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House of Representatives

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

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

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

MORNING HOUR DEBATES

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

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

UNEMPLOYMENT BENEFITS EXTENSION

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

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

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

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

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

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

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

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

NBC LIQUOR AND ADVERTISEMENTS ON THE OLYMPICS

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

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

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

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

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

This is outrageous. For all the protestations by NBC about their responsible policy of alcohol advertising, it is

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a sham. Young people, 13-, 14-, 15-year-olds, will be watching the Olympics and see the ads for products such as Bacardi Silver. Does anyone responsible think there will not be any association?

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

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

What will the consequences of this policy be? In short, more young people drinking will result in increases in drunk driving, teen deaths and alcoholism. Alcohol is a factor in the four leading causes of death among persons age 10 through 24: motor vehicle crashes, unintentional injuries, homicide and suicide. Alcohol-related car crashes are the leading cause of death among teenagers 15 to 24. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21.

NBC is being irresponsible. NBC will cause the hurt and pain and suffering in the families of many, many people in this United States. The public has spoken out on this issue, and NBC does not care. The National Center for Science in the Public Interest conducted a poll that shows 73 percent of the public believes hard liquor advertising will increase youth drinking. NBC does not care.

We are submitting a letter from 25 groups asking NBC to go back to the policy that it had for 52 years. I also want to close with an article from the Washington Post that illustrates the real consequences of drunk driving better than any set of statistics. Just this weekend in my congressional district in Sterling, Virginia, a drunk driver killed a boy and his grandfather. Mr. Speaker, imagine receiving that call from the State police if you were the boy's mother. NBC's hard liquor advertising will lead to more drunk driving and more of those phone calls.

I urge Members to speak out on this issue and let NBC know that it ought to do what the American people think appropriate. It ought to go back to its voluntary guidelines that it had for 50 years and do not advertise hard liquor to young people of the country and bring about pain and suffering for families.

The material previously referred to is as follows:

[From USA Today, Feb. 5, 2002]

MARKETING BY SPIRITS MAKERS GETS ICY RECEPTION

(By Michael McCarthy and Theresa Howard)

Figure skating won't be the only closely watched competition at the Salt Lake Games. Major marketing pushes by some big beer and spirits makers also may be dancing on thin ice.

Anheuser-Busch will use the Olympics to roll out a $60 million campaign to launch its Bacardi Silver. And Seagram's rum brand, Captain Morgan, will take to the slopes to tout its sponsorship of the U.S. Ski Team.

Just weeks after Olympics broadcaster NBC eased restrictions on spirits advertising, the debate over alcoholic beverage marketing during the Games is heating up.

''The Olympics are a youth-oriented event,'' says Kimberly Miller of the Center for Science in the Public Interest. ''For the Olympic committee to make the connection between drinking and sports is irresponsible.''

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

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

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

The new Bacardi spots from Momentum in St. Louis are music-driven and heavily feature the sleek new silver bottle. The theme: ''Your night just got more interesting.''

But A–B will air most of the Bacardi Silver commercials during the evening to avoid targeting younger consumers. Still, A–B has paid millions for its Olympics sponsorships, and Lachky says the company won't avoid big events to mollify critics.

''There's always going to be critics of our industry. But we will do things in a respectful fashion. We're not worried about it,'' He says.

Captain Morgan is a team sponsor—not a sponsor of the Games themselves. So it's walking an even finer line than Anheuser-Busch, critics say

''It's a dangerous marketing tactic,'' says Bob Prazmark, president of Olympic sales and marketing for sports marketing group IMG. ''What they are doing is trying to share in some of the glory.''

Captain Morgan officials insist they're doing no such thing. Team athletes Evan Dybvig and Shannon Bahrke are restricted from competing or making Olympics appearances while sporting any Captain Morgan-branded gear or apparel.

''We can do things tastefully and stay in the guidelines,'' says Captain Morgan's Scott Geisler. ''Do we stand a risk of raising a little controversy? Perhaps.''

COALITION FOR THE PREVENTION OF ALCOHOL PROBLEMS,
Washington, DC, February 6, 2002.

Mr. ROBERT C. WRIGHT,
Vice Chairman and Executive Officer, General Electric, Chairman and CEO, NBC, New York, NY.

DEAR MR. WRIGHT: As leaders of organizations concerned with public health and the well being of young people and families, we are dismayed by your decision to begin airing hard liquor ads on NBC, ending five decades of responsible voluntary refusal of such ads.

We strongly urge you to reconsider NBC's policy and we respectfully request a meeting with you to discuss our concerns, including a number of gross deficiencies in NBC's guidelines governing the airing of liquor ads.

Too many influences already promote excessive and underage drinking and hard-liquor ads on NBC can only make that problem worse. Alcohol is by far America's number-one youth drug problem. It kills six times more kids than all illicit drugs combined and underage drinking costs our country an estimated $52 billion per year. According to the latest government data, nearly one-third of all 12- to 20-year olds report using alcohol within the past month. Of those youth, nearly 20 percent binge drink.

We are hardly alone in our concern. NBC's decision to begin accepting hard liquor ads flies squarely in the face of public opinion. A survey conducted by Penn, Schoen & Berland Associates, Inc., in mid-December, 2001 found that 68 percent of respondents opposed NBC's action with half (48 percent) registering strong opposition to it. More than 7 of 10 (72 percent) surveyed supported network television policies that voluntarily keep liquor ads off TV, and 70 percent of Americans agreed that it is dangerous to have liquor ads on TV because they will introduce underage youth to liquor. Subsequently public opinion surveys by TV Guide and by Initiative Media North America similarly found that large majorities of Americans oppose NBC's acceptance of liquor ads.

We would like to meet with you at your earliest convenience, preferably in Washington, DC., in the hope of reaching a satisfactory resolution of this issue. We believe that NBC can truly show leadership in protecting young people and serving the public interest. We will follow up with your office in the near future to inquire about arranging a meeting. To reach us, please contact Mr. George Hacker, at (202) 332–9110, x343.

Thank you for your consideration. We hope to hear from you soon.

Sincerely,

GEORGE A. HACKER,
Director,
Alcohol Policies Project.

On behalf of the following: Lori Dorfman, Ph.D., Director, Berkeley Media Studies Group; Arthur T. Dean, Chairman, and CEO, Community Anti-Drug Coalitions of America; Joan Kiley, Executive Director, Community Recovery Services; Art Jaeger, Associate Director, Consumer Federation of America; Connie Mackey, Vice President of Government Affairs, Family Research Council; Tom Minnery, Vice President of Public Policy, Focus on the Family; Jim Winkler, General Secretary, General Board of church and Society of the United Methodist Church; David Rosenblum, Executive Director, Join Together; Patricia Harmon, Executive Director, Ohio Parents for Drug Free Youth; Judy Cushing, President and CEO, Oregon Partnership; Rev. Jesse W. Brown, Jr., Executive Director, National Association of African Americans for Positive Imagery.

Bill Burnett, President, National Association of Alcohol and Drug Abuse Counselors; Julie Novak, DNSc, RN, CPNP, President, National Association of Pediatric Nurse Practitioners; Rev. Richard Cizik, Vice-President for Governmental Affairs, National Association of Evangelicals; Vincent Hayden, Chairman, National Black Alcoholism and Addictions Council; Stacia Murphy, President, National Council on Alcoholism and Drug Dependence; Sue Rusche, Executive Director, National Families in Action; Peggy Sapp, President, National Family Partnership; David A. Walsh, Ph.D., President, National Institute on Media and the Family; Jeanette Noltenius, Executive Director, National Latino Council on alcohol and Tobacco Prevention; Shirley Igo, President, National Parent Teachers Association.

John Hutcheson, Executive Director, People Advancing Christian Education; William J. Murray, chairman, Religious Freedom Coalition; Richard D. Land, President, Southern Baptist Ethics and Religious Liberty Commission; Andrew McGuire, Executive Director, Trauma Foundation; William T. Devlin, President, Urban Family; The Most Rever and Joseph A. Galante, Chairman, Committee on Communications, United States Conference of Catholic Bishops; and Maureen Sedonaen, Executive Director, Youth Leadership Institute.

[From the Washington Post, Feb. 10, 2002]

CRASH KILLS TWO IN STERLING

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

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

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

CAMPAIGN FINANCE REFORM

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

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

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

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

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

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

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

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

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

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

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

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

TRIBUTE TO ABRAHAM LINCOLN

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

Mr. PENCE. Mr. Speaker, it is February 12, 2002, and on this calendar date 193 years ago today, just scarcely two lifetimes ago, came into the world the 16th President of the United States of America, the father of the Republican Party, the leader who ended slavery and at the same time saved the Union.

□ 1245

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

The Bible tells us, ''If you owe debts, pay debts. If honor, then honor. If respect, then respect. I thought today, in the midst of all our debates about other pressing national issues, as now having the privilege of being able to call Abraham Lincoln, the Congressman Abraham Lincoln from 1848, a colleague, that it would be all together fitting to rise today and remember the occasion of his birth, and to do so, Mr. Speaker, with his own words.

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

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

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

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

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

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

In September of 1864, he wrote: ''In regard to this Great Book, I have but to say, it is the best gift God has given to man. All the good the Savior gave to the world was communicated through this book.'' And in the creation of the very first proclamation of Thanksgiving and a national day of prayer in October of 1863, the President wrote: ''I do therefore invite my fellow citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe this last day of

Thursday of November next, as a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the heavens. And I recommend to them that while offering up the ascriptions justly do to Him for such singular deliverances and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners, or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty Hand to heal the wounds of the nation and restore it as soon as it may be consistent with Divine purposes to the full enjoyment of peace, harmony, tranquility and union.''

President Abraham Lincoln was lastly a man who understood and cherished liberty and knew where its threats would be presented. As he said in January of 1838: ''At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never. All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth in their military chest, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a thousand years of trial. At what point then is the approach of danger to be expected? I answer: If it ever reach us, it must spring up from among us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a Nation of free men, we must live through all time or die by suicide.''

February 12, 1809, a day the world and America became richer.

WASHINGTON, DC, IS OPEN AND SAFE AND WAITING FOR YOU

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the order of the House of January 23, 2002, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, I have just come from a fair I am sponsoring, along with the D.C. Chamber of Congress, called ''Ask Me About Washington.'' It is a service we are providing to Members and staff, along with a free lunch, that we think may be especially needed this year.

The Galleries are empty, my colleagues. There is a reason. This is an election year. They should be full. But our constituents need information and need reassurance that the barricades and the ugly security do not send a message that we are trying to tell them something: stay away; your Member of Congress does not want to see you this year.

I do not think so, but that will be the effect unless we reach out and become more proactive. The fact is elected officials never want people to stay away. We cannot help it that the security is not as it was. It is being fixed. We sympathize with the Architect of the Capitol and the police board, but we have to do something in the meantime.

I have distributed a fact sheet that I hope Members will send to their own constituents in their constituent mail simply telling them what are absolutely unknown facts for most of them: that Reagan National Airport will be 77 percent up by March 1; telling them everything is open, and all the rest. I think my colleagues will find it informational; and more than that, I think Members will find their constituents will find that they are getting word from Washington that they have not gotten in a long time, not since September 11.

The fact is we have been winging it because we have never had anything like September 11: ad hoc decisions; this open, this closed, this barricade up, this one comes down, a new one comes up. West front steps get closed down. Now that is something we need to hear more about. That is part of the great wonderful axis of Washington created by L'Enfant himself. We need to know more about that, because there ought to be ways to open that up if we just think a little harder.

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

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

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

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

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

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

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

HOUSE LEADERSHIP URGED TO CONSIDER ACCELERATED DEPRECIATION IN STIMULUS PACKAGE

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

Mr. WELLER. Mr. Speaker, today our Nation is at war. We are in a war against terrorism. We are working to build our homeland security, and we are suffering an economic recession. Our Commander in Chief, President Bush, is demonstrating strong, resolute leadership in the war against terrorism. We must not forget that the war against terrorism will last a long time, not just months, but likely years. The war against terrorism will not end in Afghanistan. The al Qaeda terrorism network has a presence in 65 nations, and tens of thousands of terrorists have gone through their death training camps.

Part of winning the war on terrorism is also getting our economy moving again. Clearly, the terrorist attack was directed at our economy. If we look back and remember 1 year ago this month, when President Bush was sworn into office on the east front in inaugural ceremonies, he inherited a weakening economy, an economy which was getting weaker and Americans were beginning to lose their jobs. He proposed a tax cut, a tax cut he said that would put extra money in the pocketbooks of America's consumers, giving them more money to spend at home for their families' needs.

That was enacted into law in June. By Labor Day, economists were telling us the tax cut was working on getting our economy moving again. Unfortunately, the tragedy of the terrorist attacks on September 11 occurred and that tragedy cost thousands of Americans their lives. It was a terrible tragedy, but also it also gave a psychological blow to our economy, causing investors and consumers to step back from decisions they had made prior to September 11. Unfortunately, by stepping back from those decisions, it cost hundreds of thousands, and almost a million, Americans their jobs.

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

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

During these times, some Democratic leaders have called for a tax increase. I am proud to say that this past week the House spoke loud and clear stating opposition overwhelmingly to a Democratic proposal to repeal the Bush tax cut. No economist says that we should raise taxes in a recession, but that we should bring spending under control.

I want to take this opportunity to urge our leadership, as they consider what to do next, to once again move legislation to stimulate our economy and to bring economic security for American workers. I want to rise to suggest one provision that I believe must be included in that package that we send to the President, a provision that is a strong stimulation for our economy. Many of us know it as accelerated depreciation, or depreciation reform, or expensing, or bonus depreciation.

The provision, which has strong bipartisan support in this House, provides for 30 percent expensing, giving faster or quicker cost recovery for a business that buys an asset. Think about it. When someone buys a pickup truck or a computer or security equipment, there is a worker somewhere in America who manufactures that product. There is a worker that is going to install it and service it. And of course there is going to be a worker who is going to operate that piece of equipment. Accelerated depreciation, the 30 percent expensing provision rewards investment in those kinds of jobs.

I would note the only way to take advantage of that tax incentive is to invest and buy and create jobs. Many businesses back home that I know of, since September 11, are also upgrading their security and their safety measures in their plants. Accelerated depreciation will help them better afford to make their plants and places of work safer and more secure for their employees and visitors.

□ 1300

Over the next few days, decisions are going to be made on how we can better help by extending unemployment benefits. The gentleman from California (Mr. THOMAS) and President Bush have urged a tax credit to help the uninsured with health care insurance. That is a good idea, and I believe that should be part of that final package. But I also believe that we mean to combine the unemployment benefits and the health care benefits with incentives to invest in the creation of jobs. Accelerated depreciation of a 30 percent expensing component will help put Americans back to work.

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

WASHINGTON, DC,
February 6, 2002.

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

DEAR SPEAKER HASTERT: We are disappointed by the recent breakdown in negotiations in the Senate on a meaningful economic stimulus package. We firmly believe that Congress can help balance the desire to promote economic growth with efforts to help those workers who have lost their jobs due to the recession.

If the Senate sends the House a bill extending unemployment benefits by 13 weeks, we would encourage you to add the one major economic growth component that is bipartisan and agreed upon by almost everyone, the 30% accelerated depreciation bonus for new investments. Not only is this provision bipartisan, but it is widely supported by most businesses and business groups.

The combination of a temporary unemployment compensation and the 30% bonus depreciation proposal would provided an excellent balance between providing a helping hand to workers out of work and struggling because of the recession and the desire to foster economic growth. The most important feature of the accelerated depreciation proposal is that in order for businesses to take advantage of the bonus, a decision must be made to purchase and invest in new equipment. When businesses make these investments, employees are put back to work engineering, building, installing and operating the new products, thereby stimulating and growing the economy. This type of stimulus is exactly what the economy needs to pull out of the current recession.

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

Sincerely,

JERRY WELLER.
FRED UPTON.
CAL DOOLEY.

UNEMPLOYED AMERICAN WORKERS NEED ASSISTANCE

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

Mr. GEORGE MILLER of California. Mr. Speaker, later this week the House will adjourn for district work period in honor of Presidents Day and give us an opportunity to go home and talk to our constituents. It is a tragedy before we adjourn, we will not deal with the problems of unemployment. Those who were unemployed prior to September 11, who have been unemployed for many, many months, those who were unemployed as a result of September 11 because of the downturn in the economy because of that tragic event against this country, but both of these categories of the unemployed need our help. They are exhausting their unemployment benefits.

Close to a million people have exhausted their unemployment benefits. Many of those who were unemployed were working in occupations that were at the margins. They were not able to build up extensive savings accounts or a rainy day fund for their family. They were not able to pay their mortgage in advance or car payments in advance. When the checks stopped, they were in trouble.

I have now listened to many of these workers in California, Indiana and New Jersey who have testified that they worked for 15 years, 10 years, 8 years, women in professional jobs at banks, truck drivers, people who worked in the dot-com industry, and now they are in serious financial trouble because they are in the process of exhausting their unemployment benefits.

Last week the Senate took the necessary step to extend it for an additional 13 weeks. Last week the House of Representatives did nothing. This week the House of Representatives will do nothing. It is incredible the insensitivity of the Republican leadership to the needs of these hard-working American families. These are people who have really, really good work records. They have been trying to provide for their families for many years. A young man who worked for Sunkist Corporation in California told our meeting that he had been driving a truck for 15 years, he was able to buy a home a few months ago, and now he is scrambling to pay the mortgage. He is invading his retirement benefits and 401(k) to try to save his house. This is not an unusual story.

There is also the issue of over 2 million people who have lost health care benefits because of unemployment. Congress has failed to respond. One of the proposals was to help them provide the payment of the COBRA benefit that allows workers to continue the employer's health insurance plan until

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

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

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

Mr. Speaker, we ought to extend the 13 weeks immediately. If there is a break, and a worker has been working in the hospitality industry or low-paying jobs in this country, 2 weeks, 4 weeks without a check is a devastating event. Maybe Members of Congress cannot understand that, but when Members go home for the district work period, Members need to talk to these people. Then Members will begin to understand the desperate straits that millions of Americans find themselves in because of this Congress' failure to extend the unemployment benefits.

CAMPAIGN FINANCE REFORM

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

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

In fact, I think the Democrat bill does more to harm than help both the political process and the Constitution by hurting the ability of political parties to increase citizen involvement and participation, unconstitutionally limits free speech, and tilts the playing field towards one party or another. For this reason, I applaud the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. WYNN) in their bipartisan bill for their efforts at sensible reform for our current system.

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

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

Furthermore, the Democrat plan does not ban soft money advocacy, it only bans it on the eve of an election. Through such rulings as Buckley v. Valeo in 1976 and other cases, the Supreme Court has declared that the government may not regulate political commentaries ''to promote a candidate and his views.'' Since the 1976 Buckley v. Valeo decision, strong majorities have supported protections for the expenditure of money for political communications. The first amendment cannot be sacrificed by government restrictions on issue ads and free speech. No matter how they are dressed up, such restrictions still involve government regulation of political speech.

Mr. Speaker, the proposal to be offered by the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. WYNN), supported by the gentleman from Illinois (Mr. HASTERT), is aimed at reforming our current system of laws, but does so in a manner that is rational, balanced, and, most importantly, constitutional. Their legislation bans the use of soft money by national parties for Federal election activities. It does not, however, impose new burdensome Federal laws and rules on State parties. It restores and enhances grassroots politics by allowing State and local parties to continue to assist State and local candidates with funds permissible under applicable State law.

Most importantly, their proposal does not violate constitutional rights to free speech, nor destroy the ability to participate in the political process. So I support fair and balanced solutions to improving our campaign finance system. As such, I have voted accordingly and supported the Hutchinson-Allen bill, which was patterned after the Ney-Wynn bill when it was considered on the House floor in the last Congress. Unfortunately, it failed.

Mr. Speaker, had the rules governing the amendment process not been limited for this upcoming debate, I would have also supported amendments to allow tax credits for up to $200 for individuals for Federal political contributions, thereby creating an incentive for persons of all financial means to participate in the political process.

Additionally, I support allowing permanent resident aliens serving in the Armed Forces to make campaign contributions. And if we really want to clean up the current system, I support prohibiting labor organizations from fund-raising on Federal property through the use of payroll deductions.

If advocates of misguided campaign finance reform are successful in passing this legislation, they will have done nothing to prevent future campaign abuses. Instead, they will be successful in eroding and handicapping Americans' right to free speech and the right to political expression. Therefore, I urge all of my colleagues to support the Ney-Wynn bill.

□ 1315

WHY COMMUNITY SERVICE IS IMPORTANT

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

Mr. SMITH of Michigan. Mr. Speaker, I wanted to make some comments today on how everybody in America probably should do a little more in helping their fellow man in contributing some community service, either at the community or national level.

I was this past week deciding on the essay topic that I ask seniors to write to apply for what I have called the LeGrand Smith Scholarship. It is named after my dad. I simply take all of the pay increases that I have had since I first ran in the Michigan Senate back in 1983; I have put these pay increases into an irrevocable trust for scholarships for graduating seniors. It is designed to reward and acknowledge those individuals in high school that are not only academically capable but also are willing to contribute to others in community service or in leadership positions in high school. Part of that decision in scoring of the committee that decides who the winners are is

grading an essay on an essay topic. The committee was just trying to decide, and we had it narrowed down to two topics, why patriotism is important in America or why helping others and working in some community service or national service is important. We decided on the latter. Part of it was maybe because the President in his State of the Union address suggested that we have a Freedom Corps where every individual in America during their lifetime contribute 2 years of community or national service.

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

When I went into the Air Force, into boot camp, I thought I had a lot of discipline, self-discipline. As it turned out, getting up at 5 o'clock in the morning and going out and doing aggressive exercises and then making a very neat bed and keeping your clothes clean and your shoes shined, plus the patriotism that we learned in terms of working together, in terms of saluting the flag.

But one thing that all of us that served in that basic training also learned in associating with individuals from all kinds of backgrounds, that the individual that had a different religious faith, that the individual that was yellow, black, tan or a different color ended up being just as qualified in their intelligence, just as qualified in their leadership ability, and it gave me a new perspective and also at the same time I think opened new vistas of opportunities of the responsibility of all of us to serve.

When the President suggested a national service program, I wonder how many of us will respond. I think the response should be very aggressive. But I also think it should be considered that every graduating high school senior come into some kind of a program where they would go through 6 weeks of kind of basic training. And maybe with what happened September 11, it is especially important, because we have now learned that those individuals in the Taliban were trained to hate and hate Americans.

Mr. Speaker, in combination with patriotism, I think community and national service is vital for everyone. I encourage all to participate.

□ 1315

WHY COMMUNITY SERVICE IS IMPORTANT

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

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

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

I would like to suggest, Mr. Speaker, that a lot of individuals could gain significantly by serving in a community and national service program. I would envision the possibility of taking every high school senior when they graduate from high school to go into a community and national service program, this would be an opportunity for young people to go through maybe 6 weeks of basic training and then serve in national or community service. In 1990 we passed a bill in Congress signed by the President, the community and national service legislation, that establishes 20 plus different types of community and national service. I envision a system where you could expand that to serve in your local communities, in local hospitals, with senior groups or many other areas of need. Certainly there is a tremendous need now for individuals to serve at the national level in many aspects. A national service bill for high school students would have maybe the same kind of 6 weeks of basic training that many of us had in earlier years in boot camp where you learn discipline, respect for yourself and others as well as patriotism.

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

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

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

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 18 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

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

God be gracious to us and bless us. God, let Your face shine upon us. Make Your ways known to us. May Your saving power be acknowledged by all nations on the Earth.

Let the people of this Congress praise You, O God, by their words. Let this people praise You in all their deeds.

May the people of the United States rejoice and shout with joy because You embrace all the people of this Nation with justice.

You alone guide all the powers of Earth. So the Earth has given its increase and the peoples of the Earth prosper and praise You. Let all the peoples praise You, O God. Some day soon let all the peoples praise You.

Because the blessings of God even now extend to the ends of the Earth, let all the peoples praise You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. PETERSON of Minnesota 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.

MESSAGE FROM THE PRESIDENT

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

PROPOSED CAMPAIGN FINANCE REFORM IS FLAWED

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

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

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

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

But Shays-Meehan supporters are not talking about the provisions in this bill that limit free speech, but those provisions are there. This bill would make it a crime for any citizens group, other than a political action committee, to criticize, praise or even mention a political candidate 60 days before an election.

Madam Speaker, this is an outrage. How dare we even suggest this? The freedom of speech is our most cherished freedom, and it is most important when it comes to choosing our leaders. Madam Speaker, the Shays-Meehan bill is flawed and unconstitutional in this regard.

PAT WOOD SHOULD RESIGN AS CHAIRMAN OF FEDERAL ENERGY REGULATORY COMMISSION

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

Mr. PASCRELL. Madam Speaker, tonight we begin our debate on campaign finance reform. How fitting that this argument is occurring amidst the investigation into the power wielded by the leaders of Enron Corporation. What a perfect example of the corruption of money in politics.

Last week I reached out to Pat Wood, III, the current Chair of the Federal Energy Regulatory Commission. I urged him to resign.

In light of the influence that Kenneth Lay, the former CEO of Enron Corporation, had over both his appointment to FERC and his subsequent chairmanship of the Commission, it is apparent that Pat Wood's ability to fairly and neutrally oversee the country's energy policies has been irrevocably compromised.

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

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

REFORM CAMPAIGN FINANCE LAWS

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

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6, rule XX.

Any record vote on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

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

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

The Clerk read as follows:

H. CON. RES. 325

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

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

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

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

Madam Speaker, I rise here today for consideration of House Concurrent Resolution 325, which permits the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the Days of Remembrance of the victims of the Holocaust.

The United States Memorial Council was charged with providing appropriate ways for the Nation to commemorate the Days of Remembrance as an annual national civic commemoration of the Holocaust. As a result of this legislation, the first ceremony in remembrance was held in the rotunda in 1979, and it has been held every year since that time, except for periods when the rotunda was closed for renovations.

This resolution will provide for this year's national ceremony to be held April 9, 2002, in the rotunda of the Capitol. The purpose of the Days of Remembrance is to ask citizens to reflect on the Holocaust, to remember the victims and to strengthen our sense of democracy and human rights.

This ceremony will be the centerpiece of similar remembrance ceremonies to be held throughout the Nation. Members of Congress, government officials, foreign dignitaries, Holocaust survivors and citizens from all walks of life have attended previous ceremonies. At last year's Days of Remembrance commemoration in the Capitol rotunda, President George W. Bush was the keynote speaker. Two years ago, Swedish Prime Minister Goran Persson gave the keynote address.

The theme for this year's Days of Remembrance is the Memories of Courage to honor those who took a stand against Nazi barbarism. In remembering those who took a determined stand against nazism, we honor the memory of those who perished, and we are reminded that individuals do have the power and choice to make a difference in the fight against oppression and murderous hatred.

With the recent September 11 terrorist attacks, we have all been painfully reminded in our Nation of the consequences of hatred. These events have shown us that we must learn the lessons of the past and be ever vigilant against allowing acts of evil to go unchecked.

It was American determination to fight for our sacred principles of freedom and democracy that ultimately liberated the victims of the Holocaust. The same determination will ultimately defeat those who threaten us today.

By remembering the Holocaust we will be reminded of two things: That man is capable of unspeakable acts of evil; and that evil, if resisted, can be conquered.

This an important resolution, Madam Speaker, in memory of, I think, one of the largest tragedies that this world has ever seen.

I want to thank our ranking member, the gentleman from Maryland (Mr. HOYER), for his support of the resolution and the cosponsors, and I urge that we all support this important resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H. Con. Res. 325, which authorizes the use of the rotunda for the observance of the Days of Remembrance.

Congress provides for this ceremony every year at this time, and other related events will be occurring all over this country. This is an opportunity for Americans of all faiths and nationalities to reflect on the Holocaust, to remember its victims and to strengthen our sense of democracy and human rights. Very frankly, it is more appropriate perhaps than most years, post-September 11, to remember the atrocities that have been committed against innocent people for reasons of their nationality, their ideology, their place of birth, their place of residence.

It is appropriate, Madam Speaker, that we use the rotunda, which has been the location of so many historic events, to again draw attention to one the greatest tragedies in human history. It reminds us that such events must never be permitted to recur. Very frankly, Madam Speaker, it reminds us that, inevitably, perhaps not on the scale, but that they will reoccur, as they did in New York.

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

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

Polish Jews in Warsaw revolted in April and May of 1943, fighting street to street, hand to hand, building to building, in one the most dramatic examples of unexpected public resistance to terror and genocide.

It was not only Jews who resisted, of course. For example, in Denmark, in October of 1943, a German diplomat courageously alerted Danish authorities to the impending deportation order sending the occupied country's Jewish population to Nazi death camps. The Danes did not sit idly by. In fact, local fishermen, local citizens, banded together to make sure that almost every Jew got to a boat and was ferried to Sweden.

□ 1415

In fact, Denmark, with a population of over 5,000 Jews, perhaps as many as 7,000, lost only 50 Jews in the holocaust. In fact, Denmark is the only nation, and Yad Vashem, that memorial in Israel that has a tree planted, all the other trees are planted for individuals like Oskar Schindler. History, Madam Speaker, is replete with the example of those who gave shelter to Jewish families or helped smuggle them to safety, sometimes at the loss of their own lives. Those acts of courage and humanity are examples to us today, examples that we ought to act, not perhaps at the risk of our lives, but perhaps only at the risk of our inconvenience, that we ought to act, to reach out, to help, to lift up, and yes, perhaps save lives.

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

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

Madam Speaker, I reserve the balance of my time.

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

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

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

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

While we in the United States, the birthplace of Thomas Jefferson and Martin Luther King, enjoy a great deal of freedom, we must not take these freedoms for granted. We must not forget that genocide and human rights abuses continue to occur around the world. We must not remain silent when such atrocities occur, and we must dedicate ourselves to continue to educate people around the globe about the horrors of the Holocaust. We must be forever mindful of the danger of such intolerance and ensure that it never happens again.

Community-based Holocaust museums are appearing all around the country. This is a reflection of the increasing awareness of the lessons taught by the Holocaust. I am proud to be a founding trustee of the Virginia Holocaust Museum and applaud the efforts of those who join us nationwide to ensure a rightful place for Holocaust education and remembrance.

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

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

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

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

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

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

Let us also remember the compassion of the many brave men and women who risked their lives to rescue and shelter Jewish refugees fleeing the Nazi reign of terror. The incidents of countless non-Jews who risked their lives to protect people of another faith were a real as the Nazi death camps themselves.

Yet, until recently, it was easy in the United States to forget the devastation of the Second World War, as this country was spared from the horrors of both the bombing and Hitler's "answer" to the age-old "Jewish Question." Today we are faced with those who wish to use terror as a "final solution," and we must remember the steadfastness and compassion of those who vowed not to give in to the terror that the Nazis inflicted on the civilized world.

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

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

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

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

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Con. Res. 325, the concurrent resolution just agreed to.

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

There was no objection.

TOM BLILEY POST OFFICE BUILDING

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

The Clerk read as follows:

H.R. 1748

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

SECTION 1. TOM BLILEY POST OFFICE BUILDING.

