschle motion to reconsider the vote (Vote No. 377—107th Congress, 1st Session) by which the second motion to invoke cloture on Daschle (for Harkin) Amendment No. 2471 (listed above) was not agreed to. **Page S441**

Crapo/Craig Amendment No. 2533 (to Amendment No. 2471), to strike the water conservation program. **Pages S469–76**

Craig Amendment No. 2835 (to Amendment No. 2471), to provide for a study of a proposal to prohibit certain packers from owning, feeding, or controlling livestock. **Pages S476–79**

A unanimous-consent agreement was reached providing for the consideration of certain amendments to be proposed to S. 1731; that upon disposition of all amendments, the bill be read a third time, and the Senate then proceed to H.R. 2646, House companion measure, that all after the enacting clause be stricken and the text of S. 1731, as amended, be inserted in lieu thereof; that the House bill be advanced to third reading, and the Senate then vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees, with a ratio of 4 to 3; and that S. 1731 be returned to the Calendar without any intervening action or debate. **Page S511**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, February 8, 2002. **Page S511**

Messages From the House: **Page S487**

Measures Referred: **Page S487**

Enrolled Bills Presented: **Page S487**

Executive Reports of Committees: **Page S487**

Additional Cosponsors: **Pages S488–89**

Statements on Introduced Bills/Resolutions:
Pages S489–97

Additional Statements: **Pages S485–87**

Amendments Submitted: **Pages S498–510**

Authority for Committees to Meet: **Page S510**

Privilege of the Floor: **Page S511**

Record Votes: Four record votes were taken today. (Total—20) **Pages S443, S457, S467, S472**

Adjournment: Senate met at 10 a.m., and adjourned at 7:21 p.m., until 9:30 a.m., on Friday, February 8, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S511).

Committee Meetings

(Committees not listed did not meet)

TRANSPORTATION AUTHORIZATION

Committee on Appropriations: Subcommittee on Transportation concluded hearings on proposed budget estimates for fiscal year 2003 for the Department of Transportation, focusing on the Transportation Security Administration, after receiving testimony from Michael P. Jackson, Deputy Secretary, and John W. Magaw, Under Secretary for Security, both of the Department of Transportation.

BUSINESS MEETING

Committee on Armed Services: Committee met with Members of the United Kingdom's House of Commons Defence Committee.

OPERATION ENDURING FREEDOM

Committee on Armed Services: Committee concluded open and closed hearings to examine the conduct of Operation Enduring Freedom, focusing on the role of the U.S. Central Command in America's global war on terrorism, after receiving testimony from General Tommy R. Franks, USA, Commander in Chief, United States Central Command.

SUPERIOR BANK, HINSDALE, ILLINOIS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the anal-

ysis of the failure and implications of Superior Bank, FSB, Hinsdale, Illinois, focusing on causes of the failure, external audit findings, and the effectiveness of federal supervision, after receiving testimony from Jeffrey Rush, Jr., Inspector General, Department of the Treasury; Gaston L. Gianni, Jr., Inspector General, Federal Deposit Insurance Corporation; and Thomas J. McCool, Managing Director for Financial Markets and Community Investment, General Accounting Office.

2003 BUDGET

Committee on the Budget: Committee continued hearings on the President's proposed budget request for fiscal year 2003, focusing on tax relief and fiscal discipline provisions, receiving testimony from Paul H. O'Neill, Secretary of the Treasury.

Hearings continue on Tuesday, February 12.

WAR ON TERRORISM

Committee on Foreign Relations: Committee concluded hearings to examine the future of the War on Terrorism, focusing on accomplishments to date, continuing terrorist threats, weapons of mass destruction, the U.S. role in the world, world alliances, peacekeeping, and globalization, after receiving testimony from Samuel R. Berger, Stonebridge International, Washington, D.C., former National Security Advisor; Gen. George A. Joulwan, USA (Ret.), General Dynamics, Arlington, Virginia, former NATO Allied Commander; and William Kristol, Weekly Standard, McLean, Virginia, on behalf of the Project for the New American Century.

NATIONAL COMMISSION ON TERRORIST ATTACKS

Committee on Governmental Affairs: Committee concluded hearings S. 1867, to establish the National Commission on Terrorist Attacks Upon the United States, after receiving testimony from former Representative Dave McCurdy, Electronic Industries Alliance, McLean, Virginia, on behalf of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction (WMD Commission); Norman R. Augustine, United States Commission on National Security, Bethesda, Maryland; and Richard K. Betts, Columbia University Institute of War and Peace Studies, and Maurice Sonnenberg, Bear, Stearns and Co., Inc., both of New York, New York, both on behalf of the National Commission on Terrorism.