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

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Tom Bliley Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 1748, introduced by the distinguished gentleman from Virginia (Mr. CANTOR), a member of the freshman class, designates the facility of the United States Postal Service located at 850 Glen Burnie Road in Richmond, Virginia, as the Tom Bliley Post Office Building. Members of the entire House delegation from the Commonwealth of Virginia are cosponsors of this legislation.

Madam Speaker, Tom Bliley began his political career in 1968 when he was elected to the Richmond City Council and served as vice-mayor. In 1970 he was elected mayor and served in that capacity until 1977. He returned to the family funeral home business until he announced his candidacy for Congress in 1980. He began his service in this Congress on the Committee on Commerce and would eventually become chairman after the historic 1994 elections. He worked with his colleagues on both sides of the aisle to enact major reforms of key industries, including telecommunications, banking, securities, the Internet, and satellite industries. I think that he would regard the Telecommunications Act of 1996 as his greatest accomplishment.

Madam Speaker, I urge adoption of H.R. 1748.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am pleased to join with my colleague from Florida in consideration of this resolution, H.R. 1748, legislation naming a post office after former Representative Thomas Bliley. H.R. 1748, introduced by the gentleman from Virginia (Mr. CANTOR) on May 8, 2001, has met the committee requirements and is supported and cosponsored by the entire Virginia delegation.

Former Representative Bliley, who represented the 7th Congressional District in Virginia, served with great distinction and honor in the Congress from 1980 to 2000. Former Representative Bliley began his political career in Richmond in 1968, first serving on the Richmond City Council, then vice-mayor, and later as mayor. A Democrat in State politics, Thomas Bliley switched to the GOP when he ran for Congress. Prior to leaving Congress, Representative Bliley served as the chairman of the House Committee on Commerce, whose agenda tackled such issues as telecommunications, energy, and environmental matters.

Madam Speaker, he was truly an outstanding member of this body.

Madam Speaker, I reserve the balance of my time.

Mr. PUTNAM. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. CANTOR), the sponsor of this bill.

Mr. CANTOR. Madam Speaker, it is an honor to speak today in favor of legislation I have introduced to rename a post office building in Richmond, Virginia, after my predecessor, Representative Tom Bliley. Tom Bliley served in this body for 20 years before he retired at the end of the 106th Congress. He served with distinction as a valued member of the Republican Conference and as chairman of the prestigious House Committee on Commerce for 6 years. He was also a man who knew how to keep priorities in life. To those who know Tom Bliley, they know his faith, family, Georgetown basketball, and tennis are important to him.

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

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

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

However, his biggest accomplishment in Congress was the Telecommunications Act of 1996, because it is the interstate highway act of the digital age. As the author of this act, he spearheaded the historic legislation bringing greater choice, lower price, and new innovative technologies to consumers. It will go down in history as one of the most important bills of the 20th century.

As an adoptive father, Tom cofounded the Congressional Coalition on Adoption and sponsored over 1 dozen different adoption bills. Most notably, he secured passage into law of the Adoption Awareness Act and was the author of the Hope for Children Act.

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He was the author of the Hope for Children Act to increase the adoption tax credits to $10,000. Tom truly stood up for children without voices, and his leadership on adoption issues is missed by a grateful Nation.

Madam Speaker, I would be remiss if I did not recognize another individual who Tom would say is most important, and that is his dear wife Mary Virginia, who now enjoys Tom even more as he is home that much more often, and without her sacrifice over these many, many years and decades, Tom could not have been the leader he was for the Richmond area as well as the Nation.

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

It is an honor to speak today in favor of legislation I have introduced to rename a post office building after my predecessor, Representative Tom Bliley. Tom Bliley served in this body for twenty years before he retired at the end of the 106th Congress. He served with distinction as a valued member of the Republican caucus and as Chairman of the prestigious House Commerce Committee for six years. He was also a man who knew to keep priorities in life. To those who know Tom Bliley, you know his faith, family, Georgetown basketball, and tennis are important to him.

After graduating from Georgetown University, he entered the navy as an officer and learned history doesn't offer many crystal lessons for those who serve our nation's affairs but there were a few. The strongest lesson he learned and the one most valuable in our roles as House Members is that weakness on the part of those who cherish freedom inevitably brings a threat to that freedom.

After his service in the Navy, he joined the family funeral home business where he eventually assumed the role of President. During that time, he gained important business experience that shaped his attitude towards problems facing small business owners. One day, some community leaders in Richmond came to him and asked him to run for city council. Tom replied he didn't see how he could devote the time to it so they called on his father, who headed the business. They said to him, "This community has been good to you. You can give something back by letting Tom run for city council."

His father agreed. Tom ran. It changed the course of his life, for he was in public service for nearly 3 decades upon retiring in January of this year. Two years later, in 1970, he won a two-year term as Mayor of Richmond—a two year term that lasted for seven years. The seventies were some of the most racially divisive years in our nation's history and Richmond was no exception. During his tenure as mayor, Richmonders were able to pull together and survive these troubled times.

Richmond survived because people worked together to find a common good. His tenure as mayor taught him a lot—lessons that were invaluable to him in the years that followed: understanding that the other fellow has a point of view, understanding that compromise without forsaking your principles is a good thing, and understanding that one can always seek a common ground if you keep your eye on the greater good.

After 1977, he left the mayor's office and returned to private life. In surprising news to many people in 1980, the incumbent Congressman from Richmond announced his retirement and Tom Bliley won the primary and was elected to Congress on the same day as Ronald Reagan. He secured a seat on the House Energy and Commerce Committee and immediately began working to return power to the people through competition and elimination of bureaucratic waste and regulation.

At the same time, he never forgot where he came from and would dutifully mind the business of his constituents. His biggest local accomplishment was securing federal funding of the Richmond flood wall. He worked with Members of both sides of the aisle to achieve this important funding for the city of Richmond. The flood wall helped revitalize the downtown economy and is a lasting legacy to Tom Bliley's ability to work with variouis members with different political philosophies to accomplish a goal for the good of the people.

Tom Bliley worked hard to advance many initiatives and he would go on to say that Republicans caught lightening in the bottle when they swept control of the U.S. House of Representatives for the first time in 40 years in 1994. This historic election elevated Tom Bliley to the Chairmanship of the prestigious House Commerce Committee. It was during this time he achieved his greatest accomplishments. He was able to find common ground with his colleagues to enact telecommunications reform, safe drinking water and food safety legislation, FDA reform, securities tort reform, reform of the securities laws, Internet tax moratorium legislation, International Satellite privatlization, Electronic Signatures legislation, Satellite Home Viewer Act, and the Gramm-Leach-Bliley Financial Services Modernization Act.

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

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

The Virginia gentlemen served with distinction but I would be remiss not to talk about his wonderful wife, Mary Virginia, his two children, and four grandchildren. He reserved Sunday for family time and always turned down interviews on Sunday because that is when he

took his wife to Mass. His commitment to setting aside time on the weekends for his family gave him peace and solitude away from the nation's business in Washington, D.C.

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

I urge my colleagues to support this legislation.

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

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

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

Tom Bliley dedicated over 32 years of public service, and 20 of those years have been as a Member of Congress representing the Seventh Congressional District of Virginia culminating in his chairmanship of the Committee on Energy and Commerce.

Before coming to Congress he served on city council and as mayor of Richmond, Virginia. In addition, Tom is the former president of Joseph Bliley Funeral Homes, where he gained an appreciation of the problems facing the small businessman. During his lengthy career he gained respect of Members from both sides of the aisle and from his constituents in the Seventh District. Tom and I both represented parts of Richmond, Virginia, for 8 years, and I was fortunate to be able to work with him on many issues important to the capital of the Commonwealth and, indeed, the Nation.

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

I am particularly grateful for his work on the Richmond National Battlefield Park legislation which included recognition of the Battle of New Market Heights as a premier landmark in African American military history.

With his many accomplishments Tom worked across party lines and with his Virginia delegation colleagues to best represent the issues in interest to the Seventh Congressional District. It is a fitting tribute to his career of public service to honor him with the naming of this post office in Richmond, Virginia.

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

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

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

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

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

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

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

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

Mr. DAVIS of Illinois. Madam Speaker, I would urge swift passage of this measure.

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

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

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

Mr. Bliley served as chairman to the House Committee on Energy and Commerce for three terms ending in 2000. He was hand-picked by then-Speaker Gingrich over more senior Members, and his agenda during those 6 years was quite simply to promote commerce.

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

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

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

His commitment to balancing the Federal budget earned him the National Watchdog of the Treasury's ''Golden Bulldog Award'' every year since 1981. He was named a Guardian of Small Business by the NFIB. He has been called the most powerful Virginian since Harry Byrd, and the National Journal cited him as Mr. Smooth.

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

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

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

Mr. FORBES. Madam Speaker, as an original cosponsor of this legislation, I wanted to

offer my strong support for this bill and to express my admiration for Congressman Tom Bliley and his distinguished career.

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

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

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

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

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

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

Tom took the helm of the Commerce Committee when we were beginning to see the first stages of the Information Age in the late 1990s. In the six years that he was chairman, the Internet grew exponentially and the telecommunications industry made many important developments. Chairman Bliley avoided knee-jerk reactions to regulate these growing industries, allowing them to grow and flourish.

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

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

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

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

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 1748, a bill to designate the United States Postal Service building located at 805 Glen Burnie Road in Richmond, Virginia, as the ''Tom Bliley Post Office Building.''

Before his departure from the House of Representatives at the conclusion of the 106th Congress, Tom Bliley and I had served together for two decades on the House Committee on Energy and Commerce. As Chairman of the Committee on Commerce during the 104th, 105th, and 106th Congresses, Tom worked to address difficult topics across the vast range of the Committee's jurisdiction.

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

When we were adversaries, Tom remained a gentleman and a friend. I value his friendship and thank him for his.

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

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

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

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

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

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

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

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

Chairman Bliley also served as the dean of the Virginia delegation and, true to this role, he was a leader to all of our Members. We all enjoyed his friendship, and great sense of humor. Tom fought hard to represent the interests of his congressional district, constantly attending to the needs in his local community. Virginia has benefitted enormously from Congressman Bliley's lifetime of public service. A master in the art of bipartisan compromise, bold leadership, and legislative vision, Tom Bliley is an example to all of us. Honoring his tenure in the House of Representatives by designating the Tom Bliley Post Office is a fitting farewell.

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

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

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

A motion to reconsider was laid on the table.

BOB DAVIS POST OFFICE BUILDING

Mr. PUTNAM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2577) to designate the facility of the United States Postal Service located at 310 South State Street in St.

Ignace, Michigan, as the ''Bob Davis Post Office Building.''

The Clerk read as follows:

H.R. 2577

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

SECTION 1. BOB DAVIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, shall be known and designated as the ''Bob Davis Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bob Davis Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

Madam Speaker, I reserve the balance of my time.

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

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

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

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

Madam Speaker, I reserve the balance of my time.

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

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

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

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

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

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

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

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

Bob served in the Michigan House of Representatives from 1966 until 170, when he was elected to the Michigan Senate.

Bob served in the Michigan Senate until 1978. He was Senate Republican Leader from 1974 until 1978.

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

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

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

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

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

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

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

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

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

Bob Davis went on and served as a delegate to the Michigan State Republican Convention in 1966 through 1978.

□ 1445

Mr. Davis continued his public service by being elected to Congress, serving from January 3, 1979, to January 3, 1993.

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

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

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

He returned home to Michigan virtually every other weekend, crisscrossing a district that is one of the

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

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

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

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

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and pass the bill, H.R. 2577.

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

A motion to reconsider was laid on the table.

COMMENDING PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN FOR HIS LEADERSHIP AND FRIENDSHIP AND WELCOMING HIM TO THE UNITED STATES

Mr. HYDE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 324) commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

The Clerk read as follows:

H. CON. RES. 324

Whereas President Pervez Musharraf of Pakistan has shown courageous leadership in cooperating with the United States in the fight against terrorism;

Whereas President Musharraf has shown great fortitude in confronting extremists and outlawing terrorism in Pakistan;

Whereas the efforts of President Musharraf in fighting terrorism are both in the national interest of Pakistan and of great importance to Pakistani-American relations;

Whereas the war against terrorism underscores the importance of strengthening the historic bilateral relationship between the United States and Pakistan;

Whereas President Musharraf has worked to improve the political representation of minorities in Pakistan; and

Whereas the Pakistani-American community in the United States makes important contributions to the United States and plays a vital role in developing a closer relationship between the peoples of the United States and Pakistan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress commends President Pervez Musharraf of Pakistan for his leadership and friendship and welcomes him to the United States.

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

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

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

I am pleased to call up the resolution to welcome President Musharraf on his most important visit to Washington. I am a cosponsor of this resolution that was introduced today by the distinguished gentleman from Pennsylvania (Mr. PITTS), a member of the Committee on International Relations.

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

President Musharraf has taken many steps to arrest al Qaeda members and has been working diligently on the release of kidnapped journalist Daniel Pearl. He has undertaken other efforts to curtail the detrimental activities of extremist Islamic groups and has shown particular leadership in trying to take his country in a new direction.

Through this resolution we acknowledge President Musharraf's sincere efforts to improve the security in the region and give hope for a bright future for his country and its deserving people.

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

Madam Speaker, I reserve the balance of my time.

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

I rise in strong support of this resolution.

I would first like to commend the gentleman from Pennsylvania (Mr. PITTS) for introducing this important resolution, and I want to thank my friend the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, for allowing it to move so expeditiously to the floor of the House.

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

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

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

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

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

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

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

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

Finally, I want to reiterate to the people of Pakistan our continued support for a return to democracy in Pakistan. President Musharraf has given

his word that he is committed to democracy, and we in the Congress intend to hold him to his word.

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

Madam Speaker, I reserve the balance of my time.

GENERAL LEAVE

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

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

There was no objection.

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

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

I think history will describe him as a courageous leader. Despite great risk to himself, to his government, he stood up for what was right and against what was wrong. He has cracked down on the extremists, the terrorists in his country. He has publicly spoken out and cracked down on the leaders guilty of hate speech. He shut down some of the madrassas which were teaching children to hate. He has acted to reform the education those young people receive.

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

It is no secret that Pakistan is an important ally of the United States. It has been for years. Yet Pakistan faces many challenges. President Musharraf has made good-faith efforts to weed out extremism, restore democracy and the rule of law, to ensure stability in a region that is torn by conflict.

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

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

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

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

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

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

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

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

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

□ 1500

And now, President Musharraf has taken up the mantle of leadership in Pakistan, and he is likewise a great supporter of the United States and the things we jointly believe in. He has arrested and detained over 2,000 militant leaders and extremists in working with us to stop the terrorist threat around the world. He has banned groups that support terrorism, frozen their bank assets and their accounts, clamped down on their fund-raising and closed their offices. In short, he is a friend and ally of the United States even though he has put himself and his administration at risk by doing so.

So, along with my colleagues, I want to welcome President Musharraf to the United States; and I want to say a very strong thank you to him and to the people of Pakistan and the Government of Pakistan, because every time America asks them, unlike some of the other people in that area, they are always there to march beside us. So, President Musharraf, thank you very much for all you do for us and for the free world.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the ranking Member and the chairman for bringing this resolution before the House.

The Pakistani word for ''thank you'' is shukrva. So we express shukrva to all our Pakistani friends in this country and around the world, and especially to President Musharraf. He has made dramatic changes that most of us thought were impossible. It has made a huge difference in our efforts to succeed in the war against terrorism, and hopefully it is going to be the catalyst that allows us to solve many problems, including that of Kashmir and other areas around the world.

So again I suggest we say shukrva to our Pakistani friends.

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

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

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

We must also ask the General when he intends to move Pakistan towards democracy. General Musharraf has ignored or had changed Supreme Court orders regarding local elections, and other distinct steps towards a return to democracy. Pakistan has had a long history of democratic instability,

and I do not believe that the current global upheaval can justify delay in the return of democracy to Pakistan. We all hold the ideals of democracy and personal freedoms as sacrosanct, and we should not allow our friends in Pakistan to lapse in their progress towards democracy.

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

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

MR. MUSHARRAF IN WASHINGTON

Gen. Pervez Musharraf of Pakistan arrives in Washington today for what likely will be, at least in part, a celebration of his readiness to join the U.S.-led campaign against terrorism. Any political boost he reaps from his scheduled White House meeting with President Bush will be largely justified; Mr. Musharraf's cooperation has been instrumental to the military campaign in Afghanistan, and his strong public initiative to arrest and reverse the mounting influence of Islamic extremists in Pakistan may prove even more important over time. But the general's visit needs to be more than a love fest. For all he has done in the past five months to advance the counterterrorist cause, the Pakistani leader has much more to do; and the Bush administration should match the political and economic rewards it offers him with concerted pressure to move ahead.

The need to keep pressing Pakistan's ruler seems all the more urgent because of the worrisome signs he offered in the days before his visit. Mr. Musharraf promised in a landmark speech last month to end Pakistan's support of terrorists who have been crossing its border to carry out attacks in India, including an assault on the Indian parliament in December that brought the two countries close to war. But last week he delivered another address that restated Pakistan's longstanding official position that the fighting in Indian-controlled Kashmir is the result of an ''indigenous'' rebel movement that deserves Pakistan's support. At face value, that stand might look legitimate; but the problem is that Pakistani governments for years have used that formulation as a cover to foment and supply the Kashmir insurrection.

Mr. Musharraf has formally banned the Pakistani militant groups dedicated to the Kashmir cause, including several with close ties to the Afghan Taliban and al Qaeda as well as to Pakistan's military intelligence agency. But some in Pakistan suspect that despite hundreds of reported arrests, his crackdown has not been uncompromising, that many of the militants have been allowed to remain free in exchange for lying low. Those fears could only be heightened by the president's statements to The Washington Post last weekend about the kidnapping of American journalist Daniel Pearl, which Pakistani police believe was orchestrated by a well-known member of one of those extremist Muslim groups. Rather than blame the Pakistani terrorists, or the evident failure of his new campaign to stop them, Mr. Musharraf suggested that India might somehow be behind the kidnapping—an irresponsible and implausible suggestion that is not backed by evidence.

Mr. Musharraf's forthright public condemnations of Islamic extremism, which began well before Sept. 11, leave little doubt that he genuinely would like to fashion a moderate Muslim state that would resemble Turkey rather than Taliban-ruled Afghanistan. But the general faces strong opposition to his project, some of it within his own military; and where the extremists' cause intersects with that of Kashmir, a focus of Pakistani nationalism since the country's foundation, Mr. Musharraf may feel tempted to pull his punches. That is where the Bush administration should intervene: It should make clear to the Pakistani leader that he must decisively break with the terrorists on this front as on others. Mr. Musharraf wants U.S. help in persuading India to begin negotiations on Kashmir, and the Bush administration should weigh whether it can help galvanize a peace process without compromising its longstanding neutrality in that conflict. But it must be clear, too, that continued collaboration between Islamabad and Washington depends on Mr. Musharraf's campaign Islamic extremism proving aggressive and unambiguous in deeds, as well as in words.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of the resolution commending and welcoming General Musharraf of Pakistan. It is fitting that we should commend him for his support of the U.S.-led war on terrorism. Mr. Musharraf has accommodated our requests for bases, allowed us to use Pakistani airspace and otherwise provided us with logistic and intelligence-related support for our operations in Afghanistan. For that we are truly grateful.

Rhetorically, Mr. Musharraf has aligned Pakistan with the nations opposed to terrorism, he abandoned his support of the Taliban in Afghanistan and recently met with Hamid Karzai the interim leader of Afghanistan offering his support for the new regime. In his speech of January 12, Mr. Musharraf pointed Pakistan away from Islamic extremism and back toward the goal of the founders of Pakistan: a secular, moderate, democratic, Muslim state. but there is a long way to go before Pakistan reaches that goal.

For too long, terrorist groups that operate across the line of control in India have been given safe haven in Pakistan. The authors of the attack on the Indian parliament last December and on the state assembly building in Srinigar last October found aid and support in Pakistan. White a series of high-profile arrests and the announcement of a formal ban on militant groups operating in Pakistani are good beginnings, the jury is still out on whether infiltrations across the line of control have stopped.

The steps taken to date are helpful but some recent backsliding is also in evidence. Last week, Mr. Musharraf claimed that the Indian intelligence services where behind the kidnaping of Wall Street Journal reporter Daniel Pearl. Such allegations are baseless and do not help either find Mr. Pearl or lower the level of tension between India and Pakistan.

Beyond this, Mr. Musharraf has returned to the formulation that the terrorist groups in Pakistan are ''freedom fighters''. This is not acceptable. Pakistan can no longer say it is simply giving ''political'' support to Kashmiri groups while secretly aiding their infiltration into India. The point of U.S. policy since September 11 has been to oppose *all* terrorists, not just those who are conveniently or easily opposed. Mr. Musharraf must choose, he is either with the terrorists or he is with us, he cannot have both.

On the subject of democracy, Mr. Musharraf has also said the right things. He has laid out a timetable for Pakistan's return to democracy and has held village level elections. Provincial and national assembly elections are scheduled. But we must not forget that Mr. Musharraf is the reason that Pakistan is again off the democratic path. For him to receive full credit for restoring democracy elections at all levels must be held, including elections for his office. All of this is admittedly difficult to accomplish against the backdrop of Islamic extremism, but it is Mr. Musharraf's own timetable and he should be urged to keep it.

Mr. Speaker, it is appropriate for us to welcome Mr. Musharraf and thank him for his support, but we should also be mindful of how much further Pakistan has to go.

Mr. GILMAN. Mr. Speaker, we want to welcome President Musharraf to Washington. President Musharraf has been a brave ally in our war against terrorism. Our nation thanks him for his efforts to find Daniel Pearl the missing Wall Street Journal reporter. We also wish to thank him for closing his nation's borders to members of the Taliban and al Qaeda who are fleeing our armed forces.

Mr. Speaker, nearly 90 constituents of mine died as a result of the September 11 terrorist attack. Accordingly, the visit this week of President Musharraf is significant for our 20th district of New York. The reason is that for many years a number of us in the Congress were concerned about the support that Pakistan gave to the Taliban and, of course, the Taliban sheltered the terrorists who attacked our Nation. President Musharraf is now reining in his countrymen who were responsible for many of the problems in Afghanistan and Kashmir and we commend him for the risks and hard decisions he makes.

Our nation is providing Pakistan significant military economic assistance so that its citizens will feel secure and its society can thrive. We are doing this in the belief that if the people of Pakistan have hope then the extremists will be less able to recruit among the poor.

We feel certain that with President Musharraf's guidance his government will achieve these ends. We know that his efforts to end terrorism will enable all Americans and especially New Yorkers to rest assured that all those innocent people who died in New York did not die in vain.

In like manner, we urge Pres. Musharraf to help resolve the troubled issue of Kashmir between India and Pakistan.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 324.

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

A motion to reconsider was laid on the table.

RADIO FREE AFGHANISTAN ACT

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

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Radio Free Afghanistan Act''.

SEC. 2. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

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

(b) GRANT AUTHORITY.—

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

(2) SUPERSEDES EXISTING LIMITATION ON TOTAL ANNUAL GRANT AMOUNTS.—Grants made to RFE/RL, Incorporated, during the fiscal year 2002 for support of Radio Free Afghanistan may be made without regard to section 308(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(c)).

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

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

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to such amounts as are otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Foreign Affairs Reform and Restructuring Act of 1998, and this Act, and to carry out other authorities in law consistent with such purposes:

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

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

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

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

Section 226 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 423), is repealed.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

As a result of the hard work of the bill's original sponsor, the gentleman from California (Mr. ROYCE), the subcommittee chairman, the House passed H.R. 2998 by a vote of 405 to 2 on November 7, 2001. The bill, as amended by the Senate, provides $17 million for fiscal year 2002 for this purpose. I believe the House should concur with the Senate amendment, which makes the following changes to the original House bill:

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

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

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

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

Mr. Speaker, I would first like to commend my good friends and colleagues on the Committee on International Relations, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BERMAN), for introducing this bill, and Chairman HYDE for his leadership in bringing the legislation to the floor of the House.

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

But the fog of war has not yet lifted from Afghanistan, and the war on terrorism is very far from being over. We are fighting a new kind of war which requires new tactics. Our military is adjusting to this asymmetrical warfare with elite forces using the newest U.S. technology and the smartest weapons.

But to win this war, we need more than smart bombs, we need smart diplomacy. We must have more agile tools to communicate our message more effectively. The terrorists use fear and intimidation, lies and half truth to manipulate young minds. International broadcasting and public diplomacy are critical to combating these terrorist tactics and broadening international understanding of the United States and the values that form the basis of our foreign policy.

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

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

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

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

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

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

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROYCE).

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

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

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

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

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

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

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

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

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

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

□ 1515

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

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

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

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

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

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

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

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2998.

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

There was no objection.

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

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

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

The question was taken.

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

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

The yeas and nays were ordered.

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

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

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

The Clerk read as follows:

H. CON. RES. 313

Whereas Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 was en route from Quito, Ecuador, to Tulcan, Ecuador, when it crashed in the Andes mountains in Colombia on January 28, 2002;

Whereas the crash tragically killed an estimated 92 people;

Whereas the United States has strong cultural and historic ties to Ecuador and Colombia;

Whereas the people of Ecuador and Colombia have already suffered greatly as a result of the crash in the same region of another Ecuadorian aircraft on January 17, 2002, which killed 26 people;

Whereas the civil aviation departments of Ecuador and Colombia are working in concert to facilitate the recovery and identification of the passengers and crew members of TAME Flight 120; and

Whereas professional emergency personnel from Ecuador and Colombia valiantly overcame treacherous terrain and inclement weather to reach the site of the crash and perform emergency services: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) sends its heartfelt condolences to the families, friends, and loved ones of the victims of the crash of Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002; and

(2) commends the professional emergency personnel from Ecuador and Colombia who responded to the tragic crash of TAME Flight 120 with courage, determination, and skill.

SEC. 2. The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the President of Ecuador and to the President of Colombia.

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

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 313, the concurrent resolution under consideration.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

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

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

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

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

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

Mr. Speaker, ''Muchas gracias al personal de rescate,'' which translated is: Thank you all personnel who were involved in the rescue mission.

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

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

Mr. Speaker, I rise in strong support of H. Con. Res. 313, and I commend the gentleman from New York (Mr. CROWLEY) for introducing this important resolution. I also want to thank the gentleman from Illinois (Mr. HYDE) for allowing it to move to the floor so expeditiously. The Crowley resolution extends our sincerest condolences to the families and loved ones of those who perished on January 28, 2002, in the crash of TAME flight 120. The resolution also applauds the brave efforts of the Ecuadorean and Colombian rescue teams.

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

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

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

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

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY), the author of this resolution.

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

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART), the cochair of the Congressional Andean Regional Caucus, for his input and expertise on these important issues. I also thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, for facilitating the timely consideration of this measure before us today.

It is with great sadness and a heavy heart that I bring this resolution to the floor today. Since September 11, we have seen countless tragedies, both deliberate and accidental, that have affected us all in many, many different ways. From the terrorist attacks on the World Trade Center, the Pentagon, and the field in Pennsylvania, to the crash of American Airlines flight 587 over the Rockaways in Queens, New York, we have learned to stand together as New Yorkers, as Americans, and as humankind.

Just as the events of the past few months have affected people from around the world, so, too, do the tragedies in other lands affect us. On January 28, 2002, TAME flight 120 crashed into the Colombian Andes killing all 92 people on board. The death toll included over 45 Colombian nationals as well.

This horrific accident has indeed hit very hard close to home. As a representative of the largest Ecuadorean and Colombian communities here in the United States, I rise today to express my heartfelt condolences on behalf of myself, the people that I represent in the Seventh Congressional District of Queens and the Bronx, from the people of New York State, and from our country, the United States of America, to the families of the victims of TAME flight 120.

From Washington to Quito, and Bogota to New York, a bond exists that gives strength to those who have suffered a loss. It is this bond that will help all of us move forward together.

Mr. Speaker, I also extend my heartfelt thanks to the first responders as well as all assistance that our government has given to the countries of Ecuador and Peru. I encourage all my colleagues to support this resolution.

Mr. DIAZ-BALART. Mr. Speaker, I, too, would like to extend my thanks to my friend and colleague, Congressman CROWLEY, for all his work on this resolution.

I also would like to thank Chairman HYDE and Mr. LANTOS for quick consideration of this resolution—and thank Chairman BALLENGER for his support.

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

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

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

And as we also know well—that which can get us through such tragedies are the support of our family and friends.

So I again express my heartfelt condolences, and encourage all of my colleagues to support this resolution.

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

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

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

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

A motion to reconsider was laid on the table.

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

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

The Clerk read as follows:

H.R. 3699

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

SECTION 1. TREATMENT OF CERTAIN HOMELESS ASSISTANCE GRANTS.

Notwithstanding any other provision of law, the Notice of Funding Availability for Continuum of Care Homeless Assistance Programs for fiscal year 2001, or any action taken in furtherance of such Notice, the Secretary of Housing and Urban Development shall not award a grant pursuant to such Notice to Liberty Center for the Homeless Incorporated in excess of $459,600. If an award has been made to such Center in excess of such amount before the date of the enactment of this Act, the Secretary shall modify the award and distribute the amounts in excess of $459,600 to other applicants from the Jacksonville, Florida, Continuum of Care in the order listed in the project priority chart contained in their application.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

□ 1530

I want to thank the Department of Housing and Urban Development for their assistance in resolving this issue. More importantly, however, I want to thank the gentleman from Florida (Mr. CRENSHAW) and the gentlewoman from Florida (Ms. BROWN) for bringing this issue to the attention of the Committee on Financial Services so that we can provide a legislative resolution.

This bill is noncontroversial and has support from the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Massachusetts (Mr. FRANK), chairman and ranking member of the Subcommittee on Housing and Community Opportunity, as well as the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE), chairman and ranking member of the Committee on Financial Services.

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

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Speaker, I urge my colleagues to support H.R. 3699. As has been stated, it simply corrects an administrative and clerical error in a grant application. This legislation corrects a horrible wrong that would inadvertently defund numerous projects in Jacksonville, Florida. This legislation simply turns back the clock to the date that the 11 members of the coalition sat down together and submitted a consolidated continuum-of-care application to help Jacksonville's homeless outreach projects. It does not authorize any additional funding. It only restores the original intent of the homeless coalition's continuum-of-care application allowing funding to be restored to all existing projects and to begin funding for new projects.

Let me again repeat, this legislation will not cost the taxpayers any additional funds; and it will not change the original grant award amount. I want to thank the gentlewoman from Florida (Ms. BROWN) for joining me as an original cosponsor of this legislation.

I urge all of my colleagues to support passage of H.R. 3699.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume. I want to apologize for being a little late, but I am pleased to learn that some of the colleagues who preceded us were more concise than I had anticipated. Perhaps I am being too pessimistic about their ability.

I agree very much with what the gentleman from Florida has just said. Let me say as the ranking minority member on the Subcommittee on Housing and Community Opportunity that this is an issue that was brought to my attention early and persistently and persuasively by the gentlewoman from Florida whom the gentleman from Florida has graciously mentioned. I know they worked together on this. She pointed out that this was a matter, as has been explained, that would cost the government nothing; it was simply correcting an error.

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

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

So I look forward to working with Secretary Martinez and with the majority on the Subcommittee on Housing and Community Opportunity so that we can restore some common sense, I think we have done a good deal of trying to get rid of the corruption, and the legislation of this sort would not be necessary.

Mr. Speaker, I am very glad that this legislation is being passed for two reasons: first, because it will give some relief to the people of Jacksonville; and, secondly, because I will not now have three conversations a day with my good friend from Jacksonville, Florida (Ms. BROWN), who has been simply indefatigable in working for her constituents on this subject.

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

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

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

On February 28, the Quest program, which provides psychiatric medication management to over 200 clients, and Goodwill Industries, which last year placed 534 homeless clients in jobs, will end their service. There are also eight other major providers that will be forced to make the same hard decision. This legislation is the only thing that will prevent hundreds of homeless clients from being returned to the streets. Let me repeat this. This is the only thing that will stand in the way of hundreds of homeless clients being returned to the streets. I hope the Senate and the President will quickly get this legislation passed and signed into law. These folks have a tough job to do, and we need to put them back to work.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 3699.

The question was taken.

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

COMMENDING NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REGARDING NATIONAL CHILD PASSENGER SAFETY WEEK

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 326) commending the National Highway Traffic Safety Administration for their efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week.

The Clerk read as follows:

H. CON. RES. 326

Whereas great progress has been made in increasing the use of child safety seats in vehicles, which has reduced the number of deaths of children involved in traffic accidents, but much more remains to be done;

Whereas more than half of all children killed in motor vehicle crashes in 2000 were completely unrestrained;

Whereas motor vehicle crashes are the leading cause of death for children ages 4 to 14;

Whereas child safety seats reduce fatal injury by 71 percent for infants and by 54 percent for toddlers in passenger cars; and

Whereas the National Highway Traffic Safety Administration sponsors National Child Passenger Safety Week, February 10 through 16, 2002, to help remind parents and care givers that all children should be placed in child safety seats every time they ride in a car or truck: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress commends the National Highway Traffic Safety Administration for its efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week, February 10 through 16, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

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

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

Mr. Speaker, I urge strong support for this timely resolution. This noncontroversial resolution praises the National Highway Traffic Safety Administration for its efforts to remind parents and care givers to use child safety seats and seat belts. It is fitting that the House consider this resolution this week. February 10 through 16 is National Child Passenger Safety Week. In fact, our action today is what National Child Passenger Safety Week is all about, raising public awareness for this important issue.

On June 27, 2001, nearly 8 months ago, the House passed the extension of the Child Passenger Protection Education Grant program, H.R. 691, offered by the gentleman from Minnesota (Mr. OBERSTAR). While this legislation is yet to be considered by the other body, the program was fully funded this budget year. This valuable program actually prevents deaths and injuries to children. It educates parents as to the proper installation of child restraints, and it trains child passenger safety personnel concerning child restraint use. The gentleman from Minnesota has crafted good legislation, and it would be fitting for its consideration and passage by the other body this week during National Child Passenger Safety Week.

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

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

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

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

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

Mr. Speaker, in the last 25 years, the Nation has made significant gains in child passenger safety. Since then, more than 4,800 children's lives have been saved because of child restraint systems. While the fatality rate for children has decreased steadily, due to population increases and a doubling of highway miles traveled, the number of deaths has not dropped as rapidly. In the year 2000 alone, 2,343 children under the age of 14 were killed and 291,000 were injured in highway crashes. This is a record we can and must improve upon.

Without doubt, the single most effective way to protect our children in the event of a crash is to ensure that all children are buckled up in appropriate restraint systems on every trip. Children aged 2 to 5 who use seat belts rather than child safety seats are 3½ times more likely to be injured in a crash and four times more likely to receive a significant head injury. That is why it is important to remind parents that all children should be placed in child safety seats, booster seats, or seat belts every time they ride in a car or truck. That is why I strongly support this resolution.

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

injury on the Nation's highways. In fiscal year 2000, my own State of Pennsylvania received $323,000 in child passenger protection education grant funds to establish child passenger safety fitting stations in all State police barracks and increase the awareness of rural and minority populations in the State. In fiscal year 2001, the State used its funds to purchase 17 mobile fitting stations, fund child passenger safety courses, and develop new materials to promote child passenger safety among health and medical personnel.

Mr. Speaker, I want to compliment the author of the legislation, the gentleman from Michigan (Mr. CAMP); the distinguished ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR); the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); and the chairman of our subcommittee, the gentleman from Wisconsin (Mr. PETRI) for their support of this legislation to help us preserve our Nation's most precious resource, our children.

Mr. Speaker, I support the concurrent resolution and urge its approval.

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

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

Mr. ROGERS of Michigan. Mr. Speaker, I want to congratulate the gentleman from Michigan (Mr. CAMP) for bringing this issue to the forefront. This is extremely important. I know sometimes we can get here and we can espouse statistics and we can talk about for every dollar on a car seat it is $32 saved in the end run. But there is no more believer in this than me.

I thought these programs, quite frankly, a few years ago really were not worth the paper they were printed on. I was driving into a local one to help support it in my community, before the safety seats became kind of chic; and as I went in, the woman who was there showed me what was going on, showed me some of the seats they had confiscated, and showed me some of the numbers of the improperly installed and said, ''Can I look at yours?'' I had a 2-year-old son at the time. I said, ''No thanks. I'm all set. I read the directions. I'm in good shape.'' She was a pretty persuasive woman. She brings me into the bay and after about 3 minutes said, ''Not only is this in wrong, it is probably the worst one I have seen today.''

This can happen to any of us. It can happen to all of us. I sponsored an event in my district through the National Safe Kids, we have a Michigan Safe Kids organization, they do phenomenal work, all by volunteers, an incredible group of people. Just that day we had some staggering results. We had 200 people show up. Over 80 seats were confiscated because they were defective. Eighty. It is a very sobering thing as you walk down the line of those car seats and realize that those parents were doing everything they possibly could to make their children safe, not realizing that they were putting them in a seat that might in fact cause injury.

We had a very touching case beyond that. I know these things work. About 2 weeks after that particular event, a woman came up and grabbed my arm as I was walking in the grocery store and with tears in her eyes related the story of not only had she been told at that particular event that her seat was improper but the way they were strapping her young grandchild in, it was across the child's neck and may have caused injury in a serious accident. Two weeks following that event, her car was hit so hard the car spun at a 180-degree turn with her grandchild in the automobile. The grandchild is fine. His name is Zach. We post Zach around my district and around mid-Michigan as exactly the reason that we can show one life for sure and we know thousands of others are saved because of the awareness of this issue.

Four out of five child safety seats are in wrong today. For those of you who are watching and you believe that you are doing everything right at home, trust me, the odds are against you that your safety seat is in correctly.

□ 1545

I cannot stress how important this is. I want to thank again the gentleman from Michigan (Mr. CAMP) for his leadership, and the chairman for his. I appreciate it. Also, thanks to the National Safe Kids Campaign for all they do.

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

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me time and for his leadership in bringing this legislation to the floor. I also want to thank my colleague the gentleman from Michigan (Mr. ROGERS) for his comments and advocacy of this resolution as well.

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

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

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

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

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

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

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

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

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

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

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

There was no objection.

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

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, the Committee on Agriculture, the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Education and the Workforce, the Committee on Government Reform, the Committee on International Relations, the Committee on Armed Services, the

Committee on Resources, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Veterans' Affairs and the Permanent Select Committee on Intelligence:

To the Congress of the United States:

I am pleased to transmit the 2002 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

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

We have made progress in the past. From 1985 to 1992, drug use among high school seniors dropped each year. Progress was steady and, over time, dramatic. However, in recent years we have lost ground. This Strategy represents the first step in the return of the fight against drugs to the center of our national agenda. We must do this for one great moral reason: over time, drugs rob men, women, and children of their dignity and of their character.

We acknowledge that drug use among our young people is at unacceptably high levels. As a Nation, we know how to teach character, and how to dissuade children from ever using illegal drugs. We need to act on that knowledge.

This Strategy also seeks to expand the drug treatment system, while recognizing that even the best treatment program cannot help a drug user who does not seek its assistance. The Strategy also recognizes the vital role of law enforcement and interdiction programs, while focusing on the importance of attacking the drug trade's key vulnerabilities.

Previous Strategies have enjoyed bipartisan political and funding support in the Congress. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 3 o'clock and 49 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1735

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 5 o'clock and 35 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

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

The Clerk read the resolution, as follows:

H. RES. 344

Resolved, That on the next legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill, or to the bill as perfected by an amendment in the nature of a substitute finally adopted, shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and as specified in this resolution.

SEC. 2. (a) Before consideration of any other amendment, it shall be in order to consider the amendments in the nature of a substitute specified in subsection (b). Each such amendment may be offered only in the order specified, may be offered only by the Member designated or a designee of such Member, shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment except as specified in section 3. All points of order against such amendments are waived (except those arising under clause 7 of rule XVI or clause 5(a) of rule XXI). If more than one amendment in the nature of a substitute specified in subsection (b) is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole.

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

(1) By the Majority Leader.

(2) By Representative Ney of Ohio.

(3) By Representative Shays of Connecticut.

SEC. 3. (a) After disposition of the amendments in the nature of a substitute specified in section 2(b), the provisions of the bill, or the provisions of the bill as perfected by an amendment in the nature of a substitute finally adopted, shall be considered as an original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. No further amendment shall be in order except those specified in subsection (b) of this section. Each such amendment may be offered only by the Member designated in subsection (b) or a designee of such Member, but not before the legislative day after the day on which such Member announces in accordance with subsection (c) in the House or in the Committee of the Whole the intention of the Member to offer the amendment. Each such amendment 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. All points of order against such amendments are waived (except those arising under clause 7 of rule XVI or clause 5(a) of rule XXI).

(b) The amendments referred to in subsection (a) are as follows:

(1) Ten amendments by the Majority Leader.

(2) Five amendments by the Minority Leader.

(3) Five amendments by Representative Shays of Connecticut or Representative Meehan of Massachusetts.

(c) The announcement referred to in subsection (a) shall describe the amendment by the number assigned to it under clause 8 of rule XVIII and may not be made later than the end of the legislative day on which this resolution is adopted. A Member may make only one such announcement, which must include any amendment the Member intends to offer but must be limited to the number of amendments specified in subsection (b) of this section for the bill or for each substitute specified in section 2(b).

SEC. 4. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, or the bill as perfected by an amendment in the nature of a substitute finally adopted, to the House with such further amendments as may have been adopted. Any Member may demand a separate vote in the House on any further amendment adopted in the Committee of the Whole to the bill, or to the bill as perfected by an amendment in the nature of a substitute finally adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. House Resolution 203 is laid on the table.

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

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

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Mr. FROST), the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 344 is a structured rule providing for consideration of H.R. 2356, the Bipartisan Campaign Finance Reform Act of 2001, with 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration.

I would like to stress that this rule before us was not written by nor is a product of the Committee on Rules. The rule reflects the terms for consideration set forth in the motion to discharge, with the exception of allowing immediate debate this week, versus a later date, as determined by the House rules. The petition calls for amendments to be introduced and printed in the CONGRESSIONAL RECORD by the close of business today.

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

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

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

The recent events have forged a true sense of patriotism among all Americans. But we must ask ourselves if we are willing to trample on this newfound nationalism by jeopardizing the most basic of American rights and freedoms, the right to free speech, because in this fourth version of Shays-Meehan, we have gagged Americans, whether in the middle, the right or the left, and will allow only special interests to have access to soft money.

It is reasonable to debate strengthening our campaign finance laws, but taking away first amendment rights and limiting free speech is not the way to do it. Real reform means recognizing that curbing the expense of campaigns should not come at the expense of political liberties. Limiting issue advocacy and curtailing who can say what is both unconstitutional and un-American.

We would be fooling ourselves if we believed the notion that the Shays-Meehan legislation represents a complete ban on soft money. Let us be honest: In this bill there is no such thing as a ban on soft money. At least the Ney-Wynn proposal ensures that such expenditures are used for political party activities, such as voter registration, get out the vote, overhead and fund-raising expenses.

□ 1745

Now, neither this issue nor the bill is new. In fact, the Shays-Meehan bill was in existence even before I came to Congress. But today, Shays-Meehan is in its fourth draft; I repeat, its fourth draft, and is vastly different than what was first proposed.

This new bill creates even bigger loopholes than before, creating $30 million per year soft-money loophole, restricting broadcast ads for only 60 days prior to an election that even some of the sponsors admit could be unconstitutional, rather than year-round, and loosening even further the loopholes that allow party committees to shift their current soft money over to nonprofits who, in turn, could use 100 percent soft money for issue advocacy.

Mr. Speaker, Shays-Meehan creates a $60 million soft-money loophole for State and local parties. It creates a new loophole to permit a $40 million soft-money building fund for the Democratic National Committee if both amendments are approved by some of the Shays-Meehan supporters. In short, Shays-Meehan establishes a pathway to new and more underground money.

Creating loopholes and granting special exemptions hardly seems like reform.

Even more preposterous is the fact that some sponsors of the Shays-Meehan bill do not want to curtail soft money right away. That is right. Those supporters say, let us wait until after Election Day, the next cycle, before any of this takes effect rather than the current legislation of 30 days. Why? One simple reason: the rhetoric fails to match up to the reality. The bill's sponsors are now in the newspapers and on the talk shows saying how critical this reform package is. But now they say it can wait.

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

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

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

The Committee on Rules reported out this rule without recommendation, and, in doing so, I hesitate to ask my colleagues to support the rule. However, by signing the discharge petition, a majority of this House has signaled their desire to have this debate. And so, in mirroring the conciliatory actions of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, I ask my colleagues to vote ''aye'' on the rule.

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

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

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

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

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

Before consideration of any other amendment, the rule provides that three amendments in the nature of a substitute will be considered. Each substitute will be debated for 40 minutes, equally divided between proponents and opponents. The gentleman from Texas (Mr. ARMEY), the gentleman from Ohio (Mr. NEY), and the gentleman from Connecticut (Mr. SHAYS) are allowed to each offer one substitute. Under the Queen of the Hill procedure, the substitute with the most votes will then be considered the base text.

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

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

Mr. Speaker, the various provisions of the bills before us are technical and somewhat confusing, but there is one thing that is abundantly clear: campaign reform legislation will require both parties to look for alternative means to turn out their base supporters. As many Members know, hard-money contributions are currently regulated by Federal law, while soft-money contributions are not. Hard money is made up of contributions to Federal candidates, Federal multi-candidate PACs, and to the Federal accounts of national and State parties. Soft money is everything else.

Under current law, individuals can give a total of $25,000 a year in hard-money contributions. Unions, corporations, and other associations can set up multi-candidate PACs which can give a limited amount of hard money directly to candidates and to party committees. Thus, multi-candidate PACs can give $5,000 in hard money per election to any Federal candidate, $15,000 per year in hard money to any national party committee, and $5,000 in hard money per year to any State party committee. Employees of corporations, members of unions, and members of associations contribute to these multi-candidate, hard-money PACs, but no corporate or union money can go into these PACs.

Soft money is made up of contributions by individuals to party committees that exceed the individual's $25,000 annual hard-dollar limit, contributions by corporations to party committees, and contributions by labor unions to party committees. Additionally, individuals, corporations, and labor unions can give any amount of soft money to independent organizations not connected to political parties.

The various proposals before the House seek to significantly change all of this. For example, under the Shays-Meehan bill, hard-dollar limits for individuals would be raised from $50,000 per 2-year cycle to $95,000. Soft-money contributions to national party committees by individuals, corporations, and labor unions would be totally banned, and soft-money contributions to State parties would be limited to $10,000 per year, and then could be used only for certain limited purposes. Various restrictions would be placed on the use of soft money by independent organizations not directly connected with a political party.

Mr. Speaker, what does all this mean? Well, the answer depends on the type of political race involved.

Traditionally, the national Democratic Party has relied on soft money to mobilize its minority supporters through grass-roots efforts such as phone banks and door-to-door canvassing. The party has funded statewide-coordinated campaigns designed to turn out minority voters for Presidential voters in key swing States such as Michigan, Pennsylvania, and Illinois, and for its nominees for U.S. Senate and Governor in a number of States.

Republicans have also used soft money to fund coordinated campaigns designed to mobilize their base voters for Presidential and statewide candidates. On balance, however, the mobilization efforts directed at turning out minority voters statewide are more important to Democratic candidates than mobilization efforts funded by the Republican Party.

Some of the funds traditionally used to mobilize base voters could be replaced by the limited soft-money contributions permitted to State parties under Shays-Meehan; but clearly, this will be a challenge for both parties in future statewide campaigns.

The bill's total ban on soft money to national parties, accompanied by a major curtailment of soft money to State parties, will also have a significant effect in campaigns for the U.S. House of Representatives. This is particularly true if the ban on soft-money expenditures by independent groups is held constitutional by the courts.

In recent years, both parties have benefited from soft-money issue ads directed at campaigns for the U.S. House. In 1996, interest groups aligned with the Democratic Party spent millions of dollars on soft-money issue ads directed largely at Republican candidates who supported the Gingrich revolution, which was one of the factors in Democrats picking up nine seats that year.

In 2000, organizations connected with the pharmaceutical industry spent millions of dollars in soft money supporting Republicans and opposing Democrats, thus helping Republicans hold their narrow majority in the House. In both 1998 and 2000, Democratic Party committees and Republican Party committees spent millions of dollars in soft money on issue ads. On balance, Republican Party committees and independent organizations aligned with the Republican Party outspend the Democratic Party, and organizations aligned with the Democratic Party on soft-money issue ads directed at races for the U.S. House of Representatives.

Soft-money expenditures by both Democratic and Republican national parties also occurred on voter turnout efforts for House races during those years and, in some cases, made the difference and the outcome of particular elections. These turnout efforts have been particularly important to Democratic House candidates.

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

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

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

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

As a member of the Committee on Rules, I must admit that I would not traditionally propose or support using the discharge process to bring this kind of bill to the House floor. However, I do support bringing this measure to the floor for debate, and if that means that we would have to agree to the major tenants of the rule proposed by the discharge petition for H.R. 2356, then so be it.

It is time that we considered this measure. It is time that we laid to rest allegations of unfairness and obstruction, and it is time that we address the fanciful claims that Shays-Meehan bans soft money. It does not.

As my colleagues well know, soft money is defined as money that is raised and spent outside the Federal regulatory framework. Because of this broad definition, there are numerous types of soft money and a significant number of avenues through which soft money can be used to influence Federal elections, thus making it all the more baffling that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) claim to have eliminated soft money with their sole elimination of national party soft money. Let me state clearly and unequivocally: Shays-Meehan does not ban soft money.

During the 2000 Presidential campaign, the Republican Party and the Democrat Party raised, in national party soft money, roughly $250 million each. However, even totaled, this number pales to the amount of money that corporations and unions spend on electionary activities.

If Congress wishes to ban the use of all soft money to influence political decisions, such a ban would affect or should affect everyone and every organization involved in political activity. It hardly seems appropriate to deny political parties a role in campaigns while allowing corporate conglomerates the opportunity to shape the political debate. In fact, by eliminating the role of parties, corporations and labor unions could become increasingly reliant on loopholes allowing them to spend funds from their general treasuries to influence elections, activities that would be undertaken without Federal regulation.

Truth be told, however, unions are the single biggest spenders of unregulated soft money, expenditures that will not be affected by Shays-Meehan. Dr. Leo Troy, professor of economics at Rutgers University, has been studying unions for more than 2 decades. He estimates that during the 1995–1996 election cycle alone, unions spent more than $300 million just on voter education and get-out-the-vote efforts. This hardly seems like leveling the playing field, as unions can and will continue to influence the political

process. If we give individuals, corporations, and unions a legal avenue to funnel soft money into the political process into State and local parties, they will continue to do so.

□ 1800

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

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

Mr. TURNER. Mr. Speaker, we are at a historic moment in the House of Representatives. This rule which will allow us to debate historic campaign finance reform did not come to this floor without considerable work. This issue has been before the House of Representatives before, and the House passed similar reform legislation but it died in the Senate.

Last year when the Senate passed campaign finance reform, a rule was proposed that was destined to defeat true reform; and it was turned down by the House of Representatives. The Speaker announced that he would not bring it forward again, and we initiated over 7 months ago a discharge procedure led by the Blue Dog Democrats in the House to bring this issue to the floor.

I want to thank Speaker HASTERT for allowing us, once we did reach the 218, to allow the Committee on Rules to adopt the identical rule contained in the petition to allow us to have a fair and open debate on campaign finance reform.

Let there be no mistake about it, this is the opportunity of this House to end the influence, the undue influence of big money in the political process. This is our opportunity to end the 25, 50, 100, quarter of a million dollar contributions and more that are being made today to political parties in the form of what we call soft money. This legislation will restore the public's confidence and trust in the political process. And let there be no mistake, the Ney substitute is not true reform. It does not end soft-money contributions to the political process.

Yesterday, I was able to participate in a press conference with some of the leading business CEOs from around the country who have joined together under the umbrella of the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure. Those business leaders said they are tired of being leaned on for these big checks. They are ready to see this system cleaned up. They are ready to know that when they come before this Congress there is a level playing field for all people, including them.

I am proud to support this legislation and this rule.

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, everyone likes to say that they are for reform, and it is very unfortunate that there are some people who are supportive of the Shays-Meehan bill who argue that those of us who are not necessarily supporting their version of what they call reform are somehow opposed to the process of campaign finance reform.

Well, I am proud to stand here and, Mr. Speaker, say that I will take a back seat to no one when it comes to the very important issue of reform. I have been very proud to internally bring about some reforms of this institution. We were able to, in the last Congress, reduce the number of rules in this place from 52 down to 28 rules. We brought about sweeping reforms when we became the majority.

One of the things that I am very proud of, Mr. Speaker, is that when we became the majority we said that we were not going to put in place the kind of rule that we are considering right now for this legislation. It has all of these sort of inside baseball things, like a ''king of the hill'' procedure. I am not going to get into the details of it, but I will tell you it is unfair and it is wrong. But having said that, I am going to support the rule.

I am going to support the rule simply because 218 members of House of Representatives signed the discharge petition, and for that reason I think it is important that we move ahead. When it comes to the issue of campaign finance reform, I am for it. I am for it, Mr. Speaker. I am a proponent of reform, and I do not want anyone to say that I am not pro-reform. I happen to believe that what we need to do is we need to empower the American people with as much information as possible.

In fact, in the last couple of Congresses I have introduced legislation called the Voter Empowerment Act, and basically what we say, as President Bush has said, we need to instantly make available information on who is supporting whom so the voters can make a decision as to whether or not a Member of Congress is somehow beholden to their contributors.

I also believe that if we are going to ban soft money, we should ban it all the way across the board. And I think we should make this package effective immediately, as my colleague, the gentleman from New York (Mr. RANGEL), said on television on Sunday. I think we should do it now. I believe we should also realize that the proposal before us, which is called reform, we have not actually seen it yet. We will see it somewhere around midnight tonight. So much for a fair and open process. But we will see it very, very late tonight, and then we will proceed.

Based on what I have heard about it, it does impose more regulations on the American people. And I came here to deregulate, and I did not come here to jeopardize the ability of Americans to exercise their first amendment rights.

I happen to believe that another issue needs to be addressed here, Mr. Speaker. I happen to be a strong proponent of the two-party system. I am proud to have worked around the world encouraging the development of political parties. Let us take that historic election which took place in 2000 in Mexico. For 71 year we saw one political party, the PRI Party, the Institution and Revolutionary Party, control Mexico. And with the encouragement of the National Election Party and support from around the world for a degree of political pluralism in Mexico, we saw a political party, when it came to getting support from all over, in a position where they were able to win the election.

Well, we also encouraged it in eastern and central Europe; in Nicaragua we encouraged it. What is it we brought about? We brought about a degree of fairness. We brought about a great contrast. And that is what exists here in the United States today, an interesting clash between the two political parties and then we allow the American people to make a decision.

Well, the measure we are going to be considering, the Shays-Meehan bill, basically undermines the two-party system. If you look at countries where the party systems are really in a state of disarray, they have had real difficulty. I do not want the United States of America to follow that route. I want both the Democratic Party and the Republican Party to remain strong. And I do not like the idea of us empowering the media when it comes to determining who is going to win these elections. I think that is wrong. I think the parties should be able to stand strongly for the ideals on which they were founded.

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

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

We live with reforms today. They were put into place following Watergate, 1974. I was privileged, I wrote my

senior thesis at Claremont-McKenna College on the campaign finance reform of 1974. We live with it today. And while some people talk about the fact that we have some horribly corrupt system here in our Nation's capital, well, I argue that we have a great degree of transparency and we can have even more. And, again, as my friend, the gentleman from New York (Mr. REYNOLDS), said, those who will try to draw this allusion between the bankruptcy of Enron and the political process, obviously, there is no correlation.

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

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

So those who say they do not want us to go to conference are in fact saying, let us not follow the constitutional guidelines, the process which was put into place by our framers for making laws. I do not believe that is an open process. I do not believe that is a fair process.

So let us do what we are paid to do here. Let us legislate. Let us work. Let us try to come to a package which will be beneficial for the American people. That should be our number one priority.

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

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

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

Mr. Speaker, with the Enron scandal casting a cloud over the White House and the capital, this House has a historic opportunity to reform our campaign finance laws by ending the soft-money system. Twice this House has passed bipartisan campaign finance reform with over 250 votes, but never with such a strong chance that the bill would become law. Tomorrow will be the moment of truth for reform. The role will be called and the votes will be counted. And over the course of this debate opponents of reform will attempt to perpetuate several myths about our bill in an attempt to stop us. But do not be fooled.

Myth number one, Shays-Meehan has been weakened to the point that it is meaningless. My friend, if that were true, do you think getting this bill passed into law would be so difficult? Would this floor fight be described as Armageddon?

Here are the facts: our bill bans soft-money contributions to the national parties, prevents Federal office holders from raising soft money for parties to spend in Federal elections, and prohibits State parties from spending soft money on TV attack ads attacking Federal candidates.

Myth number two, it is a partisan bill. This is a bipartisan bill. If this were a partisan bill, I have complete confidence that the President of the United States would be waving his veto pen for all of us to see. But he is not. McCain-Feingold, Shays-Meehan, Levin, Castle, Graham, Stenholm, Roukema, Lieberman, Thompson, Snowe, Wamp. The list goes on and on, Democrats and Republicans joining together to say enough is enough.

Myth number three, the Ney bill is a better choice. The truth is the Ney bill allows $900,000 in soft money per donor to be given to national parties in just one election cycle, and unlimited money to the State parties for TV attack ads on Federal candidates. The Ney bill is not serious reform. It is, to put it bluntly, a political device proposed in an attempt to break apart our reform coalition.

Myth number four, Shays-Meehan is unconstitutional. The Supreme Court has upheld contribution limits time and time again. This Court has long upheld laws saying that spending on campaign ads has to be disclosed and has to come from hard money. The Shays-Meehan bill makes sure that campaign ads masquerading as issue discussion are subject to the same laws that uncloaked campaign ads should be.

Mr. Speaker, more than any other recent scandal, the unfolding Enron scandal has made it clear that under the present system money talks and public interest walks. Let us pass campaign finance reform.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. Speaker, as I voted in favor of bringing this bill and a rule to the floor for debate and deposition last year, I urge my colleagues to support this rule tonight. It is time to yield to the processes of this institution and bring this measure to the floor.

But I also rise, Mr. Speaker, today in strong opposition to the underlying legislation for the single and exclusive reason that I believe in my heart that this legislation is, in fact, despite what the author of the bill just offered into the record, I believe it is, in fact, unconstitutional.

□ 1815

The gentleman from Massachusetts (Mr. MEEHAN) said on the floor of this Chamber moments ago that the Supreme Court has upheld spending limits, and in that measure he is right, but also in 1996 the Supreme Court ruled that "independent expression of a political party's views is core first amendment activity no less than is the independent expression of individuals, candidates or other political committees." It is precisely those individuals and other political committees that the Shays-Meehan bill bars, Mr. Speaker, from any political communication that mentions one of us incumbent Federal officeholders in the 2 months prior to an election.

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

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

By barring any groups of Americans other than political action committees from criticizing Members of Congress by name in the 2 months before an election is unconstitutional. It is good for incumbents, bad for democracy; good for bureaucracy, bad for liberty.

Let us support the rule but oppose or amend this underlying legislation to discharge each of our oaths of office.

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

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

Let me begin by saying I take strong exception to the statements by some of the media and some of my colleagues who say that our political system is corrupt in order to advance their own ends and to pass campaign finance reform. There may be Communist dictatorships that are corrupt, there may be

Third World despots that are corrupt, but I stand here today for the proposition that the Congress of the United States of America is not corrupt.

There have been no indictments, no convictions to justify the essentially self-serving accusations made by some Members of this body who support campaign finance reform. We differ on issues, we have different constituencies, we have different approaches to economic prosperity. That is all fair game for debate, but I believe to call this institution corrupt is totally unjustified. It paints with a very broad and a very misguided brush.

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

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

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

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

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

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

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

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

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

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

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

Most everyone wants to reform our campaign finance laws, but taking away first amendment rights and eliminating free speech is not the way to do it. Make no mistake about it, the Shays-Meehan bill does not ban soft money. Instead, it creates a new road for cash to travel to political parties, allowing up to $60 million in soft money per donor nationwide via the States.

Funneling is not reforming, and if the supporters of Shays-Meehan were serious about campaign finance reform, the bill would completely ban soft money and take effect immediately. It does neither, raising questions about its intentions.

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

If the Shays-Meehan does not raise hard-money limits for House candidates and combine with other restrictions on finances, it will make the House of Representatives a millionaires' club. Take a look at some of the candidates we have had to recruit through our political parties that had wealth in order to run for public office. Wealth, individual wealth, and then we try to find some gimmicks on how we can have a millionaires' amendment or some other solution. My colleagues should live in fear, all 435 of us, that a wealthy American decides to run, and we have no available solution to get our message out.

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

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

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

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

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

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

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

That is why a bipartisan coalition of Members has forced this bill to the floor with a discharge petition over the objections of the Republican leadership. That we were forced to resort to such a rare parliamentary maneuver speaks volumes about the new urgency in the country.

Make no mistake, those wedded to this corrupt funding system will do all in their power to defeat, alter or contort this bill. They have called consideration of this bill Armageddon. They will attempt to add poison pill amendments that purport to strengthen the bill, but, in fact, are only designed to destroy the delicate bipartisan compromise that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) have worked hard to put together.

I urge my colleagues to turn these amendments aside so that the President can sign meaningful campaign finance reform, this legislation, into law as soon as possible. The American people are demanding that we clean up this system. The time for reform is now, and in light of recent events, the need has never been greater.

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

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

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

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

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

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. REYNOLDS) has 7½ minutes remaining. The gentleman from Texas (Mr. FROST) has 11 minutes remaining.

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

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of this rule and the Shays-Meehan campaign finance reform bill.

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

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

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

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

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

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

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

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

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

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

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

□ 1830

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the rule. Granny Dee did something very innovative, and she is here tonight in this Chamber. She walked across America for 14 months in support of her dream,

campaign finance reform. Tomorrow, we will have an opportunity to give her and other Americans her dream, by passing meaningful reform. The President says he will sign it. The Senate has passed it. All we need to do is keep the poison pill amendments off of it.

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

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

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time and belatedly apologize for the fact that I think this was a debate he introduced a few months ago, and we are finally debating it, I think under a very fair rule. It gives both sides the opportunity to present their case.