PENSION PLAN REFORM

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the impact of the collapse of Enron Corporation on its 401(k) pension plan investors and the Department of

Labor's role in enforcement and regulation under the Employee Retirement Income Security Act (ERISA), focusing on related pension plan reform proposals, after receiving testimony from Senators Boxer and Corzine; Representative Bentsen; Elaine L. Chao, Secretary of Labor; Steven E. Lacey, Portland General Electric, Salem, Oregon; Alicia H. Munnell, Boston College Carroll School of Management, Boston, Massachusetts; Dallas L. Salisbury, Employee Benefit Research Institute, Washington, D.C.; James Prentice, Administrative Committee of the Enron Corporation Savings Plan, Houston, Texas; Jan Fleetham, Bloomington, Minnesota; and Karl V. Farmer, New Hampshire.

TRIBAL TRUST FUND

Committee on Indian Affairs: Committee concluded oversight hearings on certain legislative proposals relating to the statute of limitations on claims against the United States related to the management of Indian tribal trust fund accounts, including S. 1857, to encourage the negotiated settlement of tribal claims, after receiving testimony from McCoy Williams, Acting Director, Financial Management and Assurance, General Accounting Office; Philip Hogen, Associate Solicitor, Division of Indian Affairs, Department of the Interior; and Charles Tillman, Intertribal Monitoring Association, Pawhuska, Oklahoma.

Hearings recessed subject to call.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit, Robert E. Blackburn, to be United States District Judge for the District of Colorado, David L. Bunning, to be United States District Judge for the Eastern District of Kentucky; James E. Gritzner, to be United States District Judge for the Southern District of Iowa, Cindy K. Jorgenson, to be United States District Judge for the District of Arizona, Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia, Jay C. Zainey, to be United States District Judge for the Eastern District of Louisiana, Thomas P.

Colantuono, to be United States Attorney for the District of New Hampshire, James K. Vines, to be United States Attorney for the Middle District of Tennessee, James Duane Dawson, to be United States Marshal for the Southern District of West Virginia, Brian Michael Ennis, to be United States Marshal for the District of Nebraska; Nehemiah Flowers, to be United States Marshal for the Southern District of Mississippi; Arthur Jeffrey Hedden, to be United States Marshal for the Eastern District of Tennessee, Johnny Lewis Hughes, to be United States Marshal for the District of Maryland, William Carey Jenkins, to be United States Marshal for the Middle District of Louisiana, Randy Merlin Johnson, to be United States Marshal for the District of Alaska, David Glenn Jolley, to be United States Marshal for the Western District of Tennessee, Chester Martin Keely, to be United States Marshal for the Northern District of Alabama, John William Loyd, to be United States Marshal for the Eastern District of Oklahoma, Ronald Richard McCubbin, Jr., to be United States Marshal for the Western District of Kentucky, David Reid Murtaugh, to be United States Marshal for the Northern District of Indiana, Michael Wade Roach, to be United States Marshal for the Western District of Oklahoma, Eric Eugene Robertson, to be United States Marshal for the Western District of Washington, David Donald Viles, to be United States Marshal for the District of Maine, and Larry Wade Wagster, to be United States Marshal for the Northern District of Mississippi.

NOMINATION

Committee on the Judiciary: Committee concluded hearings on the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, after the nominee, testified and answered questions in his own behalf.

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

Measures Introduced: 18 public bills, H.R. 3692–3709; and 6 resolutions, H. Con. Res. 318–322, and H. Res. 345 were introduced.

Pages H226–27

Reports Filed: Reports were filed today.

H. Res. 344, providing for consideration of H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform (H. Rept. 107–358).

Page H226

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Sununu to act as Speaker pro tempore for today.

Page H203

Journal: The House agreed to the Speaker's approval of the Journal of Wednesday, February 6 by a recorded vote of 363 ayes to 33 noes with 1 voting "present," Roll No. 14.

Pages H215–16

Cyber Security Research and Development Act: The House passed H.R. 3394, to authorize funding for computer and network security research and development and research fellowship programs by a yea-and-nay vote of 400 yeas to 12 nays, Roll No. 13.

Pages H204–15

H. Res. 343, the rule that provided for consideration of the bill was agreed to by a yea-and-nay vote of 392 yeas with none voting "nay," Roll No. 12.

Pages H205–06

Legislative Program: The Majority Leader announced the Legislative Program for the week of February 11.

Pages H216–17

Meeting Hour—Tuesday, February 12: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, February 12 for morning hour debate.