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

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

I do not know what the prediction outcome will be tomorrow, but I do know this: we came to this Chamber with a good bill, the Senate took this bill and changed it slightly; and we have taken the Senate changes and incorporated them in our bill with the hope and the prayer that this House will act and pass campaign finance reform and send it back to the Senate for the President's signature.

I do not know if that will happen. But in order for it to happen, we have to kill amendments that gut our proposal. We have to kill amendments that supposedly improve it but break apart the coalition that we have in the House. And we have to make sure that this bill ultimately can be passed by the Senate.

I urge my colleagues to pay attention to this debate, to vote their conscience, and we will all live with the consequences.

Mr. FROST. Mr. Speaker, I would inquire about the time remaining.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Texas (Mr. FROST) has 6 minutes remaining, and the gentleman from New York (Mr. REYNOLDS) has 3½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, Granny Dee would not have walked so many miles if she did not believe in campaign finance reform. The American people believe in campaign finance reform. They want this process and the members of the elected process, the democratic process, to be an open book.

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

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

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

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

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

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

Any time we can limit the money that companies like IBM and AFL-CIO chiefs and union bosses and Enron chiefs give to this process, it is a good thing for the political process. What is it that we are afraid of, actually having to campaign? What is it that we are afraid of, actually having to go home and ask voters to examine and analyze our records? I submit I am one Congressman not afraid to go home and ask the voters to analyze my record without the help of some of these huge corporate dollars, without the help of some of these union dollars. And I hope the majority of my colleagues will see fit to vote that way tomorrow.

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

I listened carefully to my friend from Tennessee, and he kind of wants it both ways. I am never afraid to go home. I go home every single week to my district in western New York to talk to my voters and listen to what they have to say, as they send me to Washington. But the gentleman cannot have it both ways, to where we ban a little bit but we do not really have a level playing field and we just kind of set up the rules.

That is why I am a cosponsor of Ney-Wynn, because it is pretty straightforward. It is pretty straightforward on reform. It is pretty straightforward on quick and accurate information on what is being raised and spent.

And I listened to Andy Card, the Chief of Staff to the President, when he talked about the credentials that he looked for in a bill: a level playing field, banning soft money on both labor and corporations, paycheck protection and instantaneous reporting.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, under the Ney bill, how much money could Ken Lay have contributed, the former chairman of Enron, to the NRC, the DNC, and all the other parties?

Mr. REYNOLDS. Reclaiming my time, Mr. Speaker, I would respond that I would have to get an expert on that; but I can say that under the Shays-Meehan bill, which the gentleman supports, it could be $30 million to both parties with the State and locals.

Mr. FORD. How much could you give to the national parties, I would ask my friend from New York?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The time is controlled by the gentleman from New York. Requests must be made for Members to yield. Members may not get into a dialogue with one another absent such yielding.

Mr. REYNOLDS. Mr. Speaker, I believe I have answered the question of the gentleman from Tennessee. The Shays-Meehan bill would provide $30 million to both parties at the State and local level. I do not exactly know what the Ney-Wynn bill would provide in those dollars.

But I can say that the Shays-Meehan bill empowers special interests to use independent expenditures, which I really consider underground money, to influence campaigns while silencing average Americans. Most everyone wants to reform our campaign finance laws, but taking away first amendment rights and limiting free speech is not the way to do it.

Mr. CRENSHAW. Mr. Speaker, I rise to urge my colleagues to support H.R. 3699,

which I introduced to correct a simple clerical error and will not cost any additional funding. Without the fix my legislation provides, numerous homeless outreach providers in Northeast Florida will be subjected to profound and unintended consequences.

In May 2001, The Emergency Services and Homeless Coalition of Jacksonville submitted a consolidated Continuum of Care Application to the Department of Housing and Urban Development (HUD) requesting a maximum grant of $3.5 million. The intent of this application, consistent with HUD's responsibilities under the SuperNOFA program, was to compete for and obtain funding for a total of 11 Jacksonville homeless outreach projects.

Due to a technical error in the way the grant was submitted, the full funding for all 11 projects in Jacksonville was inadvertently granted to one agency—Liberty Center. Unfortunately, due to an interpretation of the HUD Reform Act, HUD personnel cannot make the needed corrections to remedy the technical error—thus requiring this legislative proposal before us today.

As a result, many of the programs listed on the application will cease to exist due to a lack of funding. One of these projects, the ''Quest'' program, operated by the Jacksonville Mental Health Resource Center, requested $293,979 and provides psychiatric medication case management to approximately 200 clients and case management services to several hundred others. There are 5 full-time and 2 part-time employees who will be cut. Without this program, these individuals will not have continuous case management basis and other public service facilities will have to deal with these individuals on a crisis basis. This type of problem will ripple through the region and disrupt years of quality service to these patients.

Mr. Speaker, without action today, another program, Goodwill Industries, will be forced to close its Job Options program, a $431,707 renewal in the continuum. Goodwill run out of funding for this project on February 28, which will result in termination of 9 employees. This is a job training program which puts homeless or near homeless clients into paying jobs and off the dole. This past year there were 852 homeless participants enrolled in the program, of which 534 were placed in employment earning an average of $7.95 per hour. It is a very effective program and saves substantial government dollars, which would otherwise have to be spent in support of these clients, were they unable to obtain jobs.

Mr. Speaker, H.R. 3699 simply corrects an administrative and clerical error in a grant application. My legislation corrects a horrible wrong that would inadvertently de-fund numerous projects. The legislation simply turns back the clock to the date the eleven members of the Coalition sat down together and submitted a consolidated Continuum of Care Application to help Jacksonville's homeless outreach projects. The bill does not authorize any additional funding; it only restores the original intent of the Homeless Coalitions Continuum of Care Application, allowing funding to be restored to all existing projects and to begin funding for the new projects. The Liberty Center would keep $459,600 of the grant and the remaining funds of just over $3 million would be dispersed to the other 10 projects in the priority order they were listed on the grant application.

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

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

Mr. HORN. Mr. Speaker, today the House will begin the debate and vote on proposals to reform the way we finance federal election campaigns in this country. Some believe this issue rates very low in public concern, but I believe strongly that the proposals we debate today go to the very heart of our democracy.

This is a debate about the way we will run our elections, which are the foundation and a major safeguard of our republic. It is a debate and a decision about whether every voter will have an equal voice in deciding our nation's future or whether some interests will always have special status because their voices are backed by large financial contributions.

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

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

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

Mr. Speaker, the choices before the House are clear cut. We can again pass a bill that provides genuine, effective reform of the current system—the bill offered by Mr. SHAYS and Mr. MEEHAN. Some of the alternatives before us have the appearance of reform by at least providing some limits on soft money but they lack real substance because the limits are so high and so wide that they change very little in the current situation.

I believe it is essential that the House stand fast on the cause of campaign finance reform, that we again—for the third time—pass the Shays-Meehan bill. In doing so, we will end the soft-money chase. We also will assure that those who engage in campaign advertising that attacks or promotes candidates must fully disclose the sources of their funding to the voters.

The decision we make today is perhaps the most important decision that this Congress will render. The outcome will influence everything else we do on a vast array of issues and concerns. Mr. Speaker, I urge my colleagues to pass real reform so that we send a clear message to the American people that this Congress intends to restore common sense to our campaign laws.

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

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Concur in the Senate amendment to H.R. 2998, by the yeas and nays;

H.R. 3699, by the yeas and nays;

House Resolution 344, de novo;

And House Concurrent Resolution 326 de novo.

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

□ 1845

RADIO FREE AFGHANISTAN ACT

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

The Clerk read the title of the bill.

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

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

[Roll No. 15]

YEAS—421

Abercrombie	Aderholt	Allen
Ackerman	Akin	Andrews

Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Conyers
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Collins
Paul

NOT VOTING—12

Condit
Cooksey
Cox
Hall (OH)
Hastert
Hefley
Jefferson
Lewis (KY)
Riley
Tauzin
Traficant
Vitter

□ 1905

Mr. THOMPSON of Mississippi changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3699.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 3699, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 14, as follows:

[Roll No. 16]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha

Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Condit
Cooksey
Gekas
Hall (OH)
Hastert
Hobson
Jefferson
Lewis (KY)
Peterson (PA)
Riley
Tauzin
Thornberry
Traficant
Vitter

□ 1916

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The SPEAKER pro tempore (Mr. SWEENEY). The pending business is the question de novo on agreeing to the resolution, H. Res. 344.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 6 of House Resolution 344, House Resolution 203 is laid on the table.

COMMENDING NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REGARDING NATIONAL CHILD PASSENGER SAFETY WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 326.

The Clerk read the title of the concurrent resolution.

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

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

A motion to reconsider was laid on the table.

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

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

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

□ 1930

The Majority Leader for one amendment;

Representative SHAYS or Representative MEEHAN for one amendment;

The Majority Leader for two amendments in sequence;

Representative SHAYS or Representative MEEHAN for one amendment;

The Majority Leader for two amendments in sequence;

Representative SHAYS or Representative MEEHAN for one amendment;

The Majority Leader for two amendments in sequence;

Representative SHAYS or Representative MEEHAN for one amendment;

The Majority Leader for two amendments in sequence;

Representative SHAYS or Representative MEEHAN for one amendment; and

The Majority Leader for one amendment.

(2) Under section 3(a) of House Resolution 344, a Member listed in section 3(b) may designate another Member to announce, in accordance with section 3(c), the intention to offer any amendment allotted to him under section 3(b).

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

CONGRATULATIONS AND THANKS TO LUCY ESPINEL AND REGINE FERNANDEZ-CACIEDO

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

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

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

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

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

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

SPECIAL ORDERS

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

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

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

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

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

MUSHARRAF'S VISIT TO THE UNITED STATES

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

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

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

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2002.

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

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

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

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

When you asked Congress last fall to lift the ban on military assistance to Pakistan, there were no plans to provide any such assistance to General Musharraf. State Department representatives appeared before the House International Relations Committee at the time, and in response to my question, stated that no military aid to Pakistan was anticipated.

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

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

Thank you for your consideration.

Sincerely,

FRANK PALLONE, JR.

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

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

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

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

Today the House debated the Pitts resolution which praises Musharraf for his steps toward returning Pakistan to democracy.

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

A TRIBUTE TO GENERAL OMAR NELSON BRADLEY

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

Mr. HULSHOF. Mr. Speaker, I rise to pay tribute to one of America's most respected war heroes. In my congressional district, the citizens of Moberly, Missouri, have a lot to be proud of today as they gather to honor the memory of one of its favorite sons, Five Star General Omar Nelson Bradley. It is fitting that at this time of war, we take time out to remember the virtues that he exemplified: honor, dignity, patience, humility, and love of country.

The son of a Randolph County school teacher, Bradley was born on this date, February 12, in 1893 in a log cabin near Moberly, Missouri. After the death of his father when he was 14, Bradley and his mother moved to Moberly where his formative years were spent, and it was during his days at Moberly High School as a star baseball player that Bradley began to develop the leadership skills that would later serve him as a leader of the Allied Forces in World War II.

After he graduated from high school in the spring of 1911, Bradley worked on the Wabash Railroad to earn money to attend the University of Missouri. He was determined to put himself through school until his Sunday school superintendent encouraged him that he might have a chance at receiving a nomination to attend the U.S. Military Academy. So he used what little money he had to catch a train to St. Louis where he took the competitive exams that would determine who from his district would attend West Point. He finished first and was sworn in as a cadet in August of 1911.

During his time at West Point, General Bradley was an above-average student. He graduated 44th out of 164 men in 1915, a class that many have called ''the class stars fell on.'' Nearly 20 of the 1915 graduates achieved the rank of general or higher during World War II. The academy's yearbook, ''The Howitzer,'' predicted that Bradley was destined for great things: ''His most prominent characteristic is 'getting there,' '' proclaimed the yearbook, and ''if he keeps up the clip he's started, some of us will someday be bragging to our grandchildren that 'sure, General Bradley was a classmate of mine.' ''

Perhaps the best account of Bradley during his West Point days came from fellow classmate and future President, Dwight David Eisenhower, who wrote in Bradley's yearbook the following words: ''True merit is like a river; the deeper it is, the less noise it makes.'' The humble Bradley was already getting noticed by his peers for his hard work, his intelligence, and his ability to succeed.

General Bradley was determined to out-think and out-prepare his adversaries. He challenged his troops to ''set our course by the stars, not by the lights of every passing ship.'' This brand of resolve, coupled with a Missouri down-to-earth concern and affection for his troops, made General Bradley extremely popular with all of those he commanded. During World War II, aside from the general's stars on his helmet, Bradley was often indistinguishable from many who served alongside him on the front lines. Because of his style of command, the famous war correspondent Ernie Pyle dubbed him ''the soldier's general.''

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

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

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

It is clear that the leadership of great men like General Omar Nelson Bradley over a half century ago allows us to live as we do today. And on this day, we are honored to show a small portion of our thanks and appreciation to this great citizen, soldier, Missourian, and American.

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

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

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

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

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

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

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

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

□ 1945

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

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

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

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

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

As I close, I would like to share with my colleagues that the economic cost of this growing epidemic in our Nation was approximately $117 billion, that is B as in boy, in 2000. We need to support the Surgeon General's initiative against obesity in order to ensure America's health in the present and in the future.

I would like to thank my staff, Michelle Scott and others who put together this report.

TRIBUTE TO OLYMPIAN DEREK PARRA

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

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

I have been watching one athlete with particular pride, speed skater Derek Parra, winner of the silver medal in the 5,000-meter event.

You see, Derek Parra is from my district. He went to school with my son, Joe Baca, Jr., in Rialto, and I attend church with Derek's father, Gilbert Parra, at St. Catherine's in Rialto, California.

Derek's family and friends gathered on Saturday at Graziano's Pizza Restaurant in Colton to watch the San Bernardino native break the world record in the 5,000-meter speed skating race with a time of 6 minutes, 17.98 seconds, beating his own best time by 15 seconds.

Derek's silver medal win surprised the world. At 5 feet, 3½ inches, Derek is a small man in a tall man's sport. He is known by his Nordic competitors as ''The Little Man with the Big Strokes.''

Derek's record-breaking performance and silver medal were a bit of a surprise to even the people who know him best, because the 5,000-meter is not his best race. Friends and family eagerly await his best event, which is the 1,500-meter race on February 19.

Derek grew up in the west side of San Bernardino with his brother and single father. He attended Roosevelt Elementary School and Eisenhower High School. He first learned to skate at the Stardust Roller Rink in Highland, where he became an avid in-line skater.

As a Mexican American youth growing up in southern California, Derek did not set foot on ice until he was 17 years of age. Derek would be 26 years old before he would switch from in-line skating to ice skating in 1996 in order to shoot for the Olympic gold.

Derek's road to the Olympics have not been easy. He and his wife Tiffany have struggled to make ends meet while raising a little girl, Mia Elizabeth, while Derek trained for the Olympics. Unlike most skaters who train full time, Derek worked part time at a Home Depot to help support his family. Derek has doggedly pursued his dream against all odds. When people said he could not do it, he indicated he could do it, and he did do it.

We do not have too many Winter Olympians from San Bernardino. The beauty of the Olympic Games is the opportunity they allow all of us to experience the glory and triumph through our athletes. We feel a connection with them and all the individuals that participated.

The residents of San Bernardino watched their native son with pride as he broke the world record in the 5,000-meter skate to win the silver medal. As the first Mexican American to ever appear in the Winter Olympics, let alone win a medal, Derek has expanded the dreams of millions of Hispanic boys and girls throughout the United States and the world, giving them hope that you have an opportunity to compete in an area where many other individuals do not compete.

Derek Parra is an American hero. One of eight Olympians chosen by fellow teammates to carry the American flag into the opening ceremonies, Derek accepted the honor even though his first race was the next day. While most athletes spend the night before a race resting, Derek jeopardized his medal chances to carry Old Glory.

With two events left in the Games, Derek Parra has already made history and opened the world of possibility for Hispanic Americans. I will be rooting for Derek as he competes in the 1,500- and 10,000-meter races. Bring home the gold medal, Derek. San Bernardino and Rialto are behind you. We all pray for you. Our prayers are with you. We wish you the best. We know you will do the best. You have made us proud.

SUPPORTING CAMPAIGN FINANCE REFORM

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

Mr. LYNCH. Mr. Speaker, we are at an important point in our legislative calendar and at a point that will have great impact on the future of this institution, this House and this Congress. We are also at an important point in the history of our country and what direction we might take.

In the next several hours, in the next several days, we will take up the debate of the Shays-Meehan campaign finance legislation. We will have a singular opportunity, Mr. Speaker, to at last take soft money out of politics. We will have one shining moment to end transactional politics on Capitol Hill, and we will have one chance to actually make sure that working families' voices are heard in the halls outside of this Chamber instead of just the voices of special interest groups and high-powered lobbyists. And I hope that my colleagues will see that opportunity and seize it and join together and pass the Shays-Meehan legislation and bring rational, reasonable campaign finance laws into effect in this Congress.

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

We are without question the wealthiest generation of any people that has ever walked this Earth. We have acquired in this generation, my generation, greater wealth and done it faster than any other generations on this planet. We have seen in the past 20 years the average income of the top 1 percent of earners in this country increase by a staggering $414,000 per year. We have seen the number of millionaires in our society increase by 400 percent over the past 10 years. The rate of home ownership is through the roof, never been higher in this country.

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

We are faced with the challenge of financing the cost of this war in Afghanistan. And what is our response? If I can take the instruction from the President's State of the Union Address and the instructions of the majority party, we are saying that we do not want to pay for this war. We do not want to pay for this war. We want our tax cuts. That is what we are saying as a generation. We want our tax cuts. Even though we are the wealthiest generations of Americans, do not phase out our tax cuts. Do not delay them. Give us our tax cuts. And instead, we are saying let us build a deficit, and let us just hand the bill, hand the debt owed for this war to our children and to their children.

And that, Mr. Speaker, I see as just disingenuous and to a certain degree cowardly. We have a responsibility to the next generations. We have a responsibility, especially given the blessings that we have in this country, to face up to our responsibility and to pay for the cost of the prosecution of this war. It is a just war, and I stand with the President in the prosecution of this war, but we must face up to our responsibilities.

I also say the way we are facing our responsibilities to pay for Social Security, to provide a secure and decent requirement and health care for America's greatest generations, and instead, what we hear on the floor in our debate is that we should somehow privatize Social Security, we should somehow suggest curtailing benefits to those who are our most vulnerable and most in need. And, Mr. Speaker, I think we have missed, if that is the direction we have taken, we have missed our mission. We have missed our opportunity

to strike, I think, a true course consistent with the great traditions in this country of meeting the challenges of each generation.

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

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

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

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

IN SUPPORT OF THE SHAYS-MEEHAN BILL

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

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

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

□ 2000

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

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

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

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

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

Campaign finance reform is the right thing to do. While it is not the be-all, end-all in government reform, it is a major step in the right direction. The confidence of the American people is at stake. We must return our government to the people.

Mr. Speaker, tonight I have several fellow members of my Blue Dog coalition who are here to speak. The first speaker we have in the coalition to join us this evening, the gentleman from Florida (Mr. BOYD), a strong supporter of campaign finance reform since the 105th Congress and the Blue Dog communications chairman. I am happy to yield time to him so he can speak on this subject tonight.

Mr. BOYD. Mr. Speaker, I want to thank my friend, the gentleman from Kentucky (Mr. LUCAS), who has been a strong advocate and leader for campaign finance reform since his election to this Congress, to this U.S. House, in 1998. I also want to recognize the efforts of the gentleman from Texas (Mr. TURNER), who came into this body in the 1996 election, as did I, for his strong leadership, and of course we all, Mr. Speaker, recognize the leaders in this body, the bipartisan leadership that is provided by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN), who have been strong and long and tireless advocates for campaign finance reform.

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

Mr. Speaker, my colleagues know that our democratic system of government works best when the our individual constituents participate in the largest numbers. We have had diminished participation in our government election systems over the last 20 or 30 years, and I think that diminished participation is due in large part to cynicism. The public has become very cynical about campaigns and how they are financed and who controls them and so on.

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

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

The political parties will once again, Mr. Speaker, become a resource for manpower and strategy rather than a conduit for unregulated money, which they, over the last 30 years since our last major campaign finance reform has happened, and these parties simply in the most part now have become a conduit for large sums of unregulated soft money. The national parties were healthy and vigorous before the onslaught of soft money, and they can be healthy and vigorous again once we eliminate soft money. In fact, many of us believe that soft money has broken down the effectiveness of our national parties because it dilutes the influence to outside organizations.

Mr. Speaker, the time is now to fix this problem. We need to pass a clean bill that fixes our broken campaign finance system. We passed this bill, this U.S. House passed this bill in the 105th Congress, and it passed the bill in the 106th Congress, under the leadership of the people that I have mentioned earlier, but in both cases the other body failed to take up and pass campaign finance reform.

It is time now, Mr. Speaker, that Congress takes the big money out of the elections process and make sure that everyone has equal access to their government. Mr. Speaker, the President has promised if we will send him a reasonable bill, he will sign it, and it is time now that the Congress produce that bill that the President will look favorably upon and restore confidence to the public in our electoral system.

I want to thank the gentleman from Kentucky (Mr. LUCAS) for allowing me to speak.

Mr. LUCAS of Kentucky. Mr. Speaker, I want to thank the gentleman from Florida (Mr. BOYD) for his remarks.

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

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

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

Mr. Speaker, last summer I stood on the steps of the New York City birthplace of one of the greatest Presidents that our Nation has ever had. He happened to be a Republican. He happened to be from Long Island. He was Theodore Roosevelt, and his greatest distinction was being a crusader for our environment and a crusader for reform.

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

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

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

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

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

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

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

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

Mr. LUCAS of Kentucky. Mr. Speaker, I thank the gentleman from New York (Mr. ISRAEL) for his comments.

It is my pleasure to recognize my colleague and a fellow Member from the 106th Congress freshman class, the gentleman from Illinois (Mr. PHELPS).

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

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

□ 2015

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

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

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

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

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

I have received numerous letters and calls from constituents thanking me for signing the discharge petition and

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

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

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

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

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

Mr. MOORE. Mr. Speaker, I want to thank the gentleman from Kentucky for his leadership, and I want to thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their leadership in fighting the long fight here in the House for campaign finance reform. I think we also need to extend our sincere thanks to people in the other body, Senator JOHN MCCAIN and Senator RUSS FEINGOLD, for their long fight and leadership on behalf of campaign finance reform in this country.

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

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

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

There are people, Mr. Speaker, in our country's history who fought and died for the opportunity to vote for the people who would represent them in their government. There are people, Mr. Speaker, around the world who would give anything they could and would fight and die for the opportunity to be able to elect their leaders, to be able to criticize their leaders. We have that opportunity in this country; and yet only about half of the people vote because of the cynicism, because they are so discouraged about our political process, because of all the unregulated soft money in our political process.

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

The negative impact of huge sums of money on our political system can be seen in the rapid expansion of so-called issue ads, Mr. Speaker. During the 1999–2000 election cycle, about 130 groups ran issue ads at a cost of more than $500 million. What are they getting for that money? Did Enron get more influence than they were entitled to in our political system because of all their contributions? Hearings will answer that question, hopefully.

The amount of money spent on issue ads, which can be paid for with unlimited amounts of money not subject to disclosure amounts, increased by nearly 500 percent between the 1995–1996 and 1999–2000 election cycles. There is no telling, Mr. Speaker, how far spending on issue ads will spin out of control in the years to come.

Television viewers in the third district of Kansas, which I represent, in the Kansas City media market, were subject to more issue ads, a total of 12,028, than any other media market in the country, with the exception of Detroit. These issue ads, run by organizations with innocent sounding names, like Citizens for Better Medicare, presented themselves to voters across the country as disinterested advocates of sound public policy. They are not.

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

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

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

Mr. LUCAS of Kentucky. I thank the gentleman for those comments, my good friend from Kansas.

Mr. Speaker, it is now my pleasure to recognize the gentleman from Crockett, Texas (Mr. TURNER), the House sponsor of the discharge petition and the policy Chair of the Blue Dog coalition. I am pleased to yield to this gentleman for his statement.

Mr. TURNER. I thank the gentleman from Kentucky.

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

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

Enron, we know, contributed over $1.6 million in the last election cycle. We do not know for sure what all they got for that $1.6 million, but we certainly know from our own experience of common sense that they expected something if they were contributing money in the sums of $1.6 million. The American people understand that those with the big bucks speak louder in these halls than the ordinary citizen. That is inconsistent with representative democracy. That is inconsistent

with building the kind of government that every American can be proud of and have confidence that when we meet in these halls we work for the public interest rather than the special interest.

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

□ 2030

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

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

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

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

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

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

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

The bill to be introduced, the Shays-Meehan legislation, has already passed the United States Senate in the form of legislation sponsored by Senator JOHN MCCAIN and Senator RUSS FEINGOLD. Senator MCCAIN was present at the press event yesterday joining with these business leaders for passage of the Shays-Meehan, McCain-Feingold legislation.

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

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

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

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

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

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

There are many reasons for Members of this House to have questions about this change in campaign finance because many on both sides of the aisle have become addicted to this soft money. They raise it, and by raising it, they secure their positions of power and influence. They know that those that they call to make those big contributions understand that even though maybe unspoken, there is an understanding that those who give the money have the access to the front door of this Congress.

We believe that is wrong. We believe the American people believe it is wrong. We believe it is time to change the system. We look forward tomorrow to having a victory for the American people on the floor of this House.

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

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

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

Mr. Speaker, I hope my colleagues here in this House will do the right thing, stand up for their constituents and pass the Shays-Meehan campaign finance bill.

CAMPAIGN FINANCE REFORM; IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

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

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

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

Nonetheless, it is interesting how we characterize pieces of legislation here with terms and titles and phrases that we want to put it in a certain light, and we call this thing that we will be discussing tomorrow campaign finance reform.

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

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

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

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

Mr. Speaker, in my last campaign I was trying to recollect what we raised, and it was over a million dollars, I know that. I cannot remember the exact amount right now. But I also know when we averaged out the contributions to the campaign, it came to something like $55 per person.

□ 2045

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

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

There are issues on which I feel very strongly. I express them here on the floor. I express them in my vote. In the conference I try to convince my colleagues to see things as I see them, to vote my way. Yes, I came here because I believe in issues. I love the debate. But I should tell you, Mr. Speaker, that people support me, I think, not because they are hoping to change my opinion but because they like my opinion. They want that opinion expressed.

As an example, I am known in, certainly Colorado, for being a very strong critic of the public school system, especially the monopoly system that runs the public schools, not for the teachers themselves, not for the people who work so hard trying to accomplish a task, but the teachers union. I attack it all the time because I think they are an obstacle to education reform. The teachers union, the NEA, the National Education Association, has never given me a dime, not a penny. Nor should they. And I am positive that this thought has never crossed their mind, that maybe if we give Tom Tancredo $1,000 or $5,000 from their PAC, he will start voting on our side on this issue. They know that is not true. They do not give me money. No matter how much money they gave me, I would not vote on that side of the issue. And they know it. That is the way, I am sure, that most of my colleagues are.

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

But I again say, if you are afraid of this, if somehow or other you feel you have been bought and that you cannot withstand the pressure of a large donor that is maybe wanting you to vote for something you do not believe in your conscience, vote for Shays-Meehan. Maybe somehow that will get you off the hook. But I assure you, Mr. Speaker, it will not really change the process. We will once again hit the mole on the head, and it will go down; but it will pop up here and there and everywhere. As you know, Mr. Speaker, when they talk about soft money and hard money, for the most part I think most Americans have not the foggiest idea what we are talking about here. But they maybe like the sound of it: ''We're going to stop soft money from coming into the Congress.'' ''Oh, right, good, great. That's exactly what I hope they do.''

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

to come up. The mole's head will come up in a variety of other holes, and it will come into the system.

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

Frankly, Mr. Speaker, it is a charade. That is what is so discouraging. Many of my colleagues stood up in the previous hour and they talked about how cynical people are about the system, that the American public, I think that is the word they used over and over again, that they are cynical. I can understand that. I can understand that. Because if you listened to what was said tonight, you may come away, if you are not really perhaps well aware of the way the process works, you may come away from the debate, you may have come away from our colleagues and said, you know, I think if we pass this bill, there will be no more, quote, ''soft money,'' and that we will have reformed the system, no one here will come to this body influenced by contributions. If they think that, and if we pass this piece of legislation and then a year from now, two years from now we will read accounts of millions of dollars being spent, hundreds of thousands, we will say, ''Gee whiz, I thought they took care of that. Wasn't that called Shays-Meehan campaign finance reform? Wasn't that supposed to have taken care of it?'' Lo and behold, it did not.

If you want to make people cynical, Mr. Speaker, then pretend that we are going to be doing something incredibly significant here tomorrow, eliminating the influence of money in this body. You and I, and I think even Members of the other side, well, both sides who support this certainly know in their heart of hearts that really things are not going to change that much except they can claim some sort of rationalization later on and say, ''Well, we voted for Shays-Meehan.''

In a couple of years, Common Cause, other organizations, whatever, other Members of the body will be up here saying we have to stop this hole that this mole's head is coming out of; and there will be a great hue and cry, there will be a big battle between both sides and the press will get into this because, remember, in any way, shape or form could we ever stop them. Of course the press is all in favor of reducing our ability or the ability of other people to have an influence and have their say in government; but you never hear them talking about reducing their own freedoms. And I do not want to. There is the first amendment which, of course, is going to make most of Shays-Meehan unconstitutional, anyway. But the reality is this, that we should not be so focused, we should not get carried away, we should not place more emphasis on all this than it warrants, and it warrants very little, because it really, really and truly will not change much except it very well may do exactly what the proponents suggest is the problem today, it may exacerbate that and make people even more cynical about this process.

But I will tell you, Mr. Speaker, that I will be a ''no'' vote on that bill, as I was the last time around. Maybe I should not be, because as an incumbent, maybe we should support this kind of legislation, because it does put more of a burden on somebody else to raise money. After all, I have got the advantage of incumbency, I have got the advantage of name recognition and all the things that come with it; and so maybe I should just vote for this bill because it puts us in a better situation, vis-a-vis some opponent who comes and tries to get elected without the benefit of personal money. Because if you are not personally wealthy, it may be harder for you to get your name out, to get known, to get people to understand your position on issues under this kind of legislation. That is true.

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

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

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

Let me get on for a few more minutes and discuss another topic. Here we are 5 months and 1 day from the tragic events of September 11, 5 months and 1 day in which an enormous amount of activity has occurred. The Nation has gone through a gut-wrenching experience. We have responded in ways and as a result of the leadership of our President; we have really risen to the challenge in many respects. In a little over 5 months, we have deployed American forces halfway around the world, we have stopped and defeated a terrorist regime in Afghanistan, we have probably identified terrorists and stopped actions that would have been taken up to this point in time.

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

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

□ 2100

It is covertly now, overtly in some time to come, and I am completely

supportive of those efforts. But one thing we have failed to do, one horrible, terrible failure, is that we have failed as of this point in time, 5 months and 1 day, we have failed to secure our own borders.

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

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

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

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

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

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

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

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

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

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

I have suggested on more than one occasion a new logo for the INS, on their Web site, printed on all their stationary, a new logo, just a person going like this, Mr. Speaker, a shrug of the shoulders. ''I do not know.'' Because that is all you get from them. ''I am not sure.'' ''I do not know.'' ''How many people? We are not positive.'' ''Where are they? We do not know.'' Let me ask you, do you know how many people are here in the United States who have overstayed their visa? ''Oh, a lot. Millions.'' ''I am not sure.''

After a while you just realize there is not really any purpose to ask, because this the answer you get: ''I do not know.'' ''I am not sure.'' ''I have no idea.''

We think so little of this agency, and it really and truly has been sort of one of those stepchildren that you just go, you know, let us not really pay a lot of attention to it, to the point where we have actually appointed someone as the new Director.

Now, this is a time when, as I say, we are facing an enormous, enormous challenge, not just from the possibility of terrorists coming across the border that we do not know about and we do not know who they are and that sort of thing, coming in here illegally, but we are, of course, in the middle of a flood of illegal immigrants, and that has incredible implications for our society. Infrastructure costs, political, economic, you name it, there are going to be massive implications as a result of the huge numbers of people coming into the United States, both legally and illegally. Yet the INS we know to be incapable of dealing with it, and we have known for some time.

In many ways there are many people in this body who really and truly do not care. They want to kind of cast a blind eye to it, to say, ''Oh, well, that is true. Millions are coming across, but we need the help, we need the labor, we need the people to work in certain areas.'' Plus, of course, there are political issues on the Democratic side of the aisle. They recognize that massive immigration eventually translates into votes for them. On our side of the aisle we believe that massive numbers of low-wage earners and low-skill workers will, of course, keep wages down, supply employers with a large pool of potential workers.

So everybody wants to turn a blind eye, and everybody wants the vote. They want the vote of these people coming in. And so we are afraid. We are very, very uptight about this. It makes us very skittish to talk about immigration reform, about reducing the numbers of illegal immigrants. To talk about trying to do something about illegal immigration makes people skittish, let alone reduce the number of legal immigrants, which I believe firmly we should do.

But, nonetheless, we have chosen to ignore it, to pretend it does not exist, to look the other way for political reasons, and so, therefore, we have not paid much attention to the INS, and we really do not care that they are as incompetent as they are and unwilling to do their job, and we keep giving them money, and they keep, of course, misusing it or transferring it to activities that have nothing to do with enforcement.

We have even gotten to the point, Mr. Speaker, if you can believe this, but we just appointed a new Director, a new Director of the INS. This agency, of course, oversees a budget of $6.8 billion. Thousands of people work for it. It has the responsibility of one of the most serious activities of the Federal Government, one of the few responsibilities that is uniquely Federal Government. We debate education issues

here and welfare issues here, none of which is truly a Federal responsibility, but this area of immigration, that is uniquely Federal.

We take an organization like that, an organization to which we give $6.8 billion, and we appointed an individual as head of it whose only experience in this particular arena in terms of identifying who is coming and going across borders and that sort of thing is who is coming and going in the door of the other body, because it was the Sergeant at Arms for a lot of years. A nice guy, I am sure. He is the head of the INS.

Maybe we should not be too surprised when people in the INS say things like Fred Alexander, Deputy Director for the Immigration and Naturalization Service, publicly told a group of ''undocumented day laborers,'' this is the Deputy Director for INS, talking to a group of illegal aliens, right, who he should, of course, have had arrested, but, no, he is speaking to them, like at a rally. But, of course, they had nothing to worry about. They were, I am sure, all applauding and having a great time, because he said to them, Mr. Speaker, believe it or not, this is on the list we have on our Web site, we have a list called unbelievable but true immigration stories, and some of them I will go through, because they are astounding. Fred Alexander publicly told a group of ''undocumented day laborers'' that ''it is not a crime to be in the U.S. illegally.'' It is not a crime to be in the U.S. illegally. ''It is a violation,'' he says, ''of civil law.''

Oh, heck. Well, gee, you know, I do not know why I was so confused by the words ''law'' and ''legal'' and stuff like that. Here he is, ''Hey, do not worry. It is not against the law. Come on in.'' This is the Deputy Director of the INS.

I mean, this would be a joke. It would be a Saturday Night Live skit. It would be great, wonderful. There are lots of them, believe me. If the producers of Saturday Night Live are looking for any sort of material, just go to our Web site, the immigration reform Web site on our Tancredo Web site, and you will see we have, what have I got here, 54 little vignettes so far, and, believe me, they keep coming in every single day, things just as bizarre as that.

The INS spent $31.2 million on a computer system to track down whether visa holders overstayed their visa. The system does not work. They say they need an additional $57 million for the system. Believe me, if we gave them $570 million, or $5 billion, they could not make it work. It is not the hardware that is the problem here.

So I guess again it would not be surprising that we take the Sergeant at Arms from the other body and make him the head of the INS. Who cares, he is a nice guy, a friend of a lot of people in the other body, and, why not? He probably wanted to be appointed to something. Why not the INS? Certainly we do not care. It is no big issue, no big deal.

Well, Mr. Speaker, it is a big deal. It is a very big deal. And it is incredible almost to me that we treat it with such, I do not know, disdain is not the word, I treat it with disdain because it deserves it, but we treat it in a way that it does not reflect its importance to the Nation.

It should be completely reformed. When I say reformed, Mr. Speaker, I do not mean just some cosmetic attempt to pretend like we have actually separated the two sides out, and now we will have one guy that is just the head of enforcement and one guy the head of the social services.

□ 2115

No, we need something far more than that. Right now, Mr. Speaker, we have to actually reform the INS in a way that means abolishing that part of the INS that does any work in immigration enforcement. We have to take its responsibility away from INS; we have to take the responsibility away from the Coast Guard, from Agriculture, from DEA, from all of the other agencies that presently have some role to play.

By the way, I have been on the border, and I have witnessed firsthand the work that our border folks do, that the Border Patrol does; and to them I give all the credit in the world. They work as hard as they can. It is not their fault. Please do not get me wrong in that there are people listening tonight, Mr. Speaker, that have friends, relatives or are themselves employed by the INS. For the most part, they are doing everything they can. We hear from them every day. People call my office every day. INS, people who are agents and have been agents for 30 years, some of them want to speak without going on the record, some of them are willing to become whistleblowers; but almost to a person, they talk about their frustration in trying to do a job that they are incapable of doing as a result of an incompetent administration, as a result of a whole bunch of stupid rules that this Congress has passed.

Come to think of it, and I am sure it is on here in our list of ''Amazing But True,'' and it goes to show you it is not all entirely the INS that is goofball in this area, as I have described, but other groups play a role. On the INS Web site, one can go to it today, tonight, and one can pull up a temporary visa application form. About the third or fourth question that one has to fill out if one is trying to come into the country is one that says, and I am paraphrasing because I do not have it in front of me, it says, are you a terrorist? Have you ever belonged to an organization that has expressed a desire to commit acts of terror in the United States? Are you a member of the Nazi Party? Did you ever do anything in the concentration camps? Answer yes or no. There is this little box that one checks. And one thinks to themselves, well, okay, goofy as that sounds, maybe we are using that if somebody checked no, but then comes in and does something wrong, we can say, we caught you because you lied on your form. We can make the case that is necessary.

But get this: as a result of a member of the other body, a gentleman from Massachusetts who has been around a long time, and he happens to be also the chairman of the immigration committee in the Senate today, he added a provision in 1990 to this that said, by the way, if you check ''yes'' up here to that question, do not worry, because that is not a reason to keep you out of the United States.

So, as I say, they are confronted with a lot of very, very difficult, the INS, even the people who are trying to do their job, are confronted with a variety of mixed messages. Strange, but true, as I say. Incredible, but true. Please believe me, there are so many stories like that, I do not even know where to begin. But they are all metaphors, in a way. I use them as a metaphor for the whole problem, the whole situation we face.

That one form, that front page of that temporary visitor visa; and here is another one, Mr. Speaker. We were down on the border in El Paso about a month and a half ago, I guess; and we were watching people come through, and we have now set up, and we have paid a lot of money to have a card given to all of the people coming through, especially for just day trips or something like that, and we paid a lot of money for these machines so that the border agent can swipe the card through the machine, and on the screen it will come up and say who this person is, whether or not we know something about them that we do not like. It gives some information and background. Logical. Good idea.

Well, of course, there are so many people coming across, the line goes up over the bridge and into Mexico, and there are literally thousands; I cannot even imagine how many thousands of people were waiting to come across. There are like four or five stations with a Border Patrol agent there. But the crush of humanity is so great that they simply do not swipe the card. The person coming in holds the card up next to their face and walks by, and the agent is like this saying, I am sure that face goes with that card, oh, yes, absolutely. Of course, it is a joke. It is ridiculous. But again, that is a metaphor for the whole system. I am not even saying that this is a bad idea; I am just saying it is another one of those kind of amazing but true things.

But they showed us a door frame. Now, that is all it was, Mr. Speaker, a door frame on wheels. And periodically they would wheel this thing out, and on it in Spanish it is written ''drug-sniffing door frame.'' And they wheel this thing out, and they wait to see if anybody sort of balks at going through it. Excuse me, but the picture always does make me laugh; it is sort of humorous. In a way, listen, they are trying anything. If it works, it works, okay. But it is a metaphor for this

whole system. It is completely and totally shot. This thing does not work, Mr. Speaker. It does not work. The best thing we got going for us is a door frame that says ''automatic drug-sniffing door frame.'' Oh, my goodness.

But the people do try. They are overwhelmed. They are overwhelmed. One of the things they told us while we were down there, the people were really working as hard as they could. They knew that the task ahead of them was incredible. They said, you know, the only thing we ask is please do not do something up there that is going to make this job even more difficult. I said, well, like what? And they said, well, for instance, every time you guys start talking about amnesty for all of the people who are here illegally, they said. Do you know what that does here? I mean, the numbers swell. We are trying to hold back a flood; and if you give amnesty again like we did in 1986, telling everybody who came here illegally, oh, that is all right, all is forgiven, of course the flood turns into a tidal wave. Why would we think anything else? Why would we imagine that that would not be the case? That is exactly what would happen. Yet, we still talk about it here.

The night before we adjourned in the last session, we almost passed an amendment to that visa bill I mentioned earlier, the Feinstein-Kyle bill, that would have been an extension of 245(i), which is legalese for amnesty. We almost did it. Thanks to an outcry by literally thousands of people across this country who e-mailed their Congressman or Congresswoman and told them that they really and truly were not excited about that possibility, thanks to doing that, it was pulled; and we did not, in fact, pass an extension of 245(i).

But, Mr. Speaker, I will tell my colleagues what that is. It is another game. I assure my colleagues that it is going to come up again. I assure my colleagues that there are people here in this body, certainly even in the administration, who are trying to figure out a way, along with the President of Mexico and the Government of Mexico, they are trying to figure out a way to bring back 245(i) extension.

This is wrongheaded for a wide variety of reasons, of course, not the least of which is the fact that we could not possibly in a million years, the agency we presently have that we call the INS, could not begin to handle the flood of applications that they would get almost immediately from people that they will not be able to tell; now, the applications will come in and it will say, yes, I have been here a long time and here are some receipts from my rent and whatever, but of course they could be fake; and we will never know exactly who these people are, because we will not have time to do any background checks.

Just like the last time around, we let so many people in and then the last administration, the Clinton administration, pushed to get as many as they could made citizens as quickly as they could; and we ended up making thousands, if memory serves me right, it was something like 60,000 people became citizens of the United States under that process who were felons, because we did not know about it. We could not find out. We did not have time.

So that is one problem, saying, for instance, that within the next 4 months, everybody who is here illegally, come in, get some paperwork in and we will verify it, quote, ''verify it,'' and if we do, you will be given amnesty and on the road to becoming a citizen.

Mr. Speaker, I believe that citizenship in this country is more important and it means more than simply stepping over a line that separates two countries. There is much more to it than that. We should be much more concerned about who we let in, how many we let in, and what they are coming here for. Like every other country on the planet who understands that it is their sovereign right to actually determine who comes into the country and when, how many, and what for. We have abandoned that for a variety of reasons, some political, some idealistic in terms of what people think the world should look like, a place without borders.

But I can assure my colleagues that the consequences of a borderless society are significant and dramatic. Some of them can be characterized by the kind of events we experienced on September 11. But that is, nonetheless, the elimination of the borders, that is exactly where many people want to go; people here in this body, some people in the administration, certainly people in the administrations of other countries for their own reasons and for their own purposes.

Mr. Speaker, there are many, there are legitimate reasons, there are legitimate debates that can be held about whether or not borders should be eliminated; and I have many times suggested that that be the basis of any debate on the issue of immigration; that everyone, everyone should ask themselves, everyone here, everyone in the United States should ask themselves this question, and try to answer it as honestly as they possibly can: Do you believe that borders are necessary in the Nation? Is there a reason for it? Now, some may say, oh, well, that is silly, of course. No, no, listen. Believe me, there are people who would suggest that borders are not necessary, that they are anachronisms, that they prohibit the free flow of trade, of money, and of people, and therefore should simply be eliminated, as is happening. Frankly, the European Union is based on this model that will essentially eliminate borders and all the things that separate countries, establish a common currency, a new governmental system, a European Parliament, and who knows how far that will go; but that is the new world order. And again, it is a legitimate debate topic, but I just want to have the debate.

I want us in this body to actually enter into a debate on that one very basic idea: Do we need borders or not? If Members come down on the side of wanting borders, needing borders, believing that they are necessary, then, of course, we must decide what that means. If we have a border between a country, what do we do about that? Do we actually defend it? Do we actually try to stop people from coming across without permission? Do we provide resources to make sure that the border is meaningful or not? Because if we do not, then of course we should simply side with the group that says eliminate them. After all, we are spending $6.8 billion in just the INS, let alone all the other agencies that have some responsibility for border enforcement. Let us stop this wasteful expenditure. Let us go ahead and say we do not need borders, we do not want them, we just want people to come and go as they please and not spend the money on borders.

Now, I happen to be totally opposed to that concept, but there are people in this body who believe in it. The people at the Cato Institute, a very influential think tank here in this town, who believe in it.

There are, as I said before, there are members of the administration, there are people we have spoken in other countries, specifically Mexico, who absolutely believe in it. One member of the Mexican Government, a gentleman by the name of Juan Hernandez, he is appointed to the newest agency, just been created, and it is a cabinet level agency in Mexico, and his title translates into something like Minister in Charge of Mexicans Living Outside of Mexico.

□ 2130

Interesting job. Interesting job title.

Mr. Hernandez happens to be, by the way, an American citizen and also a Mexican citizen. He lives part of the time in Texas and part of the time in Mexico City. He was a teacher at a college in Mexico and a very, very interesting gentleman. Very pleasant individual to speak to, very intelligent. He has a great command of the language. He is a good representative of his particular point of view.

In our discussions when we were in Mexico, several Members and I were meeting with him, and he kept using the word ''migration'' to describe this process of people coming across the border. By the way, that is typical. Many, many people today have chosen to use the word ''migration'' to explain the phenomena of people coming across the border into the United States at their will. And so I always stop people when they are doing that, and I stopped this gentleman at the time and I said, you are like many people who talk about this, but you are really incorrectly using the word ''migration.'' It is not migration. Migration is when

people move through a country, but when they reach the border of that country and cross it, it is called immigration, and when they do so without the permission of the host country to which they are coming, it is called illegal immigration.

Mr. Hernandez turned to me and the other two Members that were with me and said, Congressman, we are really not talking about two countries here. It is just a region. It is just a region. That was a very, very interesting statement, and a very candid one on his part. And that is what I appreciate about Mr. Hernandez. He was up front with us the whole time. He essentially agreed with the proposition that the United States public policy is. He understands it is made as a result of voting blocs. He wants public policy in the United States to change vis-a-vis Mexico. How do you do that?

Well, you have millions of people here in the United States who have cultural and linguistic ties to Mexico and who will vote for a policy shift in the United States. I mean, he was absolutely clear about it. This is not just some sort of, I do not know, hypothetical that he was talking about. It is not a conspiracy with deep, dark secrets. He was explaining exactly. It is a very logical political strategy if you think about it.

There was a time especially in Mexico that people leaving Mexico were thought of in derogatory and spoken of derogatorily as people who were abandoning their homes, but that has changed. But now they are encouraged, in fact, to do so, but remain connected somehow linguistically, politically to Mexico.

These are interesting facets of the problem we face, and they are part of what should be the debate that goes on in this body and throughout the country over whether or not we should eliminate borders. But if we are going to maintain borders, or at least the facade of a border, then it behooves us, I think, Mr. Speaker, to try and do everything we can to provide integrity to the process.

The first thing we need to do is abolish the INS or that portion of it that deals with enforcement. The first thing we need to do is create a brand new, a brand new agency. We can call it a lot of things. I would suggest that it would be something that would be attached to Governor Ridge's Office of Homeland Security. But whatever we do, we need a brand new structure, one that has a clear line of authority, that has a singleness of purpose, that is given the resources necessary.

We should take away the responsibility from Customs and from the Agricultural Department and all the other agencies that now get in each other's way essentially at the border trying to do their job which sometimes conflicts with the other agencies' jobs and makes it easier for people to come across the border here.

Here is another one of those amazing but true things I was telling you about earlier, Mr. Speaker, another interesting point. Because we have so many different agencies handling our border security, they are assigned each one of stations that people are coming through in their cars. One may be run by Customs. One may be run by Agriculture. One may be run by INS, but each of them have different responsibilities, and different ways of dealing with the issue, and different questions they ask and different things they are looking for.

So people actually will sit on the hills observing this situation down on the border, people coming through; and they will watch through binoculars to see which line is being managed by which agencies. And if you are smuggling people in, you will want to come in through this line. And if you are smuggling drugs through, you will want to come through that line because they have a different sort of emphasis. Amazing, but true.

We have to stop that. We have to combine the agencies, take the responsibilities away and create a brand new one. That is not easy to do here. As you know, Mr. Speaker, this body and the government is not set up to allow tough issues to advance very far. Everybody gets very jealous, very, very guarded about their little kingdom, their little piece of the action here. So when recently Governor Ridge and his staff developed a white paper on border security, and it said that we needed to do exactly what I have just described, it said we must take all of these responsibilities away from the other agencies, we must create one new agency with a singleness of purpose, a clear line of authority and all the rest of it, it set off a firestorm of protest. I think that is the way the article characterized it, a firestorm of protests within the administration, within all the agencies that would be affected.

So we called over there. My office called the Office of Homeland Security; and we said, we were reading an article in the New York Times about this white paper. They said, we do not know what you are talking about. They are taking on the INS logo. I do not know. I am not sure. And we do not know. We said we are reading, we have a white paper that talks about how we should create the new border control agency. They said, no, no, it is all theoretical. Nothing is on paper. Of course, that is not true.

As a matter of fact, maybe I am breaking the news here to the Office of Homeland Security, but the paper is out. The media has it. The one you say does not exist exists. So you might as well 'fess up to it and let us get on with it. Let us try to do it regardless of whether or not the INS gets mad, regardless of whether or not the Department of Agriculture gets mad, regardless of whether or not Treasury gets upset because some sort of their little bailiwick will be affected. Who cares? Who cares?

The job of this body is not to protect any particular agency. The job of this body is to protect the United States of America. And it is impossible to do in this way on the particular system we have created and it is being maintained.

So now we are seeing one or two bills that will come to the floor, and we will try to tinker with it and pretend the rest of it is not a problem. And if we separate the agency into the two parts, enforcement and social services, everything will be okay. But it will not, Mr. Speaker. It will not be okay at all.

The problems will remain, and what we will have done here so many times is create an illusion, created an illusion. We have fixed the problem with INS, we will say. It will not be fixed. People will still stream across the border illegally. Thousands upon thousands of people will be here. Right now there are at least 300,000 people who are here in this country who have been ordered deported. They have actually somehow gotten arrested.

Now, be sure and understand, Mr. Speaker, we are not talking about people who overstayed their visa and we somehow found out about it. I mean, the INS was out there doing their job and said, you know what? I think so-and-so may have overstayed their visa. Let us go find them. No. No. That is not what happened, of course.

What happened was so-and-so violated a law, broke a law, broke some other law. They violated one law because they overstayed their visa, but then many times they also robbed somebody, they raped somebody, they murdered somebody, whatever, but they have been found. They have been brought to trial.

Mr. Speaker, I ask my colleagues to once again consider the importance of this issue of immigration reform and treat it with the respect that it deserves and do not just create another illusion.

RECESS

The SPEAKER pro tempore (Mr. CANTOR). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2207

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CANTOR) at 10 o'clock and 7 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER AMENDMENTS TO H.R. 2356, CAMPAIGN REFORM ACT OF 2001

Mr. SHAYS. Mr. Speaker, pursuant to House Resolution 344, I hereby announce my intention that the following amendments be offered by the following designees: Amendment No. 10 to

be offered by the gentlewoman from West Virginia (Mrs. CAPITO); Amendment No. 11 to be offered by the gentleman from Texas (Mr. GREEN); and Amendment No. 12 to be offered by the gentleman from Tennessee (Mr. WAMP).

In addition, we have provided an amendment in the nature of a substitute to H.R. 2356 as reported, offered by myself and the gentleman from Massachusetts (Mr. MEEHAN).

CAMPAIGN FINANCE REFORM

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

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MEEHAN).

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

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Speaker, I concur with these substitutes and amendments. I thank the gentleman from Connecticut and members of the Republican Conference who have worked diligently over a period of the last several months on this bill. I think we have an historic opportunity to make a fundamental change in the way elections in America are carried out. I thank the gentleman for his cooperation. I also thank the minority leader, the gentleman from Missouri (Mr. GEPHARDT), and all of the Members from both sides of the aisle who have been part of this historic process over the last few months.

Mr. SHAYS. Mr. Speaker, I thank the members of the Democratic Caucus who have worked so diligently on this for so many years, and also to thank the gentleman from Missouri (Mr. GEPHARDT), and the gentleman from Illinois (Mr. HASTERT) for acknowledging the petition of 218 Members and allowing this to proceed under the spirit of the petition, but basically without having to call it out on a particular second or fourth Monday. We thank the leadership on both sides of the aisle.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0034

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CANTOR) at 12 o'clock and 34 minutes a.m.

ANNOUNCEMENT OF INTENTION TO OFFER AMENDMENTS TO H.R. 2356, CAMPAIGN REFORM ACT OF 2001

Mr. SESSIONS. Mr. Speaker, pursuant to the House Resolution 344 and the latter order of the House today, I rise as the designee of the majority leader to announce the following amendments:

If H.R. 2356 is the original bill, for the purpose of further amendments I hereby announce amendment 15 through amendment 24.

If the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) becomes the original bill, for the purpose of further amendment I hereby announce amendment 25 through amendment 34.

If the amendment in the nature of a substitute offered by the majority leader becomes the original bill, for the purpose of further amendment I hereby announce amendment 35 through amendment 44.

If the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. NEY) becomes the original bill, for the purpose of further amendment I hereby announce amendment 45 through 54.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

January 24, 2002:

H.R. 3392. An act to name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

January 23, 2002:

H.R. 2884. An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

H.R. 3447. An act to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.

January 17, 2002:

H.R. 2873. An act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

January 16, 2002:

H.R. 1088. An act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes.

H.R. 2277. An act to provide for work authorization of nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2336. An act to extend for 4 years, through December 31, 2005, the authority to redact financial disclosure statements of judicial employees and judicial officers.

H.R. 2751. An act to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public.

January 16, 2002:

H.R. 3030. An act to extend the basic pilot program for employment eligibility verification, and for other purposes.

H.R. 3248. An act to designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the ''Todd Beamer Post Office Building''.

H.R. 3334. An act to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

H.R. 3346. An act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3348. An act to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

January 11, 2002:

H.R. 2869. An act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

January 10, 2002:

H.R. 2506. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3061. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3338. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

January 8, 2002:

H.R. 1. An act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 643. An act to reauthorize the African Elephant Conservation Act.

H.R. 645. An act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

H.R. 2657. An act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the

Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

December 28, 2001:

H.R. 2883. An act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3442. An act to establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, DC, and for other purposes.

December 27, 2001:

H.R. 483. An Act regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.

H.R. 1291. An Act to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 2559. An Act to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

H.R. 3323. An Act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

December 21, 2001:

H.R. 10. An Act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

H.R. 1230. An Act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

H.R. 1761. An Act to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the ''Herb Harris Post Office Building''.

H.R. 2061. An Act to amend the charter of Southeastern University of the District of Columbia.

H.R. 2540. An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 2716. An Act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

H.R. 2944. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

H.J. Res. 79. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H.J. Res. 80. Joint Resolution appointing the day for the convening of the second session of the One Hundred Seventh Congress.

December 18, 2001:

H.J. Res. 71. Joint Resolution amending title 36, United States Code, to designate September 11 as Patriot Day.

H.R. 717. An Act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

H.R. 1766. An Act to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the ''Stan Parris Post Office Building''.

H.R. 2261. An Act to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office''.

H.R. 2299. An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2454. An Act to redesignate the facility of the United States Postal Service located at 5472 Crewshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office''.

December 15, 2001:

H.J. Res. 78. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

December 14, 2001:

H.R. 2291. An Act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

December 7, 2001:

H.J. Res. 76. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

November 28, 2001:

H.R. 1042. An Act to prevent the elimination of certain reports.

H.R. 1552. An Act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2330. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2500. An Act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2924. An Act to provide authority to the Federal Power Marketing Administration to reduce vandalism and destruction of property, and for other purposes.

November 26, 2001:

H.R. 2620. An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

November 20, 2001:

H.R. 768. An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

November 17, 2001:

H.J. Res. 74. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

SENATE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution (of the Senate) of the following titles:

January 15, 2002:

S. 1202. An Act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

S. 1714. An Act to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building.

S. 1741. An Act to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 1793. An Act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

January 4, 2002:

S. 1789. An Act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

December 28, 2001:

S. 1438. An Act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

December 21, 2001:

S. 494. An Act to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

S. 1196. An Act to amend the Small Business Investment Act of 1958, and for other purposes.

S.J. Res. 26. Joint Resolution providing for the appointment of Patricia Q. Stonesifer as citizen regent of the Board of Regents of the Smithsonian Institution.

December 12, 2001:

S. 1459. An Act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''.

S. 1573. An Act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

November 19, 2001:

S. 1447. An Act to improve aviation security, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of airplane equipment problems.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. TOOMEY, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 82. Joint resolution recognizing the 91st birthday of Ronald Reagan.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 737. An act to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the ''Joseph E. Dini, Jr. Post Office''.

S. 970. An act to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the ''Horatio King Post Office Building''.

S. 1026. An act to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building''.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes a.m.), the House adjourned until today, Wednesday, February 13, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5457. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—1,2–Ethanediamine, Polymer with Methyl Oxirane and Oxirane; Tolerance Exemption [OPP–301214; FRL–6821–9] (RIN: 2070–AB78) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5458. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tetraethoxysilane Polymer with Hexamethyldisiloxane; Tolerance Exemption [OPP–301216; FRL–6822–4] (RIN 2070–AB78) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5459. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Housing Assistance Payments Program-Contract Rent Annual Adjustment Factors, Fiscal Year 2002 [Docket No. FR–4715–N–01] received February 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5460. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption of Transactions in Certain Options and Futures on Security Indexes from Section 31 of the Exchange Act [Release No. 34–45371] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5461. A letter from the Acting General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Child-Resistant Packaging for Certain Over-the-Counter Drug Products; Correction—received February 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5462. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Integrated Safety Management System Guide—received February 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5463. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revisions to the Ozone Maintenance Plan for the Huntington-Ashland Area [WV059–6018; FRL–7141–1] received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5464. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Reinstatement of Redesignation of Area for Air Quality Planning Purposes; Kentucky Portion of the Cincinnati-Hamilton Area [KY–116; KY–119–200214a; FRL–7141–9] received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5465. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 0147–1147; FRL–7141–7] received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5466. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation plans; State of Missouri [MO 0148–1148; FRL–7141–6] received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5467. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Final Amendments Rule) [FRL–7143–4] (RIN: 2050–AE79) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5468. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAP: Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Interim Standards Rule) [FRL–7143–3] (RIN: 2050–AE79) received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5469. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 071–0 309; FRL–7134–2] received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5470. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA246–0313; FRL–7137–6] received February 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5471. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Huntsville, La Porte, Nacogdoches, and Willis, Texas, and Lake Charles, Louisiana) [MM Docket No. 01–31, RM–10035] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5472. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Grants, Milan, and Shiprock, New Mexico) [MM Docket No. 01–118, RM–10106]; (Van Mert and Columbus Grove, Ohio) [MM Docket No. 01–119, RM–10127]; (Lebanon and Hamilton, Ohio and Fort Thomas, Kentucky)[MM Docket No. 01–122, RM–10130] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5473. A letter from the Deputy Chief Financial Officer, National Aeronautics and Space Administration, transmitting the Administration's report on mixed waste, pursuant to 42 U.S.C. 6965; to the Committee on Energy and Commerce.

5474. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Republic of Korea for defense articles and services (Transmittal No. 02–09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5475. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5476. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–267, ''Housing Act of 2002'' received February 12, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5477. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5478. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Privacy Act; Implementation (RIN: 1901–AA69) received February 1, 2002; to the Committee on Government Reform.

5479. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Empower Procurement Officials and Miscellaneous Technical Amendments [FRL 7128–7] received January 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5480. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–220–FOR] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5481. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Alabama Regulatory Program [AL–071–FOR] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5482. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Individual Civil Penalties—Change of Address for Appeals (RIN: 1029–AC02) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5483. A letter from the Director, Foreign Terrorist Tracking Task Force, Department of Justice, transmitting the Department's final rule—Provision of Aviation Training to Certain Alien Trainees—received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5484. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Flight Operational Quality Assurance Program [Docket No. FAA–2000–7554; Amendment No. 13–30] (RIN: 2120–AF04) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5485. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Dayton, TN [Airspace Docket No. 01–ASO–13] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5486. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Peninsula Regional Medical Center Heliport, Fruitland, MD [Airspace Docket No. 01–AEA–23FR] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5487. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, Iron Mountain, CA [Airspace Docket No. 01–AWP–27] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5488. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Dayton, TN [Airspace Docket No. 01–ASO–13] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5489. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, Bristol Mountains, CA [Airspace Docket No. 01–AWP–28] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5490. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30286; Amdt. No. 2085] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5491. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30287; Amdt. No. 2086] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5492. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30285; Amdt. No. 2084] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5493. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30288; Amdt. No. 2087] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5494. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 2000–NM–280–AD; Amendment 39–12565; AD 2001–26–01] (RIN 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5495. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce, plc RB211 Trent 800 Series Turbofan Engines [Docket No. 98–ANE–33–AD; Amendment 39–12575; AD 2001–26–11] (RIN: 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5496. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, and –40 Series Airplanes and C–9 Airplanes [Docket No. 2001–NM–104–AD; Amendment 39–12542; AD 2001–24–25] (RIN: 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd Models PC–12 and PC–12/45 Airplanes [Docket No. 2000–CE–77–AD; Amendment 39–12563; AD 2001–25–10] (RIN: 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 Series Airplanes and Model A300 B4–2C, B4–103, and B4–203 Series Airplanes [Docket No. 2000–NM–247–AD; Amendment 39–12572; AD 2001–26–08] (RIN: 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002–NM–01–AD; Amendment 39–12608; AD 2002–01–14] (RIN: 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2001–NM–383–AD; Amendment 39–12577; AD 2001–26–51] (RIN: 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arrius 1A Turboshaft Engines [Docket No. 2001–NE–41–AD; Amendment 39–12593; AD 2002–01–02] (RIN: 2120–AA64) received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5502. A letter from the Secretary, Department of Health and Human Services, transmitting the progress on the Department's report that was due on August 5, 2001 regarding the findings from a study of the quality and cost of providing Program of All-inclusive Care for the Elderly (PACE) program services as a permanent Medicare program and a Medicaid State plan option and a study of a demonstration of PACE using for-profit providers, pursuant to 42 U.S.C. 1395eee note. Pub.L. 105—33 section 4804 (b)(1) (111 Stat. 551); jointly to the Committees on Ways and Means and Energy and Commerce.