Page H217

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 13.

Page H217

Senate Messages: Messages received from the Senate today appear on page H206.

Referrals: S. 1274 and S. 1275 were referred to the Committee on Energy and Commerce.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H205–06, H214–15, H215–16. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:31 p.m.

Committee Meetings

ENRON COLLAPSE—WORKER RETIREMENT SECURITY IMPLICATIONS

Committee on Education and the Workforce: Continued hearings on "The Enron Collapse and Its Implications for Worker Retirement Security." Testimony was heard from the following officials of the Enron Corporation: Cindy K. Olson, Executive Vice President, Human Resources, Community Relations, and Building Services; and Mikie Rath, Benefits Manager; and public witnesses.

ENRON FINANCIAL COLLAPSE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings on the Financial Collapse of Enron Corp. Testimony was heard from the following officials of Enron Corporation: Chief Risk Officer; Jeffrey McMahan, President and Chief Operating Officer; Jordan Mintz, Vice President and General Counsel for Corporate Development; Herbert S. Winokur, Jr., member, Board of Directors, Chairman, Finance Committee; and Robert Jaedicke, member, Board of Directors and Chairman of Audit and Compliance Committee; Thomas H. Bauer, Partner, Anderson LLP; Jeffrey K. Skilling, former President and CEO, Enron Corporation; and a public witness.

In refusing to give testimony, the following individuals invoked Fifth Amendment privileges: Andrew S. Fastow, former Chief Financial Officer, Enron Corporation; Michael J. Kopper, former Managing Director, Enron Global Finance; Richard A. Causey, Chief Accounting Officer and Richard B. Buy, Chief Risk Officer, both with Enron Corporation.

BUREAU OF INDIAN AFFAIRS

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on "Problems with the Bureau of Indian Affairs' Tribal Recognition Process." Testimony was heard from Representative Simmons; Barry T. Hill, Director, Natural Resources and Environment Division, GAO; Neal McCaleb, Assistant Secretary, Indian Affairs, Department of the Interior; and Tracy Toulou, Director, Office of Tribal Justice, Department of Justice.

DOD PROCUREMENT PROCESS

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs, and International

Relations held a hearing on “The Standard Procurement System (SPS): Can the DOD Procurement Process be Standardized?” Testimony was heard from Joel Willemssen, Director, Information Technology Systems Issues, GAO; and the following officials of the Department of Defense: Robert J. Lieberman, Deputy Inspector General; Gary Thurston, Defense Contract Management Agency; Col. Jake Haynes, USA, Program Director, SPS Program Office, Defense Contract Management Agency; and Margaret Myers, Deputy Assistant Secretary, Command, Control, Communications, and Intelligence (C31).

CHILD CUSTODY PROTECTION ACT

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action H.R. 476, Child Custody Protection Act.

COASTAL RESOURCES CONSERVATION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, as amended, H.R. 3577, Coastal Resources Conservation Act of 2001.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H. Res. 261, recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States; H.R. 2628, Muscle Shoals National Heritage Area Study Act of 2001; and H.R. 2643, Fort Clatsop National Memorial Expansion Act of 2001. Testimony was heard from Representatives Cramer, Wu, Baird and Mrs. Davis of Virginia; Randy Jones, Deputy Director, National Park Service, Department of the Interior; and public witnesses.

BIPARTISAN CAMPAIGN REFORM ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of debate on H.R. 2356, Bipartisan Campaign Reform Act of 2001. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered for debate on the legislative day following the adoption of the resolution immediately after the Pledge of Allegiance.

The rule provides that no amendment to the bill shall be in order except those printed in the Congressional Record. The rule provides that before consideration of any other amendment, it shall be in order to consider the amendments in the nature of a substitute as specified in section 2(b) of the resolution (Majority Leader, Representative Ney, Representative Shays). The rule provides that each

amendment in the nature of a substitute that may be offered shall be considered in the order specified in section 2(b), shall be offered only by the Member specified or his designee, shall be considered as read, and shall each be debatable for 40 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendments in the nature of a substitute, except clause 7 of rule XVI (prohibiting nongermane amendments) or clause 5(a) of rule XXI (prohibiting tax or tariff provisions in a bill not reported by a committee with jurisdiction over such measures). The rule provides that if more than one amendment in the nature of a substitute is adopted, the one receiving the most affirmative votes shall be considered as adopted. In the case of a tie for the greater number of affirmative votes, only the last such amendment to receive that number of affirmative votes shall be considered as adopted.