5503. A letter from the Director, Office of Management and Budget, transmitting a report that identifies accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HASTINGS of Florida:

H.R. 3714. A bill to amend the Immigration and Nationality Act to facilitate entry into the United States by nonimmigrant aliens for brief temporary stays for the serious illness or death of a member of the alien's immediate family; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 3715. A bill to amend section 4531(c) of the Balanced Budget Act of 1997 to permit payment for ALS intercept services furnished in areas other than rural areas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. GOODLATTE:

H.R. 3716. A bill to amend title 18, United States Code, to provide a defense against certain criminal prosecutions for interactive computer service providers; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. OXLEY, Mr. GILLMOR, Mr. LEACH, Mrs.

ROUKEMA, Mr. ROYCE, Mr. NEY, Mr. KING, Mr. WELDON of Florida, Mr. RILEY, Mr. JONES of North Carolina, Mr. MANZULLO, Mr. TIBERI, Mrs. BIGGERT, Mr. THUNE, and Ms. HART):

H.R. 3717. A bill to reform the Federal deposit insurance system, and for other purposes; to the Committee on Financial Services.

By Mrs. BONO:

H.R. 3718. A bill to authorize a right-of-way through Joshua Tree National Park, and for other purposes; to the Committee on Resources.

By Mrs. DAVIS of California (for herself, Mr. EVANS, and Mr. REYES):

H.R. 3719. A bill to amend title 38, United States Code, to increase maximum the amount of a home loan guarantee available to a veteran; to the Committee on Veterans' Affairs.

By Mr. FALEOMAVAEGA:

H.R. 3720. A bill to require the National Oceanic and Atmospheric Administration to establish a tsunami hazard mitigation program for all United States coastal States and insular areas; to the Committee on Resources.

By Mr. GEKAS:

H.R. 3721. A bill to amend the Federal Election Campaign Act of 1971 to require the Federal Election Commission to establish and administer an escrow account for certain campaign contributions that a political committee intends to return to the contributor, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, 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 Ms. HART:

H.R. 3722. A bill to require the Director of the Office of Management and Budget to include an outlying county in a metropolitan statistical area if the county meets certain requirements; to the Committee on Government Reform.

By Ms. HART:

H.R. 3723. A bill to direct the Secretary of the Army to establish a program to provide environmental assistance to non-Federal interests in western Pennsylvania, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY:

H.R. 3724. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are active members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 3725. A bill to require disclosure of the sale of securities by insiders of issuers of the securities to be made available to the Commission and to the public in electronic form before the transaction is conducted, and for other purposes; to the Committee on Financial Services.

By Mr. OXLEY:

H.R. 3726. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. MCHUGH, Mr. SAXTON, Mr. GREEN of Wisconsin, Mr. PICKERING, Mr. WALSH, Mr. THOMPSON of California, Mr. STUPAK, and Mr. ROSS):

H.R. 3727. A bill to direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; to the Committee on Resources.

By Mr. REHBERG:

H.R. 3728. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Mr. NEY, Ms. DEGETTE, Mrs. MORELLA, Mr. CROWLEY, Ms. WATERS, Mr. MCNULTY, Mr. BLAGOJEVICH, Mr. TOWNS, Mr. WYNN, Mr. WAXMAN, Mr. SCHIFF, Mr. PASCRELL, Mr. GREEN of Texas, Mr. STUPAK, Mr. FROST, Ms. ESHOO, Mr. RUSH, Mr. EVANS, Mr. DOOLEY of California, Mr. CONYERS, Mr. OWENS, Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. LAFALCE, and Mr. BRADY of Pennsylvania):

H.R. 3729. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the Medicaid and State children's health insurance program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 3730. A bill to expand educational opportunities for recipients of assistance under the program of block grants to States for temporary assistance for needy familiies; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. PITTS (for himself, Mr. HYDE, and Mr. LANTOS):

H. Con. Res. 324. Concurrent resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States; to the Committee on International Relations. considered and agreed to.

By Mr. NEY (for himself, Mr. HOYER, Mr. LATOURETTE, Mr. FROST, Mr. GILMAN, Mr. FATTAH, Mr. CANNON, Mr. DAVIS of Florida, Mr. LANTOS, and Mr. CANTOR):

H. Con. Res. 325. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration. considered and agreed to.

By Mr. CAMP (for himself, Mr. ROGERS of Michigan, and Mr. KNOLLENBERG):

H. Con. Res. 326. Concurrent resolution commending the National Highway Traffic Safety Administration for their efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week; to the Committee on Transportation and Infrastructure. considered and agreed to.

By Mr. WEXLER (for himself, Mr. CRENSHAW, Mr. MORAN of Virginia, and Mr. FOLEY):

H. Con. Res. 327. Concurrent resolution commending the Republic of Turkey and the State of Israel for the continued strengthening of their political, economic, cultural, and strategic partnership and for their actions in support of the war on terrorism; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 128: Mr. SABO and Ms. MCCOLLUM.
H.R. 133: Ms. ESHOO.
H.R. 183: Mrs. CAPPS.
H.R. 232: Mr. BOSWELL.
H.R. 536: Mr. MARKEY.
H.R. 600: Mr. CALVERT, Mr. THOMPSON of California, Ms. LOFGREN, and Mr. KOLBE.
H.R. 633: Ms. MCCOLLUM.
H.R. 658: Mr. KERNS.
H.R. 826: Mr. HALL of Texas.
H.R. 832: Mr. VITTER and Mr. FORBES.
H.R. 876: Mr. COYNE and Mr. SIMPSON.
H.R. 902: Mr. HOLT and Mr. LEWIS of Kentucky.
H.R. 912: Mrs. JOHNSON of Connecticut.
H.R. 914: Mr. COX.
H.R. 952: Mr. COSTELLO.
H.R. 997: Mr. KILDEE.
H.R. 1097: Mr. PASTOR.
H.R. 1109: Mr. THORNBERRY, Mr. COBLE, Mr. CANNON, and Mr. BOOZMAN.
H.R. 1110: Mr. PLATTS.
H.R. 1116: Mr. PALLONE and Mr. FRELINGHUYSEN.
H.R. 1155: Ms. MCCOLLUM.
H.R. 1214: Ms. PRYCE of Ohio.
H.R. 1262: Mr. LYNCH.
H.R. 1265: Mr. DEFAZIO.
H.R. 1304: Mr. SOUDER.
H.R. 1331: Mr. BURTON of Indiana.
H.R. 1360: Mr. DELAHUNT and Mr. GRUCCI.
H.R. 1433: Mrs. MINK of Hawaii.
H.R. 1434: Mr. DELAHUNT.
H.R. 1436: Mr. CLEMENT.
H.R. 1460: Mr. YOUNG of Alaska.
H.R. 1474: Mr. CALVERT.
H.R. 1475: Mr. HOLDEN, Mr. ENGEL, Mr. NEAL of Massachusetts, and Mr. HINOJOSA.
H.R. 1520: Ms. MCCOLLUM, Ms. VELAZQUEZ, Ms. PELOSI, Mr. MARKEY, Mr. UDALL of New Mexico, Mr. KENNEDY of Rhode Island, Mr. LEACH, Mr. THOMPSON of California, Ms. LOFGREN, and Ms. MCCARTHY of Missouri.
H.R. 1522: Mrs. JONES of Ohio.
H.R. 1581: Mr. PETERSON of Minnesota.
H.R. 1582: Mr. TOWNS.
H.R. 1609: Mr. CAMP and Mr. HALL of Ohio.
H.R. 1613: Mr. PASCRELL.
H.R. 1701: Mr. LINDER.
H.R. 1711: Mr. SIMPSON.
H.R. 1759: Mr. PASTOR.
H.R. 1759: Mr. PENCE, Mr. EHLERS, Mr. WYNN, Ms. PRYCE of Ohio, Mr. GORDON, and Mr. PETERSON of Pennsylvania.
H.R. 1796: Mr. TRAFICANT and Mr. JEFFERSON.
H.R. 1904: Mr. GONZALEZ, Mr. MCDERMOTT, and Mr. WAXMAN.
H.R. 1935: Mr. PALLONE, Mr. MEEHAN, Mr. KERNS, Mr. TURNER, Mr. PAYNE, Mr. KILDEE, Mr. CAPUANO, Mr. HORN, Mr. POMEROY, and Mr. BERRY.
H.R. 1943: Ms. ROS-LEHTINEN.
H.R. 1951: Mr. DOYLE.
H.R. 1956: Mr. STUMP, Mr. BLUMENAUER, and Mr. FORBES.
H.R. 1978: Mr. PAUL.
H.R. 1979: Mr. WILSON of South Carolina.
H.R. 2108: Mr. ANDREWS.
H.R. 2125: Mr. SAWYER, Mr. WILSON of South Carolina, Ms. LOFGREN, Mr. MASCARA, Mr. SESSIONS, Mr. AKIN, and Mr. LEWIS of Kentucky.
H.R. 2148: Mr. BRADY of Pennsylvania.
H.R. 2219: Mrs. MORELLA and Ms. ROS-LEHTINEN.
H.R. 2254: Mr. WYNN and Mr. KENNEDY of Rhode Island.
H.R. 2258: Mr. KENNEDY of Rhode Island.
H.R. 2349: Mr. CLYBURN and Mr. DOYLE.
H.R. 2357: Mr. PENCE.
H.R. 2380: Mr. FRANK, Mr. KILDEE, and Mr. DINGELL.
H.R. 2521: Mr. WYNN, Mr. CUNNINGHAM, Mr. KILDEE, Mr. TIAHRT, and Mr. KNOLLENGERG.
H.R. 2570: Mrs. MORELLA, Ms. ROYBAL-ALLARD, and Mr. KILDEE.
H.R. 2592: Mr. FARR of California.
H.R. 2611: Mr. BROWN of Ohio.
H.R. 2613: Mr. KENNEDY of Rhode Island.
H.R. 2627: Ms. WATSON.
H.R. 2692: Mr. DINGELL, Mr. BISHOP, and Mr. LYNCH.

H.R. 2787: Mr. MCGOVERN, Mr. KUCINICH, Ms. NORTON, and Mr. BRADY of Pennsylvania.

H.R. 2820: Mr. SCHIFF and Mr. LARSEN of Washington.

H.R. 2868: Mr. STUPAK and Mrs. MEEK of Florida.

H.R. 2908: Mr. LYNCH.

H.R. 2957: Mr. CALVERT.

H.R. 3113: Mr. BECERRA, Mr. RUSH, Mr. RODRIGUEZ, and Mr. SANDERS.

H.R. 3185: Mr. PRICE of North Carolina.

H.R. 3231: Mr. SUNUNU, Mr. PENCE, Mr. CALVERT, and Mr. GILLMOR.

H.R. 3233: Mr. SERRANO and Mr. GUTIERREZ.

H.R. 3246: Mr. CAMP, Mr. KENNEDY of Rhode Island, and Mr. PLATTS.

H.R. 3267: Mr. NADLER.

H.R. 3280: Mr. KILDEE.

H.R. 3305: Mr. SHAYS, Ms. SCHAKOWSKY, Mr. WALSH, and Mr. BACHUS.

H.R. 3321: Ms. ROS-LEHTINEN, Mr. UNDERWOOD, Ms. BROWN of Florida, and Mr. PUTNAM.

H.R. 3337: Ms. WATSON, Mr. PASCRELL, Mr. TURNER, Mr. LUCAS of Kentucky, and Mr. FRANK.

H.R. 3389: Mr. GRUCCI, Mr. DEUTSCH, Mr. MCHUGH, Mr. ACKERMAN, Mr. HORN, Mr. RANGEL, Mrs. MEEK of Florida, and Mr. ANDREWS.

H.R. 3414: Mr. BAIRD and Mr. BRADY of Pennsylvania.

H.R. 3424: Mr. CLAY, Mr. MCHUGH, Mr. WALSH, Mr. STEARNS, and Ms. KAPTUR.

H.R. 3431: Ms. BALDWIN, Mr. BLAGOJEVICH, Mr. SHAW, Mr. DOYLE, Mr. PASTOR, and Mr. BLUNT.

H.R. 3443: Ms. HART and Mr. KILDEE.

H.R. 3462: Mr. DOYLE, Mr. PASTOR, Mr. LANGEVIN, and Ms. ROS-LEHTINEN.

H.R. 3473: Mr. GUTKNECHT and Mrs. CUBIN.

H.R. 3478: Mr. FALEOMAVAEGA.

H.R. 3512: Mr. STENHOLM.

H.R. 3524: Ms. LOFGREN.

H.R. 3532: Mr. LYNCH.

H.R. 3594: Mr. STUPAK and Mrs. MALONEY of New York.

H.R. 3618: Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, and Mr. BISHOP

H.R. 3630: Mr. DEUTSCH.

H.R. 3640: Mr. MCDERMOTT and Mr. BALDACCI.

H.R. 3642: Ms. RIVERS and Mr. ABERCROMBIE.

H.R. 3657: Mr. HASTINGS of Florida, Mr. KILDEE, Mr. BALDACCI, Mr. LIPINSKI, and Mr. PALLONE.

H.R. 3661: Mr. DOYLE, Mr. ROGERS of Michigan, Mr. EHRLICH, Mr. REYNOLDS, and Mr. GILLMOR.

H.R. 3670: Mr. LANGEVIN, Mrs. THURMAN, Mr. BRADY of Pennsylvania, Mr. PRICE of North Carolina, Mr. KLECZKA, Mr. FORD, Mr. MCNULTY, Mr. DOOLEY of California, Mr. SAWYER, Mr. CARSON of Oklahoma, Mr. MOORE, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIND, Mr. REYES, Mr. FRANK, Mr. HINOJOSA, Mr. VISCLOSKY, Mr. KANJORSKI, Ms. HARMAN, and Ms. KILPATRICK.

H.R. 3685: Mr. HEFLEY.

H.R. 3686: Mr. SOUDER, Mr. BARCIA, and Mr. BURTON of Indiana.

H.R. 3698: Mr. HOEKSTRA.

H.R. 3710: Mr. GORDON.

H.R. 3713: Mr. HANSEN, Mr. PAUL, Mr. SHIMKUS, Mr. DOYLE, Mr. TIBERI, and Mr. CANTOR.

H.J. Res. 6: Mr. MEEKS of New York.

H.J. Res. 23: Mrs. MYRICK.

H. Con. Res. 77: Mr. PALLONE, Mr. BROWN of Ohio, and Ms. WATSON of California.

H. Con. Res. 177: Mr. KILDEE and Mr. UNDERWOOD.

H. Con. Res. 180: Ms. CARSON of Indiana and Mr. SMITH of Washington.

H. Con. Res. 216: Mr. PASTOR, Mr. FROST, and Mr. CLAY.

H. Con. Res. 220: Mr. KERNS.

H. Con. Res. 265: Mr. POMEROY, Ms. GRANGER, Mr. PENCE, and Mr. SESSIONS.

H. Con. Res. 304: Mr. MEEKS of New York, Mr. JEFFERSON, Mr. LANTOS, Mr. RANGEL, Mr. WYNN, Mr. HASTINGS of Florida, and Mr. CONYERS.

H. Con. Res. 311: Mr. MCNULTY, Mr. FROST, Mr. BARR of Georgia, Mr. CUNNINGHAM, Ms. HOOLEY of Oregon, and Mr. KILDEE.

H. Con. Res. 313: Mr. SMITH of Michigan.

H. Res. 197: Mr. BURTON of Indiana.

H. Res. 225: Mr. BRYANT and Mr. MEEKS of New York.

H. Res. 265: Mr. BARTLETT of Maryland, Mr. FLAKE, Mr. CHABOT, Mr. SAM JOHNSON of Texas, Mr. SHADEGG, Mr. TOOMEY, Ms. HART, Mr. GUTKNECHT, Mr. TANCREDO, Mr. PITTS, Mr. AKIN, Mr. HERGER, Mr. HILLEARY, Mr. DEMINT, and Mr. WILSON of South Carolina.

H. Res. 339: Mr. HOYER, Mr. BALLENGER, Mr. BEREUTER, Mr. PENCE, Mr. BLAGOJEVICH, and Mr. KING.

H. Res. 346: Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. SHIMKUS, Mr. PICKERING, Mr. SMITH of New Jersey, Mr. MOLLOHAN, Mr. DEMINT, Mr. FORBES, Mr. SCHAFFER, Mr. RYUN of Kansas, Mr. WYNN, Mr. BRADY of Pennsylvania, Mr. SHOWS, Mr. TIBERI, Mr. MANZULLO, and Mr. TIAHRT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2356

OFFERED BY: MR. FLAKE

[Shays Substitute]

AMENDMENT NO. 4: Add at the end the following new title:

TITLE VI—DISCLOSURE OF EXEMPT IN-KIND MEDIA EXPENDITURES

SEC. 601. DISCLOSURE OF EXEMPT IN-KIND MEDIA EXPENDITURES

(a) DISCLOSURE REQUIRED FOR EXEMPT IN-KIND MEDIA EXPENDITURES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 103, 201, 212, and 309(b), is further amended by adding at the end the following new subsection:

''(i) REQUIRING BROADCASTER DISCLOSURE OF EXPENDITURES FOR VOLUNTARY PERSONAL APPEARANCES BY FEDERAL CANDIDATES.—

''(1) IN GENERAL.—A broadcast network or station which is a corporate media outlet shall file a disclosure report under this subsection with respect to each media expenditure communication described in paragraph (2) (including a communication described in such paragraph which is rebroadcast by the network or station). For purposes of this paragraph, a broadcast network shall be considered to have aired such a communication if the network or any station affiliated with the network airs the communication.

''(2) MEDIA EXPENDITURE COMMUNICATION DESCRIBED.—A media expenditure communication described in this paragraph is a broadcast, cable, or satellite communication—

''(A) which features or depicts a clearly identified candidate for Federal office in a voluntary appearance by the candidate (including but not limited to an interview with the candidate); and

''(B) which is aired by the network or station during the 60-day period (or, in the case of a primary election, during the 30-day period) which ends on the date of the election for the office sought by the candidate.

''(3) DEADLINE FOR FILING DISCLOSURE REPORT.—Reports under this subsection shall be filed with the Commission not later than 10 days after the network or station airs the media expenditure communication involved.

''(4) CONTENTS OF REPORT.—A report filed by a broadcasting network or station under this subsection with respect to a media expenditure communication shall contain the following information:

''(A) The identification of the network or station.

''(B) The name of candidate featured or depicted in the communication.

''(C) The date on which the communication aired and the duration of the appearance of the candidate in the communication, including the appearance of the candidate in any promotional communications aired by the network or station with respect to the communication.

''(D) The value of the exempt in-kind media expenditure (as calculated in accordance with paragraph (5)) derived from the airing of the communication, itemized separately (in the case of a network) by each station affiliated with the network.

''(E) All other costs and expenses paid by the network or station which are associated with the appearance of the candidate in the communication, including (but not limited to) transportation of the Federal candidate, makeup, extraordinary production or transmission costs, promotions, and website broadcasts, itemized separately by each such category.

''(5) DETERMINING VALUE OF EXEMPT IN-KIND MEDIA EXPENDITURES.—

''(A) IN GENERAL.—The value of the exempt in-kind media expenditure derived from the airing of a media expenditure communication described in paragraph (2) by a broadcasting network or station shall be equal to the product of the per unit cost of the advertising sold by the network or station for the time during which the communication is aired and the duration of the appearance of the candidate involved in the communication.

''(B) SPECIAL RULE FOR NATIONAL BROADCASTS.—In the case of a communication which is aired on a nationwide broadcast—

''(i) the broadcasting network from which the broadcast originates shall be responsible for calculating the value of exempt in-kind media expenditures under subparagraph (A); and

''(ii) the value derived from the airing of the communication by the network shall be increased by the value derived from the airing of the communication (as determined under subparagraph (A)) by each station affiliated with the network.

''(6) CORPORATE MEDIA OUTLET DEFINED.—In this subsection, the term 'corporate media outlet' means a corporation—

''(A) which is owned, operated, or controlled by any other corporation, entity, or holding company;

''(B) which derives income from any service, product, enterprise, or source other than advertising which appears within the media broadcast outlet involved;

''(C) which receives funds directly or indirectly from any level of government; or

''(D) which retains, employs, or otherwise engages the services (directly or indirectly) of any lobbyist who represents the corporation as a registered lobbyist at any level of government.''.

(b) LOSS OF EXEMPTION FROM TREATMENT AS EXPENDITURE FOR COMMUNICATIONS AIRED BY BROADCASTERS FAILING TO FILE REPORTS.—Section 301(9)(B)(i) of such Act (2 U.S.C. 431(9)(B)(i)) is amended by striking the semicolon at the end and inserting the following: '', except that if a broadcast network or station which is a corporate media outlet (as defined in section 304(i)) fails to meet the requirements of section 304(i) with respect to the airing of an media expenditure communication described in section 304(i)(2), this clause shall not apply with respect to

the communication, and the airing of the communication shall be treated as an in-kind contribution by the corporate media outlet to the candidate featured or depicted in the communication (in an amount equal to the value determined in accordance with such section);''.

H.R. 2356

OFFERED BY: MR. GOODLATTE

[Ney Substitute]

AMENDMENT NO. 5: Insert after title III the following:

TITLE IV—DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS

SEC. 401. DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS DURING FEDERAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

''DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS BY TELEPHONE

''SEC. 324. (a) DISCLOSURES TO RESPONDENTS.—Any person who conducts a Federal election poll shall disclose to each respondent the identity of the person sponsoring the poll or paying the expenses associated with the poll, except that if the poll is conducted more than 30 days before the date of the election, the person shall only disclose such information upon the request of the respondent.

''(b) DISCLOSURES TO COMMISSION.—Any person who conducts a Federal election poll—

''(1) shall report to the Commission the number of households contacted and include with such report a copy of the poll questions; and

''(2) in the case of a poll for which the results are not to be made public, shall report to the Commission the total cost of the poll and all sources of funds for the poll.

''(c) DEFINITION.—In this section, the term 'Federal election poll' means a survey conducted by telephone or electronic means—

''(1) in which the respondents are interviewed on opinions relating to an election for Federal office;; and

''(2) in which not fewer than 1,200 respondents are surveyed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2356

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 6: Add at the end of title III the following:

SEC. 323. DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS DURING FEDERAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 319, and 322, is further amended by adding at the end the following new section:

''DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS BY TELEPHONE

''SEC. 326. (a) DISCLOSURES TO RESPONDENTS.—Any person who conducts a Federal election poll shall disclose to each respondent the identity of the person sponsoring the poll or paying the expenses associated with the poll, except that if the poll is conducted more than 30 days before the date of the election, the person shall only disclose such information upon the request of the respondent.

''(b) DISCLOSURES TO COMMISSION.—Any person who conducts a Federal election poll—

''(1) shall report to the Commission the number of households contacted and include with such report a copy of the poll questions; and

''(2) in the case of a poll for which the results are not to be made public, shall report to the Commission the total cost of the poll and all sources of funds for the poll.

''(c) DEFINITION.—In this section, the term 'Federal election poll' means a survey conducted by telephone or electronic means—

''(1) in which the respondents are interviewed on opinions relating to an election for Federal office;; and

''(2) in which not fewer than 1,200 respondents are surveyed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2356

OFFERED BY: MR. GOODLATTE

[Armey Substitute]

AMENDMENT NO. 7: Add at the end the following:

TITLE ____—DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS

SEC. ____. DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS DURING FEDERAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS BY TELEPHONE

''SEC. 323. (a) DISCLOSURES TO RESPONDENTS.—Any person who conducts a Federal election poll shall disclose to each respondent the identity of the person sponsoring the poll or paying the expenses associated with the poll, except that if the poll is conducted more than 30 days before the date of the election, the person shall only disclose such information upon the request of the respondent.

''(b) DISCLOSURES TO COMMISSION.—Any person who conducts a Federal election poll—

''(1) shall report to the Commission the number of households contacted and include with such report a copy of the poll questions; and

''(2) in the case of a poll for which the results are not to be made public, shall report to the Commission the total cost of the poll and all sources of funds for the poll.

''(c) DEFINITION.—In this section, the term 'Federal election poll' means a survey conducted by telephone or electronic means—

''(1) in which the respondents are interviewed on opinions relating to an election for Federal office;; and

''(2) in which not fewer than 1,200 respondents are surveyed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2356

OFFERED BY: MR. GOODLATTE

[Shays Substitute]

AMENDMENT NO. 8: Add at the end of title III the following:

SEC. 320. DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS DURING FEDERAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 319, is further amended by adding at the end the following new section:

''DISCLOSURE OF INFORMATION BY PERSONS CONDUCTING POLLS BY TELEPHONE

''SEC. 325. (a) DISCLOSURES TO RESPONDENTS.—Any person who conducts a Federal election poll shall disclose to each respondent the identity of the person sponsoring the poll or paying the expenses associated with the poll, except that if the poll is conducted more than 30 days before the date of the election, the person shall only disclose such information upon the request of the respondent.

''(b) DISCLOSURES TO COMMISSION.—Any person who conducts a Federal election poll—

''(1) shall report to the Commission the number of households contacted and include with such report a copy of the poll questions; and

''(2) in the case of a poll for which the results are not to be made public, shall report to the Commission the total cost of the poll and all sources of funds for the poll.

''(c) DEFINITION.—In this section, the term 'Federal election poll' means a survey conducted by telephone or electronic means—

''(1) in which the respondents are interviewed on opinions relating to an election for Federal office;; and

''(2) in which not fewer than 1,200 respondents are surveyed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2356

OFFERED BY: MR. SHAYS

AMENDMENT NO. 9. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Campaign Reform Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limit for State committees of political parties.
Sec. 103. Reporting requirements.

TITLE II—NONCANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications

Sec. 201. Disclosure of electioneering communications.
Sec. 202. Coordinated communications as contributions.
Sec. 203. Prohibition of corporate and labor disbursements for electioneering communications.
Sec. 204. Rules relating to certain targeted electioneering communications.

Subtitle B—Independent and Coordinated Expenditures

Sec. 211. Definition of independent 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 of 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 limits.
Sec. 309. Donations to Presidential inaugural committee.
Sec. 310. Prohibition on fraudulent solicitation of funds.
Sec. 311. Study and report on Clean Money Clean Elections 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 minors.

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 disclosure reports.
Sec. 504. Public access to broadcasting records.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 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 committee or entity), or by an association or similar group of candidates for State or local office or of 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) IN GENERAL.—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 for an activity described in either such clause to the extent the amounts expended or disbursed for such activity are allocated (under regulations prescribed by the Commission) among amounts—

''(i) which consist solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act (other than amounts described in subparagraph (B)(iii)); and

''(ii) other amounts which are not subject to the limitations, prohibitions, and reporting requirements of this Act (other than any requirements of this subsection).

''(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 which are described in subparagraph (A)(ii) are paid from amounts which are donated in accordance with State law and which meet the requirements of subparagraph (C), except that no person (including any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party in a calendar year for such expenditures or disbursements; and

''(iv) 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 do not include any 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 PARTIES, FEDERAL CANDIDATES AND OFFICEHOLDERS, AND STATE PARTIES ACTING JOINTLY.—Notwithstanding subsection (e) (other than subsection (e)(3)), amounts specifically authorized to be spent under subparagraph (B)(iii) meet the requirements of this subparagraph only if the amounts—

''(i) are not solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e); and

''(ii) are not solicited, received, or directed through fundraising activities conducted jointly by 2 or more State, local, or district committees of any political party or their agents, or by a State, local, or district committee of a political party on behalf of the State, local, or district committee of a political party or its agent in one or more other States.

''(c) FUNDRAISING COSTS.—An amount spent by a person described in subsection (a) or (b) to raise funds that are used, in whole or in part, for expenditures and disbursements for a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to—

''(1) 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 State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).

''(e) FEDERAL CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, 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—

''(A) solicit, 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

''(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election 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 candidates and political committees under paragraphs (1), (2), and (3) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

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

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1) or subsection (b)(2)(C), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

''(4) PERMITTING CERTAIN SOLICITATIONS.—

''(A) GENERAL SOLICITATIONS.—Notwithstanding any other provision of this subsection, an individual described in paragraph (1) may make a general solicitation of funds on behalf of any organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section) (other than an entity whose principal purpose is to conduct activities described in clauses (i) and (ii) of section 301(20)(A)) where such solicitation does not specify how the funds will or should be spent.

''(B) CERTAIN SPECIFIC SOLICITATIONS.—In addition to the general solicitations permitted under subparagraph (A), an individual

described in paragraph (1) may make a solicitation explicitly to obtain funds for carrying out the activities described in clauses (i) and (ii) of section 301(20)(A), or for an entity whose principal purpose is to conduct such activities, if—

''(i) the solicitation is made only to individuals; and

''(ii) the amount solicited from any individual during any calendar year does not exceed $20,000.

''(f) STATE CANDIDATES.—

''(1) IN GENERAL.—A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 301(20)(A)(iii) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.''.

(b) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

''(20) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

''(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated 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, that name or depict only 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.

''(21) GENERIC 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 by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank 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 LIMIT 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) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

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, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—

''(A) IN GENERAL.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

''(B) SPECIFIC DISCLOSURE BY STATE AND LOCAL PARTIES OF CERTAIN NONFEDERAL AMOUNTS PERMITTED TO BE SPENT ON FEDERAL ELECTION ACTIVITY.—Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 301(20)(A) shall include a disclosure of all receipts and disbursements described in section 323(b)(2)(A) and (B).

''(3) 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 any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(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(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xv) as clauses (viii) through (xiv), respectively.

TITLE II—NONCANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications

SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 103, is amended by adding at the end the following new subsection:

''(f) 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 to whom the disbursement was made.

''(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

''(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2)) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated 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.

''(3) 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 Federal office;

''(II) is made within—

''(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or

''(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and

''(III) 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 herein, then the term 'electioneering communication' means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to 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 appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;

''(ii) a communication which constitutes an expenditure or an independent expenditure under this Act;

''(iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such 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 such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, 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(20)(A)(iii).

''(C) TARGETING TO RELEVANT ELECTORATE.—For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if the communication 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 Representative in, or Delegate or Resident Commissioner to, the Congress; or

''(ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.

''(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

''(A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000; and

''(B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

''(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed 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) COORDINATION 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 definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of the Internal Revenue Code of 1986.''.

(b) RESPONSIBILITIES OF FEDERAL COMMUNICATIONS COMMISSION.—The Federal Communications Commission shall compile and maintain any information the Federal Election Commission may require to carry out section 304(f) of the Federal Election Campaign Act of 1971 (as added by subsection (a)), and shall make such information available to the public on the Federal Communication Commission's website.

SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

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

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

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

''(C) if—

''(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 304(f)(3)); and

''(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party; and''.

SEC. 203. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting ''or for any applicable electioneering communication'' before '', but shall not include''.

(b) APPLICABLE ELECTIONEERING COMMUNICATION.—Section 316 of such Act is amended by adding at the end the following:

''(c) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

''(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (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 communication by a section 501(c)(4) organization or a political organization (as defined in section 527(e)(1) of the Internal Revenue Code of 1986) made under section 304(f)(2)(E) or (F) of this Act if the communication is paid for exclusively by funds provided directly by 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)). For purposes of the preceding sentence, the term 'provided directly by individuals' does not include funds the source of which is an entity described in subsection (a) of this section.

''(3) SPECIAL OPERATING RULES.—

''(A) DEFINITION UNDER PARAGRAPH (1).—An electioneering communication shall be treated as made by an entity described in subsection (a) if an entity described in subsection (a) directly or indirectly disburses any amount for any of the costs of the communication.

''(B) EXCEPTION UNDER PARAGRAPH (2).—A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute, as described in section 304(f)(2)(E).

''(4) DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) the term 'section 501(c)(4) organization' means—

''(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

''(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

''(B) a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

''(5) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 to carry out any activity which is prohibited under such Code.''.

SEC. 204. RULES RELATING TO CERTAIN TARGETED ELECTIONEERING COMMUNICATIONS.

Section 316(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b), as added by section 203, is amended by adding at the end the following:

''(6) SPECIAL RULES FOR TARGETED COMMUNICATIONS.—

''(A) EXCEPTION DOES NOT APPLY.—Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.

''(B) TARGETED COMMUNICATION.—For purposes of subparagraph (A), the term 'targeted communication' means an electioneering communication (as defined in section 304(f)(3)) that is distributed from a television or radio broadcast station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

''(C) DEFINITION.—For purposes of this paragraph, a communication is 'targeted to the relevant electorate' if it meets the requirements described in section 304(f)(3)(C).''.

Subtitle B—Independent and Coordinated Expenditures

SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure by a person—

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

''(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized political committee, or their

agents, or a political party committee or its agents.''.

SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 201) is amended—

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

(2) by adding at the end the following:

''(g) TIME FOR REPORTING CERTAIN EXPENDITURES.—

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

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures 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 initial report relates.

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

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

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

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

(b) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking '', or the second sentence of subsection (c)(2)''.

SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

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

(1) in paragraph (1), by striking ''and (3)'' and inserting '', (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 political party nominates a candidate, no committee of the political party may make—

''(i) any coordinated expenditure under this subsection with respect to the candidate during the election cycle at any time after it makes any independent expenditure (as defined in section 301(17)) with respect to the candidate during the election cycle; or

''(ii) any independent expenditure (as defined in section 301(17)) with respect to the candidate during the election cycle at any time after it makes any coordinated expenditure under this subsection with respect to the candidate during the election cycle.

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

''(C) TRANSFERS.—A committee of a political party that makes coordinated expenditures under this subsection with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.''.

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) IN GENERAL.—Section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following new clause:

''(ii) expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert, with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and''.

(b) REPEAL OF CURRENT REGULATIONS.—The regulations on coordinated communications paid for by persons other than candidates, authorized committees of candidates, and party committees 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 the date by which the Commission is required to promulgate new regulations under subsection (c) (as described in the second sentence of section 402(c)).

(c) REGULATIONS BY THE FEDERAL ELECTION COMMISSION.—The Federal Election Commission shall promulgate new regulations on coordinated communications paid for by persons other than candidates, authorized committees of candidates, and party committees. The regulations shall not require agreement or formal collaboration to establish coordination. In addition to any subject determined by the Commission, the regulations shall address—

(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.

(d) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

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 by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

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

''(b) PROHIBITED USE.—

''(1) IN GENERAL.—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 used to fulfill 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 an 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—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

''(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 304(f)(3)); 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.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)(1), by striking ''No person'' and inserting ''Except as provided in subsection (i), no person''; and

(2) by adding at the end the following:

''(i) INCREASED LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

''(1) INCREASE.—

''(A) IN GENERAL.—Subject to paragraph (2), if 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 this subsection referred to as the 'applicable limit') with respect to that candidate shall be the increased limit.

''(B) THRESHOLD AMOUNT.—

''(i) STATE-BY-STATE COMPETITIVE AND FAIR CAMPAIGN FORMULA.—In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount 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 in 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 (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

''(i) 2 times the threshold amount, but not over 4 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;

''(ii) 4 times the threshold amount, but not over 10 times that 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 authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

''(i) until the candidate has received notification of the opposition personal funds amount under section 304(a)(6)(B); and

''(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

''(B) EFFECT OF WITHDRAWAL OF AN 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 limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

''(B) RETURN TO CONTRIBUTORS.—A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

''(j) LIMITATION ON REPAYMENT OF PERSONAL LOANS.—Any candidate who incurs personal loans made after the effective date of the Bipartisan Campaign Reform Act of 2002 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.''.

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

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

''(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

''(i) 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.

''(ii) DECLARATION OF INTENT.—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 exceed the State-by-State competitive and fair campaign formula with—

''(I) the Commission; and

''(II) each candidate in the same election.

''(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

''(I) the Commission; and

''(II) each candidate in the same election.

''(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed $10,000 with—

''(I) the Commission; and

''(II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

''(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—

''(I) the name of the candidate and the office sought by the candidate;

''(II) the date and amount of each expenditure; and

''(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

''(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 315(i)) and the manner in which the candidate or the candidate's authorized committee used such funds.

''(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.''.

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 101(b), is further amended by adding at the end the following:

''(25) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

''(26) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

''(A) 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—

''(i) legal and rightful title; or

''(ii) an equitable interest;

''(B) income received during the current election cycle of the candidate, including—

''(i) a salary and other earned income from bona fide employment;

''(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

''(iii) bequests to the candidate;

''(iv) income from trusts established before the beginning of the election cycle;

''(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

''(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

''(vii) proceeds from lotteries and similar legal games of chance; and

''(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ 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 any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the 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 use) for the same amount of time for the same period.''.

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as added by subsection (a)(3), is amended by inserting '', or to a national committee of a political party making expenditures under section 315(d) of the Federal Election Campaign Act of 1971 on behalf of such candidate in connection with such campaign,'' after ''such office''.

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

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.''.

(d) RANDOM AUDITS.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (c), is amended by inserting after subsection (c) the following new subsection:

''(d) RANDOM AUDITS.—

''(1) IN GENERAL.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

''(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

''(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

''(B) At least 3 of the 51–100 largest designated market areas (as so defined).

''(C) At least 3 of the 101–150 largest designated market areas (as so defined).

''(D) At least 3 of the 151–210 largest designated market areas (as so defined).

''(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.''.

(e) DEFINITION OF BROADCASTING STATION.—Subsection (e)(1) of section 315 of such Act (47 U.S.C. 315(e)(1)), 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.

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

(1) in subsection (a), by inserting ''IN GENERAL.—'' before ''If any'';

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting ''DEFINITIONS.—'' before ''For purposes''; and

(3) in subsection (f), as so redesignated, by inserting ''REGULATIONS.—'' before ''The Commission''.

SEC. 306. LIMITATION ON AVAILABILITY OF LOWEST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) IN GENERAL.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by this Act, is amended by adding at the end the following:

''(3) CONTENT OF BROADCASTS.—

''(A) IN GENERAL.—In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) or (2) for the use of any broadcasting station unless the candidate provides written certification to the broadcast station that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C) or (D).

''(B) LIMITATION ON CHARGES.—If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or (D), such candidate shall not be entitled to receive the rate under paragraph (1)(A) or (2) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

''(C) TELEVISION BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a television broadcast, at the end of such broadcast there appears simultaneously, for a period no less than 4 seconds—

''(i) a clearly identifiable photographic or similar image of the candidate; and

''(ii) a clearly readable printed statement, identifying the candidate and stating that the candidate has approved the broadcast and that the candidate's authorized committee paid for the broadcast.

''(D) RADIO BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a radio broadcast, the broadcast includes a personal audio statement by the candidate that identifies the candidate, the office the candidate is seeking, and indicates that the candidate has approved the broadcast.

''(E) CERTIFICATION.—Certifications under this section shall be provided and certified as accurate by the candidate (or any authorized committee of the candidate) at the time of purchase.

''(F) DEFINITIONS.—For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have 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)(1)(A) 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''.

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

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:

''(12) SOFTWARE FOR FILING OF REPORTS.—

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

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

''(I) 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;

''(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and

''(III) allows the Commission to post the information on the Internet immediately upon receipt; and

''(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.

''(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

''(C) REQUIRED 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(a)(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 in or Delegate or Resident Commissioner to the Congress, $1,000)''; and

(2) in subparagraph (B), by striking ''$20,000'' and inserting ''$25,000''.

(b) INCREASE IN ANNUAL AGGREGATE LIMIT ON INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended to read as follows:

''(3) During the period which begins on January 1 of an odd-numbered year and ends on December 31 of the next even-numbered year, no individual may make contributions aggregating more than—

''(A) $37,500, in the case of contributions to candidates and the authorized committees of candidates;

''(B) $57,500, in the case of any other contributions, of which not more than $37,500 may be attributable to contributions to political committees which are not political committees of national political parties.''.

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

(d) INDEXING 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 calendar year after 2002—

''(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

''(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 subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), 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—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), calendar year 2001''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contributions made on or after January 1, 2003.

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 90 days after the date of the Presidential inaugural ceremony, the committee shall file a report with the Federal Election Commission disclosing any donation of money or anything 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 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b))).''.

(b) REPORTS MADE AVAILABLE BY FEC.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 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 offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.''.

SEC. 310. PROHIBITION ON FRAUDULENT SOLICITATION OF FUNDS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''No person''; and

(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 party or employee or agent thereof 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 CLEAN ELECTIONS LAWS.

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term ''clean money clean elections'' means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the clean money clean elections of Arizona and Maine.

(2) MATTERS STUDIED.—

(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General shall determine—

(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

(I) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate's bid for public office; and

(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall 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 broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(ii) by striking ''an expenditure'' and inserting ''a disbursement''; and

(iii) by striking ''direct''; and

(iv) by inserting ''or makes a disbursement for an electioneering communication (as defined in section 304(f)(3))'' after ''public political advertising''; and

(B) in paragraph (3), by inserting ''and permanent street address, telephone number, or World Wide Web address'' after ''name''; and

(2) by adding at the end the following:

''(c) SPECIFICATION.—Any printed communication described in subsection (a) shall—

''(1) be of sufficient type size to be clearly readable by the recipient of the communication;

''(2) be contained in a printed box set apart from the other contents of the communication; and

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

''(d) ADDITIONAL REQUIREMENTS.—

''(1) COMMUNICATIONS BY CANDIDATES OR AUTHORIZED PERSONS.—

''(A) BY RADIO.—Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through radio shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(B) BY TELEVISION.—Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through television shall include, in addition to the requirements of that paragraph, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement—

''(i) shall be conveyed by—

''(I) an unobscured, full-screen view of the candidate making the statement, or

''(II) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

''(ii) shall also appear in writing at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

''(2) COMMUNICATIONS BY OTHERS.—Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: '_____ 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 communication and the name of any connected organization of the payor). If transmitted through television, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee or other person making the statement, or by a representative of such political committee or other person in voice-over, and shall also appear in a clearly readable manner with a reasonable degree of

color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

SEC. 313. INCREASE IN PENALTIES.

(a) IN GENERAL.—Subparagraph (A) of section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

''(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

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

''(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the effective date of this Act.

SEC. 314. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 406(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 455(a)) is amended by striking ''3'' and inserting ''5''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the effective date of this Act.

SEC. 315. SENTENCING GUIDELINES.

(a) IN GENERAL.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) CONSIDERATIONS.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation 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) Assure reasonable consistency with other relevant directives and guidelines of the Commission.

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

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

(c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—

(1) EFFECTIVE DATE.—Notwithstanding section 402, the United States Sentencing Commission shall promulgate guidelines under this section not later than the later of—

(A) 90 days after the effective date of this Act; or

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

(2) 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 CONDUIT CONTRIBUTION BAN.

(a) INCREASE IN CIVIL MONEY PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: ''(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)''; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: ''(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)''.

(b) INCREASE IN CRIMINAL PENALTY.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

''(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than $10,000 during a calendar year shall be—

''(i) imprisoned for not more than 2 years if the amount is less than $25,000 (and subject to imprisonment under subparagraph (A) if the amount is $25,000 or more);

''(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

''(I) $50,000; or

''(II) 1,000 percent of the amount involved in the violation; or

''(iii) both imprisoned under clause (i) and fined under clause (ii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the effective date of this Act.

SEC. 317. RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

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 CAMPAIGN FUNDS.—

''(i) 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.

''(ii) GROSS RECEIPTS ADVANTAGE.—For purposes of clause (i), the term 'gross receipts advantage' means the excess, if any, of—

''(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 NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by inserting after ''United States'' the following: ''or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)''.

SEC. 319. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

''PROHIBITION OF CONTRIBUTIONS BY MINORS

''SEC. 324. An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.''.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, 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. 402. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in section 308 and subsection (b), this Act and the amendments made by this Act shall take effect November 6, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL PARTIES.—If a national committee of a political party described in section 323(a)(1) of the Federal Election Campaign Act of 1971 (as added by section 101(a)), including any person who is subject to such section, has received funds described in such section prior to the effective date described in subsection (a), the following rules shall apply with respect to the spending of such funds by such committee:

(1) Prior to January 1, 2003, the committee may spend such funds to retire outstanding debts or obligations incurred prior to such effective date, so long as such debts or obligations were incurred solely in connection with an election held on or before November 5, 2002 (or any runoff election or recount resulting from such an election).

(2) At any time after such effective date, the committee may spend such funds for activities which are solely to defray the costs of the construction or purchase of any office building or facility.

(c) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act and the amendments made by such title. Not later than 270 days after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out all other titles of this Act and all other amendments made by this Act which are under the Commission's jurisdiction.

SEC. 403. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by 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 Supreme Court of the United States. 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.

Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended to read as follows:

''(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 on 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 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.

(c) COORDINATION WITH OTHER AGENCIES.—Any Federal executive agency receiving election-related information which that agency is required by law to publicly disclose shall cooperate and coordinate with the Federal Election Commission to make such report available through, or for posting on, the site of the Federal Election Commission in a timely manner.

SEC. 503. ADDITIONAL DISCLOSURE REPORTS.

(a) PRINCIPAL CAMPAIGN COMMITTEES.—Section 304(a)(2)(B) of the Federal Election Campaign Act of 1971 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 such Act (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).''.

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 (f) and (g), respectively, and inserting after subsection (d) the following:

''(e) POLITICAL RECORD.—

''(1) IN GENERAL.—A licensee shall maintain, and make available for public inspection, a complete record of a request to purchase broadcast time that—

''(A) is made by or on behalf of a legally qualified candidate for public office; or

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

''(i) a legally qualified candidate;

''(ii) any election to Federal office; or

''(iii) a national legislative issue of public importance.

''(2) CONTENTS OF RECORD.—A record maintained under paragraph (1) shall contain information regarding—

''(A) whether the request to purchase broadcast time is accepted or rejected by the licensee;

''(B) the rate charged for the broadcast time;

''(C) the date and time on which the communication is aired;

''(D) the class of time that is purchased;

''(E) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);

''(F) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

''(G) in the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

''(3) TIME TO MAINTAIN FILE.—The information required under this subsection shall be placed in a political file as soon as possible and shall be retained by the licensee for a period of not less than 2 years.''.

H.R. 2356

OFFERED BY: MS. CAPITO

[Shays Substitute]

AMENDMENT NO. 10: Add at the end of title III the following new section:

SEC. 320. MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS FOR HOUSE CANDIDATES IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) INCREASED LIMITS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 315 the following new section:

''MODIFICATION OF CERTAIN LIMITS FOR HOUSE CANDIDATES IN RESPONSE TO PERSONAL FUND EXPENDITURES OF OPPONENTS

''SEC. 315A. (a) AVAILABILITY OF INCREASED LIMIT.—

''(1) IN GENERAL.—Subject to paragraph (3), if the opposition personal funds amount with respect to a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress exceeds $350,000—

''(A) the limit under subsection (a)(1)(A) with respect to the candidate shall be tripled;

''(B) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to the candidate if the contribution is made under the increased limit allowed under subparagraph (A) during a period in which the candidate may accept such a contribution; and

''(C) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party on behalf of the candidate shall not apply.

''(2) DETERMINATION OF OPPOSITION PERSONAL FUNDS AMOUNT.—

''(A) IN GENERAL.—The opposition personal funds amount is an amount equal to the excess (if any) of—

''(i) the greatest aggregate amount of expenditures from personal funds (as defined in subsection (b)(1)) 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.

''(B) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

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

''(ii) GROSS RECEIPTS ADVANTAGE.—For purposes of clause (i), the term 'gross receipts advantage' means the excess, if any, of—

''(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.

''(3) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

''(i) until the candidate has received notification of the opposition personal funds amount under subsection (b)(1); and

''(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 100 percent of the opposition personal funds amount.

''(B) EFFECT OF WITHDRAWAL OF AN OPPOSING CANDIDATE.—A candidate 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.

''(4) DISPOSAL OF EXCESS CONTRIBUTIONS.—

''(A) IN GENERAL.—The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

''(B) RETURN TO CONTRIBUTORS.—A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

''(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—

''(1) IN GENERAL.—

''(A) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this paragraph, 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.

''(B) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, 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 exceed $350,000.

''(C) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in subparagraph (B) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of $350,000 in connection with any election, the candidate shall file a notification.

''(D) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under subparagraph (C), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceeds $10,000. Such notification shall be filed not later than 24 hours after the expenditure is made.

''(E) CONTENTS.—A notification under subparagraph (C) or (D) shall include—

''(i) the name of the candidate and the office sought by the candidate;

''(ii) the date and amount of each expenditure; and

''(iii) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

''(F) PLACE OF FILING.—Each declaration or notification required to be filed by a candidate under subparagraph (C), (D), or (E) shall be filed with—

''(i) the Commission; and

''(ii) each candidate in the same election and the national party of each such candidate.

''(2) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under subsection (a)) and the manner in which the candidate or the candidate's authorized committee used such funds.

''(3) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this subsection, see section 309.''.

(b) CONFORMING AMENDMENT.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 304(a), is amended by striking ''subsection (i),'' and inserting ''subsection (i) and section 315A,''.

H.R. 2356,

OFFERED BY: MR. GREEN OF TEXAS

[Shays Substitute]

AMENDMENT NO: 11. Strike section 305.

In section 306(a), strike the subsection designation and all that follows through ''CONTENT OF BROADCASTS.—'' and insert the following:

(a) IN GENERAL.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ''(b) The charges'' and inserting the following:

''(b) CHARGES.—

''(1) IN GENERAL.—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) CONTENT OF BROADCASTS.—

In section 306(a), strike ''or (2)'' each place such term appears.

In section 306(b), strike ''(3)'' and insert ''(2)''.

H.R. 2356,

OFFERED BY: MR. WAMP

[Shays substitute]

AMENDMENT NO. 12. In section 315(a)(1)(A) of the Federal Election Campaign Act of 1971, as proposed to be amended by section 308(a)(1) of the bill, strike ''(or, in the case of a candidate for Representative in or Delegate or Resident Commissioner to the Congress, $1,000)''.

H.R. 2356

OFFERED BY: MR. ARMEY

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 13. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ban it All, Ban it Now Act''.

TITLE I—SOFT MONEY ACTIVITIES OF PARTIES AND CANDIDATES

SEC. 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 or Senatorial 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—

''(A) 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; and

''(B) to all activities of such committee and the persons described in subparagraph (A), including the construction or purchase of an office building or facility, the influencing of the reapportionment decisions of a State, and the financing of litigation relating to the reapportionment decisions of a State.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—Any amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) FUNDRAISING COSTS.—An amount spent by a person described in subsection (a) or (b) to raise funds that are used, in whole or in part, for expenditures and disbursements for a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional or Senatorial campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to—

''(1) 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 State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).

''(e) FEDERAL CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, 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—

''(A) solicit, 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

''(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election 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 candidates and political committees under paragraphs (1), (2), and (3) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

''(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, 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 for State or local office 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.

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

''(4) LIMITATION APPLICABLE FOR PURPOSES OF SOLICITATION OF DONATIONS BY INDIVIDUALS TO 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 made specifically for funds to be used for activities described in clauses (i) and (ii) of section 301(20)(A), or made for any such entity which engages primarily in activities described in such clauses, the limitation applicable for purposes of a donation of funds by an individual shall be the limitation set forth in section 315(a)(1)(D).

''(f) STATE CANDIDATES.—

''(1) IN GENERAL.—A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 301(20)(A)(iii) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.''.

SEC. 102. DEFINITIONS.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); or

''(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate).

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A); or

''(iii) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

''(21) GENERIC 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 by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising or political advertising directed to an audience of 500 or more people.

''(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 1-year period.

''(24) TELEPHONE BANK.—The term 'telephone bank' means more than 500 telephone calls of an identical or substantially similar nature within any 1-year period.''.

TITLE II—SOFT MONEY ACTIVITIES OF CORPORATIONS AND LABOR ORGANIZATIONS

SEC. 201. BAN ON USE OF SOFT MONEY FOR NONPARTISAN VOTER REGISTRATION AND GET-OUT-THE-VOTE ACTIVITIES.

Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking ''(B) nonpartisan registration and get-out-the-vote campaigns'' and all that follows through ''and (C)'' and inserting ''and (B)''.

TITLE III—OTHER SOFT MONEY ACTIVITIES

SEC. 301. BAN ON USE OF SOFT MONEY FOR GET-OUT-THE-VOTE ACTIVITIES BY CERTAIN ORGANIZATIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

''BAN ON USE OF NONFEDERAL FUNDS FOR GET-OUT-THE-VOTE ACTIVITIES BY CERTAIN ORGANIZATIONS

''SEC. 324. (a) IN GENERAL.—Any amount expended or disbursed for get-out-the-vote activities by any organization described in subsection (b) shall be made from amounts subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) ORGANIZATIONS DESCRIBED.—An organization described in this subsection is—

''(1) an organization that is described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code 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); or

''(2) an organization described in section 527 of such Code (other than a State, district, or local committee of a political party, a candidate for State or local office, or the authorized campaign committee of a candidate for State or local office).''.

SEC. 302. BAN ON USE OF SOFT MONEY FOR ANY PARTISAN VOTER REGISTRATION ACTIVITIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 301, is further amended by adding at the end the following new section:

''BAN ON USE OF NONFEDERAL FUNDS FOR PARTISAN VOTER REGISTRATION ACTIVITIES

''SEC. 325. No person may expend or disburse any funds for partisan voter registration activity which are not subject to the limitations, prohibitions, and reporting requirements of this Act.''.

H.R. 2356

OFFERED BY: MR. NEY

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 14. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Campaign Finance Reform Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Express advocacy determined without regard to background music.
Sec. 203. Civil penalty.
Sec. 204. Reporting requirements for certain independent expenditures.
Sec. 205. Independent Versus Coordinated Expenditures by Party.
Sec. 206. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Use of contributed amounts for certain purposes.
Sec. 502. Prohibition of fundraising on Federal property.
Sec. 503. Penalties for violations.
Sec. 504. Strengthening foreign money ban.
Sec. 505. Prohibition of contributions by minors.
Sec. 506. Expedited procedures.
Sec. 507. Initiation of enforcement proceeding.
Sec. 508. Protecting equal participation of eligible voters in campaigns and elections.
Sec. 509. Penalty for violation of prohibition against foreign contributions.
Sec. 510. Expedited court review of certain alleged violations of Federal Election Campaign Act of 1971.
Sec. 511. Deposit of certain contributions and donations in treasury account.
Sec. 512. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
Sec. 513. Clarification of right of nationals of the United States to make political contributions.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

Sec. 601. Establishment and purpose of Commission.
Sec. 602. Membership of Commission.
Sec. 603. Powers of Commission.
Sec. 604. Report and recommended legislation.
Sec. 605. Termination.
Sec. 606. Authorization of appropriations.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

Sec. 701. Prohibiting use of white house meals and accommodations for political fundraising.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

TITLE IX—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

Sec. 901. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.

Sec. 902. Reimbursement for use of government equipment for campaign-related travel.

TITLE X—PROHIBITING USE OF WALKING AROUND MONEY

Sec. 1001. Prohibiting campaigns from providing currency to individuals for purposes of encouraging turnout on date of election.

TITLE XI—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

Sec. 1101. Enhancing enforcement of campaign finance law.

TITLE XII—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 1201. Severability.

Sec. 1202. Review of constitutional issues.

Sec. 1203. Effective date.

Sec. 1204. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SOFT MONEY OF POLITICAL PARTIES

''SEC. 323. (a) NATIONAL COMMITTEES.—

''(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

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

''(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

''(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

''(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) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

''(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, that name or depict only a candidate for State or local office;

''(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

''(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

''(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, 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 to the Commissioner of the Internal Revenue Service for determination of tax-exemption under such section).

''(e) CANDIDATES.—

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

''(A) solicit, 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

''(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election 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 candidates and political committees under paragraphs (1) and (2) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

''(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.''.

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

(a) CONTRIBUTION LIMIT 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) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, 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) (as amended by section 204) is amended by inserting after subsection (e) the following:

''(f) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2)(A) and (2)(B)(v) of section 323(b).

''(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(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).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xv) as clauses (viii) through (xii), respectively.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not coordinated activity or is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates;

''(ii) referring to one or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a communication which is in printed form or posted on the Internet that—

''(i) presents information solely about the voting record or position on a campaign issue of one or more candidates (including any statement by the sponsor of the voting record or voting guide of its agreement or disagreement with the record or position of a candidate), so long as the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to one or more clearly identified candidates;

''(ii) is not coordinated activity or is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent, except that nothing in this clause may be construed to prevent the sponsor of the voting guide from directing questions in writing to a candidate about the candidate's position on issues for purposes of preparing a voter guide or to prevent the candidate from responding in writing to such questions; and

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in (year)', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.''.

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) a payment made by a political committee for a communication that—

''(I) refers to a clearly identified candidate; and

''(II) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT REGARD TO BACKGROUND MUSIC.

Section 301(20) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), as added by section 201(b), is amended by adding at the end the following new subparagraph:

''(C) BACKGROUND MUSIC.—In determining whether any communication by television or radio broadcast constitutes express advocacy for purposes of this Act, there shall not be taken into account any background music not including lyrics used in such broadcast.''.

SEC. 203. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clauses (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

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

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (g); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(e) TIME FOR REPORTING CERTAIN EXPENDITURES.—

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

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

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

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

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

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

(b) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking '', or the second sentence of subsection (c)(2)''.

SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

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

(1) in paragraph (1), by striking ''and (3)'' and inserting '', (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 political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

''(B) 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 has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

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

''(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.''.

SEC. 206. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) coordinated activity (as defined in subparagraph (C)).''; and

(B) by adding at the end the following:

''(C) 'Coordinated activity' means anything of value provided by a person in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election (regardless of whether the value being provided is a communication that is express advocacy) in which such candidate seeks nomination or election to Federal office, and includes any of the following:

''(i) A payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, the political party of the candidate, or an agent acting on behalf of a candidate, authorized committee, or the political party of the candidate.

''(ii) A payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat).

''(iii) A payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made.

''(iv) A payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position.

''(v) A payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions (other than any discussion treated as a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or as a similar lobbying activity in the case of a candidate holding State or other elective office) with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made.

''(vi) A payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate (including services provided through a political committee of the candidate's political party) in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign.

''(vii) A payment made by a person who has directly participated in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate.

''(viii) A payment made by a person who has communicated with the candidate or an agent of the candidate (including a communication through a political committee of the candidate's political party) after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member acting on behalf of the candidate), about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy.

''(ix) The provision of in-kind professional services or polling data (including services or data provided through a political committee of the candidate's political party) to the candidate or candidate's agent.

''(x) A payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (ix) for a communication that clearly refers to the candidate or the candidate's opponent and is for the purpose of influencing that candidates's election (regardless of whether the communication is express advocacy).

''(D) For purposes of subparagraph (C), the term 'professional services' means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a coordinated activity, as described in section 301(8)(C), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

TITLE III—DISCLOSURE

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

''(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

''(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.''.

SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Commission'';

(2) by moving the text 2 ems to the right; and

(3) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least four members of the Commission.

''(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking ''$200'' and inserting ''$50''; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;".

SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name; or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a) IN GENERAL.—"; and

(2) by adding at the end the following:

"(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c) and section 204) is amended by adding at the end the following:

"(h) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person, other than a political committee of a political party or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

"(A) on a monthly basis as described in subsection (a)(4)(B); or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) Federal election activity;

"(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

"(C) an activity described in subparagraph (B) or (C) of section 316(b)(2).

"(3) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursements made;

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

"(C) the date made, amount, and purpose of the disbursement; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

"(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.".

SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the 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 broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

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

"(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a communication described in paragraph (1) is 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 communication in a clearly readable manner with a reasonable 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 identifiable photographic or similar image of the candidate.

"(e) Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization 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 background and the printed statement, for a period of at least 4 seconds.".

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

"VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT

"SEC. 324. (a) ELIGIBLE CONGRESSIONAL CANDIDATE.—

"(1) PRIMARY ELECTION.—

"(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible primary election Congressional candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(2) GENERAL ELECTION.—

"(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible general election Congressional candidate if the candidate files with the Commission—

"(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

"(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

"(i) the date on which the candidate qualifies for the general election ballot under State law; or

"(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Congressional candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

"(2) SOURCES.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(c) CERTIFICATION BY THE COMMISSION.—

"(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Congressional candidate.

"(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Congressional candidate.

"(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

''(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

''(d) PENALTY.—If the Commission revokes the certification of an eligible Congressional candidate—

''(1) the Commission shall notify the candidate of the revocation; and

''(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).''.

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

''(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for Senator or Representative in or Delegate or Resident Commissioner to the Congress who is not an eligible Congressional candidate (as defined in section 324(a)).''.

TITLE V—MISCELLANEOUS

SEC. 501. 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:

''USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

''SEC. 313. (a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

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

''(b) PROHIBITED USE.—

''(1) IN GENERAL.—A contribution or amount 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 amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill 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 officeholder, 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. 502. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—

''(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value in connection with a Federal, State, or local election while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

''(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.''; and

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

SEC. 503. PENALTIES FOR VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking ''$5,000'' and inserting ''$10,000''; and

(2) in paragraphs (5)(B) and (6)(C), by striking ''$10,000 or an amount equal to 200 percent'' and inserting ''$20,000 or an amount equal to 300 percent''.

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting '', and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).''.

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) PENALTY FOR LATE FILING.—

''(A) IN GENERAL.—

''(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

''(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

''(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

''(B) FILING AN EXCEPTION.—

''(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

''(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.'';

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: ''In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A).''; and

(B) by inserting before the period at the end of the last sentence the following: ''or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)''; and

(3) in paragraph (6)(A), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)(A) or (13)''.