The rule provides that after the disposition of the amendments in the nature of a substitute no other amendment shall be in order except those specified in section 3(b) of the resolution. The rule provides that the amendments specified in section 3(b) may only be offered by the Member designated in the resolution or his designee, shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments specified in section 3(b), except clause 7 of rule XVI (prohibiting nongermane amendments) or clause 5(a) of rule XXI (prohibiting tax or tariff provisions in a bill not reported by a committee with jurisdiction over such measures).

The rule specifies that on the legislative day on which the resolution is adopted a Member must print the amendments specified in section 2(b) in the Congressional Record and make one announcement from the Floor describing each amendment by the number printed in the Congressional Record, which must include any amendment the Member intends to offer but must be limited to the number of amendments specified in section 3(b) for the bill or for each substitute specified in section 2(b).

The rule provides that if the Committee of the Whole should rise without coming to a resolution on the bill, it shall continue consideration immediately after the Pledge of Allegiance on each ensuing legislative day until the Committee reports the bill back to the House. The rule provides that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole. The rule provides one motion to recommit

with or without instructions. Finally, the rule provides that H. Res. 203 is laid on the table.

AUTOMOTIVE RESEARCH PROGRAMS FUTURE

Committee on Science: Held a hearing on the Future of DOE's Automotive Research Programs. Testimony was heard from David K. Garman, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; and public witnesses.

SMALL BUSINESS ACCESS TO TECHNOLOGY

Committee on Small Business: Subcommittee on Rural Enterprises, Agriculture and Technology held a hearing on Small Business Access to Technology. Testimony was heard from Kathleen B. Cooper, Under Secretary, Economic Affairs, Economics and Statistics Administration, Department of Commerce; and public witnesses.

OVERSIGHT—BUILDING ON SUCCESS

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit held an oversight hearing on Building on Success: Administration Perspectives on Current Issues Affecting Reauthorization of TEA 21. Testimony was heard from the following officials of the Department of Transportation: Mary E. Peters, Administrator, Federal Highway Administration; Jennifer L. Dorn, Administrator, Federal Transit Administration; Jeffrey W. Runge, Administrator, National Highway Traffic Safety Administration; and Joseph M. Clapp, Administrator, Federal Motor Carrier Safety Administration.

ADMINISTRATION'S TRADE AGENDA

Committee on Ways and Means: Held a hearing on the Administration's Trade Agenda for 2002. Testimony

was heard from Ambassador Robert B. Zoellick, U.S. Trade Representative.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of January 25, 2002, p. D17)

H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site. Signed on February 6, 2002. (Public Law 107-137)

H.R. 1913, to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation. Signed on February 6, 2002. (Public Law 107-138)

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 8, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs: to hold hearings on the nomination of Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget, 9:30 a.m., SD-342.

Full Committee, to hold hearings on the nomination of John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals; and the nomination of Dan Gregory Blair, of the District of Columbia, to be Deputy Director of the Office of Personnel Management, 10:30 a.m., SD-342.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, February 8

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, February 8

Senate Chamber

Program for Friday: Senate will continue consideration of S. 1731, Federal Farm Bill.

House Chamber

Program for Friday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E112
 Barr, Bob, Ga., E119
 Bereuter, Doug, Nebr., E115
 Bonior, David E., Mich., E117
 Calvert, Ken, Calif., E118
 Chabot, Steve, Ohio, E111, E114
 Dingell, John D., Mich., E117
 Edwards, Chet, Tex., E111
 Gilman, Benjamin A., N.Y., E109
 Hilliard, Earl F., Ala., E110, E110

Holt, Rush D., N.J., E120
 Johnson, Eddie Bernice, Tex., E116
 Kildee, Dale E., Mich., E120
 Lee, Barbara, Calif., E111, E114
 McCarthy, Carolyn, N.Y., E112
 McInnis, Scott, Colo., E111, E115, E116, E118, E119
 Maloney, Carolyn B., N.Y., E115
 Markey, Edward J., Mass., E119
 Millender-McDonald, Juanita, Calif., E118
 Miller, George, Calif., E110, E113
 Moran, James P., Va., E119
 Ortiz, Solomon P., Tex., E116

Oxley, Michael G., Ohio, E118
 Pombo, Richard W., Calif., E120
 Riley, Bob, Ala., E112
 Schaffer, Bob, Colo., E109
 Schiff, Adam B., Calif., E110, E114
 Stark, Fortney Pete, Calif., E117
 Thompson, Bennie G., Miss., E116
 Thune, John R., S.D., E110, E113
 Tiahrt, Todd, Kans., E119
 Watts, J.C., Jr., Okla., E118



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