SEC. 504. STRENGTHENING FOREIGN MONEY BAN.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election; or

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

''(2) a person to solicit, accept, or receive such a contribution or donation from a foreign national.''.

(b) PROHIBITING USE OF WILLFUL BLINDNESS AS DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN CONTRIBUTION BAN.—

(1) IN GENERAL.—Section 319 of such Act (2 U.S.C. 441e) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) PROHIBITING USE OF WILLFUL BLINDNESS DEFENSE.—It shall not be a defense to a violation of subsection (a) that the defendant did not know that the contribution originated from a foreign national if the defendant should have known that the contribution originated from a foreign national, except that the trier of fact may not find that the defendant should have known that the contribution originated from a foreign national solely because of the name of the contributor.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to violations occurring on or after the date of the enactment of this Act.

(c) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: '', or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

SEC. 505. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 401, is further amended by adding at the end the following new section:

''PROHIBITION OF CONTRIBUTIONS BY MINORS

''SEC. 325. An individual who is 17 years old or younger shall not make a contribution to

a candidate or a contribution or donation to a committee of a political party.''.

SEC. 506. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 503(c)) is amended by adding at the end the following:

''(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

''(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

''(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

SEC. 507. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking ''reason to believe that'' and inserting ''reason to investigate whether''.

SEC. 508. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 505, is further amended by adding at the end the following new section:

''PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS

''SEC. 326. (a) IN GENERAL.—Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.

''(b) NO EFFECT ON GEOGRAPHIC RESTRICTIONS ON CONTRIBUTIONS.—Subsection (a) may not be construed to affect any restriction under this title regarding the portion of contributions accepted by a candidate from persons residing in a particular geographic area.''.

SEC. 509. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as amended by section 504(b), is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of this title any person who violates subsection (a) shall be sentenced to a term of imprisonment which may not be more than 10 years, fined in an amount not to exceed $1,000,000, or both.

''(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any violation of subsection (a) arising from a contribution or donation made by an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

''(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

''(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

''(B) whether an expenditure is an independent expenditure under section 301(17).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

SEC. 511. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS IN TREASURY ACCOUNT.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 505, and 508, is further amended by adding at the end the following new section:

''TREATMENT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS

''SEC. 327. (a) TRANSFER TO COMMISSION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, if a political committee intends to return any contribution or donation given to the political committee, the committee shall transfer the contribution or donation to the Commission if—

''(A) the contribution or donation is in an amount equal to or greater than $500 (other than a contribution or donation returned within 60 days of receipt by the committee); or

''(B) the contribution or donation was made in violation of section 315, 316, 317, 319, 320, or 325 (other than a contribution or donation returned within 30 days of receipt by the committee).

''(2) INFORMATION INCLUDED WITH TRANSFERRED CONTRIBUTION OR DONATION.—A political committee shall include with any contribution or donation transferred under paragraph (1)—

''(A) a request that the Commission return the contribution or donation to the person making the contribution or donation; and

''(B) information regarding the circumstances surrounding the making of the contribution or donation and any opinion of the political committee concerning whether the contribution or donation may have been made in violation of this Act.

''(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

''(A) IN GENERAL.—The Commission shall establish a single interest-bearing escrow account for deposit of amounts transferred under paragraph (1).

''(B) DISPOSITION OF AMOUNTS RECEIVED.—On receiving an amount from a political committee under paragraph (1), the Commission shall—

''(i) deposit the amount in the escrow account established under subparagraph (A); and

''(ii) notify the Attorney General and the Commissioner of the Internal Revenue Service of the receipt of the amount from the political committee.

''(C) USE OF INTEREST.—Interest earned on amounts in the escrow account established under subparagraph (A) shall be applied or used for the same purposes as the donation or contribution on which it is earned.

''(4) TREATMENT OF RETURNED CONTRIBUTION OR DONATION AS A COMPLAINT.—The transfer of any contribution or donation to the Commission under this section shall be treated as the filing of a complaint under section 309(a).

''(b) USE OF AMOUNTS PLACED IN ESCROW TO COVER FINES AND PENALTIES.—The Commission or the Attorney General may require any amount deposited in the escrow account under subsection (a)(3) to be applied toward the payment of any fine or penalty imposed under this Act or title 18, United States Code, against the person making the contribution or donation.

''(c) RETURN OF CONTRIBUTION OR DONATION AFTER DEPOSIT IN ESCROW.—

''(1) IN GENERAL.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

''(A) within 180 days after the date the contribution or donation is transferred, the Commission has not made a determination under section 309(a)(2) that the Commission has reason to investigate whether that the making of the contribution or donation was made in violation of this Act; or

''(B)(i) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to subsection (b); or

''(ii) if the contribution or donation will be used for those purposes, that the amounts required for those purposes have been withdrawn from the escrow account and subtracted from the returnable contribution or donation.

''(2) NO EFFECT ON STATUS OF INVESTIGATION.—The return of a contribution or donation by the Commission under this subsection shall not be construed as having an

effect on the status of an investigation by the Commission or the Attorney General of the contribution or donation or the circumstances surrounding the contribution or donation, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.''.

(b) AMOUNTS USED TO DETERMINE AMOUNT OF PENALTY FOR VIOLATION.—Section 309(a) of such Act (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

''(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 326, the amount of the donation involved shall be treated as the amount of the contribution involved.''.

(c) DISGORGEMENT AUTHORITY.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

''(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit to the Treasury any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to contributions or donations refunded on or after the date of the enactment of this Act, without regard to whether the Federal Election Commission or Attorney General has issued regulations to carry out section 326 of the Federal Election Campaign Act of 1971 (as added by subsection (a)) by such date.

SEC. 512. ESTABLISHMENT OF A CLEARINGHOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) ESTABLISHMENT.—There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(1) All registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(2) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(3) The listings of public hearings, hearing witnesses, and witness affiliations printed in the Congressional Record during the preceding 5-year period.

(4) Public information disclosed pursuant to the rules of the Senate or the House of Representatives regarding honoraria, the receipt of gifts, travel, and earned and unearned income.

(5) All reports filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) during the preceding 5-year period.

(6) All public information filed with the Federal Election Commission pursuant to the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) during the preceding 5-year period.

(b) DISCLOSURE OF OTHER INFORMATION PROHIBITED.—The disclosure by the clearinghouse, or any officer or employee thereof, of any information other than that set forth in subsection (a) is prohibited, except as otherwise provided by law.

(c) DIRECTOR OF CLEARINGHOUSE.—

(1) DUTIES.—The clearinghouse shall have a Director, who shall administer and manage the responsibilities and all activities of the clearinghouse. In carrying out such duties, the Director shall—

(A) develop a filing, coding, and cross-indexing system to carry out the purposes of this section (which shall include an index of all persons identified in the reports, registrations, and other information comprising the clearinghouse);

(B) notwithstanding any other provision of law, make copies of registrations, reports, and other information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the public, and permit copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, furnish a copy of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration or report and no such other information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose; and

(C) not later than 150 days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General, such rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this section in the most effective and efficient manner.

(2) APPOINTMENT.—The Director shall be appointed by the Federal Election Commission.

(3) TERM OF SERVICE.—The Director shall serve a single term of a period of time determined by the Commission, but not to exceed 5 years.

(d) PENALTIES FOR DISCLOSURE OF INFORMATION.—Any person who discloses information in violation of subsection (b), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of subsection (c)(1)(B), shall be imprisoned for a period of not more than 1 year, or fined in the amount provided in title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(f) FOREIGN PRINCIPAL.—In this section, the term ''foreign principal'' shall have the same meaning given the term ''foreign national'' under section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as in effect as of the date of the enactment of this Act.

SEC. 513. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 319(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(d)(2)), as amended by sections 504(b) and 509(a), is further amended by inserting after ''United States'' the following: ''or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)''.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. 601. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the ''Independent Commission on Campaign Finance Reform'' (referred to in this title as the ''Commission''). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 602. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint three members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term ''political independent'' means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party office-holder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than four members of the Commission may be of the same political party.

SEC. 603. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least nine members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 604. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Sixth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which nine or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 605. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section 604.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 612. Prohibiting use of meals and accommodations at White House for political fundraising

''(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

''(b) Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both.

''(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

''612. Prohibiting use of meals and accommodations at White House for political fundraising.''.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

SEC. 801. SENSE OF THE CONGRESS REGARDING APPLICABILITY OF CONTROLLING LEGAL AUTHORITY TO FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY.

It is the sense of the Congress that Federal law clearly demonstrates that ''controlling legal authority'' under title 18, United States Code, prohibits the use of Federal Government property to raise campaign funds.

TITLE IX—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

SEC. 901. REQUIRING NATIONAL PARTIES TO REIMBURSE AT COST FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 505, 508, and 511, is further amended by adding at the end the following new section:

''REIMBURSEMENT BY POLITICAL PARTIES FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

''SEC. 328. (a) IN GENERAL.—If the President, Vice President, or the head of any executive department (as defined in section 101 of title 5, United States Code) uses Air Force One for transportation for any travel which includes a fundraising event for the benefit of any political committee of a national political party, such political committee shall reimburse the Federal Government for the fair market value of the transportation of the individual involved, based on the cost of an equivalent commercial chartered flight.

''(b) AIR FORCE ONE DEFINED.—In subsection (a), the term 'Air Force One' means the airplane operated by the Air Force which has been specially configured to carry out the mission of transporting the President.''.

SEC. 902. REIMBURSEMENT FOR USE OF GOVERNMENT EQUIPMENT FOR CAMPAIGN-RELATED TRAVEL.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 505, 508, 511, and 901, is further amended by adding at the end the following new section:

''REIMBURSEMENT FOR USE OF GOVERNMENT EQUIPMENT FOR CAMPAIGN-RELATED TRAVEL

''SEC. 329. If a candidate for election for Federal office (other than a candidate who holds Federal office) uses Federal government property as a means of transportation for purposes related (in whole or in part) to the campaign for election for such office, the principal campaign committee of the candidate shall reimburse the Federal government for the costs associated with providing the transportation.''.

TITLE X—PROHIBITING USE OF WALKING AROUND MONEY

SEC. 1001. PROHIBITING CAMPAIGNS FROM PROVIDING CURRENCY TO INDIVIDUALS FOR PURPOSES OF ENCOURAGING TURNOUT ON DATE OF ELECTION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 505, 508, 511, 901, and 902, is further amended by adding at the end the following new section:

''PROHIBITING USE OF CURRENCY TO PROMOTE ELECTION DAY TURNOUT

''SEC. 330. It shall be unlawful for any political committee to provide currency to any individual (directly or through an agent of the committee) for purposes of encouraging the individual to appear at the polling place for the election.''.

TITLE XI—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

SEC. 1101. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.

(a) MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.—Section 309(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking ''shall be fined, or imprisoned for not more than one year, or both'' and inserting ''shall be imprisoned for not fewer than 1 year and not more than 10 years''; and

(2) by striking the second sentence.

(b) CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

''(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 2002.

TITLE XII—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 1201. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, 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. 1202. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 1203. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect upon the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 1204. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 45 days after the date of the enactment of this Act.

H.R. 2356

OFFERED BY: MR. NEY

AMENDMENT NO. 15: Amend section 301(20) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(20) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

''(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention; and

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

In section 402(b), strike ''At any time after such effective date, the committee may spend such funds for activities which are solely to defray the costs of the construction or purchase of any office building or facility.'' and insert the following: ''At no time after such effective date may the committee spend any such funds for activities to defray the costs of the construction or purchase of any office building or facility.''.

H.R. 2356

OFFERED BY: MR. NEY

AMENDMENT NO. 16: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Campaign Reform and Citizen Participation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

Sec. 101. Restrictions on soft money of national political parties.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions to State parties.

Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

Sec. 205. Indexing.

Sec. 206. Permitting national parties to establish accounts for making expenditures in excess of limits on behalf of candidates facing wealthy opponents.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

Sec. 301. Disclosure of information on communications broadcast prior to election.

Sec. 302. Disclosure of information on targeted mass communications.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

SEC. 101. RESTRICTIONS ON SOFT MONEY OF NATIONAL POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SOFT MONEY OF NATIONAL POLITICAL PARTIES

''SEC. 323. (a) PROHIBITING USE OF SOFT MONEY FOR FEDERAL ELECTION ACTIVITY.—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 for Federal election activity, or spend any funds for Federal election activity, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) LIMIT ON AMOUNT OF NONFEDERAL FUNDS PROVIDED TO PARTY BY ANY PERSON FOR ANY PURPOSE.—

''(1) LIMIT ON AMOUNT.—No person shall make contributions, donations, or transfers of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party in any calendar year in an aggregate amount equal to or greater than $20,000.

''(2) PROHIBITING PROVISION OF NONFEDERAL FUNDS BY INDIVIDUALS.—No individual may make any contribution, donation, or transfer of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party.

''(c) APPLICABILITY.—This subsection shall apply to any political committee established and maintained by a national political party, any officer or agent of such a committee acting on behalf of the committee, and any entity that is directly or indirectly established, maintained, or controlled by such a national committee.

''(d) DEFINITIONS.—

''(1) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election, unless the activity constitutes generic campaign activity;

''(ii) voter identification or get-out-the-vote activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot), unless the activity constitutes generic campaign activity;

''(iii) any public communication that refers to or depicts a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) any public communication made by means of any broadcast, cable, or satellite communication.

''(B) EXCEPTION FOR CERTAIN ADMINISTRATIVE ACTIVITIES.—The term 'Federal election activity' does not include any activity relating to establishment, administration, or solicitation costs of a political committee established and maintained by a national political party, so long as the funds used to carry out the activity are derived from funds or payments made to the committee which are segregated and used exclusively to defray the costs of such activities.

''(2) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means any activity that does not mention, depict, or otherwise promote a clearly identified Federal candidate.

''(3) PUBLIC COMMUNICATION.—The term 'public communication' means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, or direct mail.

''(4) DIRECT MAIL.—The term 'direct mail' means a mailing by a commercial vendor or any mailing made from a commercial list.''.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

SEC. 201. INCREASE IN LIMITS ON CERTAIN CONTRIBUTIONS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL PARTIES.—Section 315(a)(2)(B) of such Act (2 U.S.C. 441a(a)(2)(B)) is amended by striking ''$15,000'' and inserting ''$30,000''.

(b) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$37,500''.

SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO STATE PARTIES.

(a) CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (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) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

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

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

SEC. 203. TREATMENT OF CONTRIBUTIONS TO NATIONAL PARTY UNDER AGGREGATE ANNUAL LIMIT ON INDIVIDUAL CONTRIBUTIONS.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(3)) is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)''; and

(2) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply with respect to any contribution made to any political committee established and maintained by a national political party which is not the authorized political committee of any candidate.''.

SEC. 204. EXEMPTION OF COSTS OF VOLUNTEER CAMPAIGN MATERIALS PRODUCED AND DISTRIBUTED BY PARTIES FROM TREATMENT AS CONTRIBUTIONS AND EXPENDITURES.

(a) TREATMENT AS CONTRIBUTIONS.—Section 301(8)(B)(x) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(x)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

(b) TREATMENT AS EXPENDITURES.—Section 301(9)(B)(viii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(viii)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

SEC. 205. INDEXING.

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 calendar year after 2002—

''(i) a limitation established by subsections (a), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

''(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 subsections (a) and (h), 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—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsections (a) and (h), calendar year 2001''.

SEC. 206. PERMITTING NATIONAL PARTIES TO ESTABLISH ACCOUNTS FOR MAKING EXPENDITURES IN EXCESS OF LIMITS ON BEHALF OF CANDIDATES FACING WEALTHY OPPONENTS.

(a) ESTABLISHMENT OF ACCOUNTS.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following new paragraph:

''(4)(A) Subject to subparagraph (B), the national committee of a political party may make expenditures in connection with the general election campaign of a candidate for Federal office (other than a candidate for President) who is affiliated with such party in an amount in excess of the limit established under paragraph (3) if—

''(i) the candidate's opponent in the general election campaign makes expenditures of personal funds in connection with the campaign in an amount in excess of $100,000 (as provided in the notifications submitted under section 304(a)(6)(B)); and

''(ii) the expenditures are made from a separate account of the party used exclusively for making expenditures pursuant to this paragraph.

''(B) The amount of expenditures made in accordance with subparagraph (A) by the national committee of a political party in connection with the general election campaign of a candidate may not exceed the amount of expenditures of personal funds made by the candidate's opponent in connection with the campaign (as provided in the notifications submitted under section 304(a)(6)(B)).''.

(b) WAIVER OF LIMITS ON CONTRIBUTIONS TO ACCOUNTS.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations imposed by paragraphs (1)(B), (2)(B), and (3) shall not apply with respect to contributions made to the national committee of a political party which are designated by the donor to be deposited solely into the account established by the party under subsection (d)(4).''.

(c) NOTIFICATION OF EXPENDITURES OF PERSONAL FUNDS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended—

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

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B)(i) The principal campaign committee of a candidate (other than a candidate for President) shall submit the following notifications relating to expenditures of personal funds by such candidate (including contributions by the candidate or the candidate's spouse to such committee and funds derived from loans made by the candidate or the candidate's spouse to such committee):

''(I) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds $100,000.

''(II) After the notification is made under subclause (I), a notification of each such subsequent expenditure (or contribution) which, taken together with all such subsequent expenditures (and contributions) in any amount not included in the most recent report under this subparagraph, totals $5,000 or more.

''(ii) Each of the notifications submitted under clause (i)—

''(I) shall be submitted not later than 24 hours after the expenditure or contribution which is the subject of the notification is made;

''(II) shall include the name of the candidate, the office sought by the candidate, and the date of the expenditure or contribution and amount of the expenditure or contribution involved; and

''(III) shall include the total amount of all such expenditures and contributions made with respect to the same election as of the date of expenditure or contribution which is the subject of the notification.''.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICATIONS BROADCAST PRIOR TO ELECTION.

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

''(e) DISCLOSURE OF INFORMATION ON CERTAIN COMMUNICATIONS BROADCAST PRIOR TO ELECTIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for a communication described in paragraph (3) shall, not later than 24 hours after making the disbursement, file with the Commission a statement containing the information required under paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of the disbursement.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) COMMUNICATIONS DESCRIBED.—

''(A) IN GENERAL.—A communication described in this paragraph is any communication—

''(i) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of a Federal election; and

''(ii) which mentions a clearly identified candidate for such election (by name, image, or likeness).

''(B) EXCEPTION.—A communication is not described in this paragraph if—

''(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

''(ii) the communication constitutes an expenditure under this Act.

''(4) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

''(5) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

SEC. 302. DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 301, is further amended by adding at the end the following new subsection:

''(f) DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for targeted mass communications in an aggregate amount in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of each such disbursement of more than $200 made by the person during the period covered by the statement

and the identification of the person to whom the disbursement was made.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) TARGETED MASS COMMUNICATION DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'targeted mass communication' means any communication—

''(i) which is disseminated during the 120-day period ending on the date of a Federal election;

''(ii) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and

''(iii) which is targeted to the relevant electorate.

''(B) TARGETING TO RELEVANT ELECTORATE.—

''(i) BROADCAST COMMUNICATIONS.—For purposes of this paragraph, a communication disseminated to the public by means of any broadcast, cable, or satellite communication which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if the communication is disseminated by a broadcaster whose audience includes—

''(I) a substantial number of residents of the district the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

''(II) a substantial number of residents of the State the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Senator.

''(ii) OTHER COMMUNICATIONS.—For purposes of this paragraph, a communication which is not described in clause (i) which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if—

''(I) more than 10 percent of the total number of intended recipients of the communication are members of the electorate involved with respect to such Federal office; or

''(II) more than 10 percent of the total number of members of the electorate involved with respect to such Federal office receive the communication.

''(C) EXCEPTIONS.—The term 'targeted mass communication' does not include—

''(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

''(ii) a communication made by any membership organization (including a labor organization) or corporation solely to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

''(iii) a communication which constitutes an expenditure under this Act.

''(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

''(A) the first date during any calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000; and

''(B) any other date during such calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

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

''(6) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

H.R. 2356

OFFERED BY: ____

AMENDMENT NO. 17: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to the Second Amendment of the Constitution

SEC. 221. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution protects the right of individual persons to keep and bear arms.

(2) There are more than 60,000,000 gun owners in the United States.

(3) The Second Amendment to the Constitution of the United States protects the right of Americans to carry firearms in defense of themselves and others.

(4) The United States Court of Appeals in *U.S. v. Emerson* reaffirmed the fact that the right to keep and bear arms is an individual right protected by the Constitution.

(5) Americans who are concerned about threats to their ability to keep and bear arms have the right to petition their government.

(6) The Supreme Court, in *U.S. v. Cruikshank* (92 U.S. 542, 1876) recognized that the right to arms preexisted the Constitution. The Court stated that the right to arms ''is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence.''.

(7) In *Beard v. United States* (158 U.S. 550, 1895) the Court approved the common-law rule that a person ''may repel force by force'' in self-defense, and concluded that when attacked a person ''was entitled to stand his ground and meet any attack made upon him with a deadly weapon, in such a way and with such force'' as needed to prevent ''great bodily injury or death''. The laws of all 50 states, and the constitutions of most States, recognize the right to use armed force in self-defense.

(8) In order to protect Americans' constitutional rights under the Second Amendment, the First Amendment provides the ability for citizens to address the Government.

(9) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(10) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(11) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(12) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(13) Citizens who have an interest in issues about or related to the Second Amendment of the Constitution have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(14) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning the right to keep and bear arms to their elected officials and the general public.

(15) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO THE SECOND AMENDMENT OF THE CONSTITUTION.

None of the restrictions or requirements contained in this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any person who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to the Second Amendment.

H.R. 2356

OFFERED BY: ____

AMENDMENT NO.18: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Veterans, Military Personnel, or Seniors

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 42,000,000 men and women have served in the United States Armed Forces from the Revolution onward and more than 25 million are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute a significant part of the present United States population.

(2) American veterans are black and they are white; they are of every race and ethnic heritage. They are men, and they are women. They are Christians, they are Muslims, they are Jews. They are fathers, mothers, sisters, brothers, sons and daughters. They are neighbors, down the street or right next door. They are teachers in our schools, they are factory workers. They are Americans living today who served in the armed services, and they are the more than 1,000,000 who have died in America's wars.

(3) America's veterans are men and women who have fought to protect the United States against foreign aggressors as Soldiers, Sailors, Airmen, Coast Guardsmen and Marines. The members of our elite organization are those who have discharged their very special obligation of citizenship as servicemen and women, and who today continue to expend great time, effort and energy in the service of their fellow veterans and their communities.

(4) There is a bond joining every veteran from every branch of the service. Whether drafted or enlisted, commissioned or noncommissioned, each took an oath, lived by a code, and stood ready to fight and die for their country.

(5) American men and women in uniform risk their lives on a daily basis to defend our freedom and democracy. Americans have always believed that there are values worth fighting for—values and liberties upon which America was founded and which we have carried forward for more than 225 years, that men and women of this great nation gave their lives to preserve.

(6) It is the sacrifice borne by generations of American veterans that has made us strong and has rendered us the beacon of freedom guiding the course of nations throughout the world. American veterans have fought for freedom for Americans, as well as citizens throughout the world. They have helped to defend and preserve the values of freedom of speech, democracy, voting rights, human rights, equal access and the rights of the individual—those values felt and nurtured on every continent in our world.

(7) The freedoms and opportunities we enjoy today were bought and paid for with their devotion to duty and their sacrifices. We can never say it too many times: We are the benefactors of their sacrifice, and we are grateful.

(8) Of the 25,000,000 veterans currently alive, nearly three of every four served during a war or an official period of hostility. About a quarter of the Nation's population—approximately 70,000,000 people—are potentially eligible for Veterans' Administration benefits and services because they are veterans, family members or survivors of veterans.

(9) The present veteran population is estimated at 25,600,000, as of July 1, 1997. Nearly 80 of every 100 living veterans served during defined periods of armed hostilities. Altogether, almost one-third of the nation's population-approximately 70,000,000 persons who are veterans, dependents and survivors of deceased veterans—are potentially eligible for Veterans' Administration benefits and services.

(10) Care for veterans and dependents spans centuries. The last dependent of a Revolutionary War veteran died in 1911; the War of 1812's last dependent died in 1946; the Mexican War's, in 1962.

(11) The Veterans' Administration health care system has grown from 54 hospitals in 1930, to include 171 medical centers; more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; and 35 domiciliaries. Veterans' Administration health care facilities provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast increase in the veteran population, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act more than a century ago.

(13) About 2,700,000 veterans receive disability compensation or pensions from VA. Also receiving Veterans' Administration benefits are 592,713 widows, children and parents of deceased veterans. Among them are 133,881 survivors of Vietnam era veterans and 295,679 survivors of World War II veterans. In fiscal year 2001, Veterans' Administration planned to spend $22,000,000,000 yearly in disability compensation, death compensation and pension to 3,200,000 people.

(14) Veterans' Administration manages the largest medical education and health professions training program in the United States. Veterans' Administration facilities are affiliated with 107 medical schools, 55 dental schools and more than 1,200 other schools across the country. Each year, about 85,000 health professionals are trained in Veterans' Administration medical centers. More than half of the physicians practicing in the United States have had part of their professional education in the Veterans' Administration health care system.

(15) 75 percent of Veterans' Administration researchers are practicing physicians. Because of their dual roles, Veterans' Administration research often immediately benefits patients. Functional electrical stimulation, a technology using controlled electrical current to activate paralyzed muscles, is being developed at Veterans' Administration clinical facilities and laboratories throughout the country. Through this technology, paraplegic patients have been able to stand and, in some instances, walk short distances and climb stairs. Patients with quadriplegia are able to use their hands to grasp objects.

(16) There are more than 35,000,000 persons in the United States aged 65 and over.

(17) Seniors are a diverse population, each member having his or her own political and economic issues.

(18) Seniors and their families have many important issues for which they seek congressional action. Some of these issues include, but are not limited to, health care, Social Security, and taxes.

(19) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(20) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(21) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(22) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ″.

(23) Citizens who have an interest in issues about or related to veterans, military personnel, seniors, and their families have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(24) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning veterans, military personnel, seniors, and their families to their elected officials and the general public.

(25) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO VETERANS, MILITARY PERSONNEL, OR SENIORS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who

is a candidate for congressional or other Federal office, on any matter pertaining to veterans, military personnel, or senior citizens, or to the immediate family members of veterans, military personnel, or senior citizens.

H.R. 2356

OFFERED BY: ____

AMENDMENT NO. 19: Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect February 14, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL PARTIES.—If a national committee of a political party described in 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) which remain unexpended as of such date, the committee shall return the funds on a pro rata basis to the persons who provided the funds to the committee.

H.R. 2356

OFFERED BY: ____

AMENDMENT NO. 20. Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Workers, Farmers, Families, and Individuals

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Thousands of organizations and associations represent these employed persons and their employers in numerous forms and forums, not least of which is by participating in our electoral and political system in a number of ways, including informing citizens of key votes that affect their common interests, criticizing and praising elected officials for their position on issues, contributing to candidates and political parties, registering voters, and conducting get-out-the-vote activities.

(3) The rights of American workers to bargain collectively are protected by their First Amendment to the Constitution and by provisions in the National Labor Relations Act. Federal law guarantees the rights of workers to choose whether to bargain collectively through a union.

(4) Fourteen percent of the American workforce has chosen to affiliate with a labor union. Federal law allows workers and unions the opportunity to combine strength and to work together to seek to improve the lives of America's working families, bring fairness and dignity to the workplace and secure social and economic equity in our nation.

(5) Nearly three quarters of all United States business firms have no payroll. Most are self-employed persons operating unincorporated businesses, and may or may not be the owner's principal source of income.

(6) Minorities owned fewer than 7 percent of all United States firms, excluding C corporations, in 1982, but this share soared to about 15 percent by 1997. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(7) In 1999, women made up 46 percent of the labor force. The labor force participation rate of American women was the highest in the world.

(8) Labor/Worker unions represent 16 million working women and men of every race and ethnicity and from every walk of life.

(9) In recent years, union members and their families have mobilized in growing numbers. In the 2000 election, 26 percent of the nation's voters came from union households.

(10) According to the 2000 census, total United States families were totaled at over 105 million.

(11) In 2000, there were 8.7 million African American families.

(12) Asians have larger families than other groups. For example, the average Asian family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(13) American farmers, ranchers, and agricultural managers direct the activities of the world's largest and most productive agricultural sectors. They produce enough food and fiber to meet the needs of the United States and produce a surplus for export.

(14) About 17 percent of raw United States agricultural products are exported yearly, including 83 million metric tons of cereal grains, 1.6 billion pounds of poultry, and 1.4 million metric tons of fresh vegetables.

(15) One-fourth of the world's beef and nearly one-fifth of the world's grain, milk, and eggs are produced in the United States.

(16) With 96 percent of the world's population living outside our borders, the world's most productive farmers need access to international markets to compete.

(17) Every State benefits from the income generated from agricultural exports. 19 States have exports of $1 billion or more.

(18) America's total on United States exports is $49.1 billion and the number of imports is $37.5 billion.

(19) By itself, farming-production agriculture-contributed $60.4 billion toward the national GDP (Gross Domestic Product).

(20) Farmers and ranchers provide food and habitat for 75 percent of the Nation's wildlife.

(21) More than 23 million jobs-17 percent of the civilian workforce-are involved in some phase of growing and getting our food and clothing to us. America now has fewer farmers, but they are producing now more than ever before.

(22) Twenty-two million American workers process, sell, and trade the Nation's food and fiber. Farmers and ranchers work with the Department of Agriculture to produce healthy crops while caring for soil and water.

(23) By February 8, the 39th day of 2002, the average American has earned enough to pay for their family's food for the entire year. In 1970 it took 12 more days than it does now to earn a full food pantry for the year. Even in 1980 it took 10 more days—49 total days—of earning to put a year's supply of food on the table.

(24) Farmers are facing the 5th straight year of the lowest real net farm income since the Great Depression. Last October, prices farmers received made their sharpest drop since United States Department of Agriculture began keeping records 91 years ago. During this same period the cost of production has hit record highs.

(25) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(26) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(27) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(28) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people''.

(29) Citizens who have an interest in issues about or related to their lives have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(30) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy.

(31) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO WORKERS, FARMERS, FAMILIES, AND INDIVIDUALS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to any individual.

H.R. 2356

OFFERED BY: ____

AMENDMENT NO. 21. Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Civil Rights and Issues Affecting Minorities

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 70 million people in the United States belong to a minority race.

(2) More than 34 million people in the United States are African American, 35 million are Hispanic or Latino, 10 million are Asian, and 2 million are American Indian or Alaska Native.

(3) Minorities account for around 24 percent of the U.S. workforce.

(4) Minorities, who owned fewer than 7 percent of all U.S. firms in 1982, now own more than 15 percent. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(5) Self-employment as a share of each group's nonagricultural labor force (averaged over the 1991-1999 decade) was White, 9.7 percent; African American, 3.8 percent; American Indian, Eskimo, or Aleut, 6.4 percent; and Asian or Pacific Islander, 10.1 percent.

(6) Of U.S. businesses, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 0.9 percent by American Indians.

(7) Of the 4,514,699 jobs in minority-owned businesses in 1997, 48.8 percent were in Asian-owned firms, 30.8 percent in Hispanic-owned firms, 15.9 percent in African American-owned firms, and 6.6 percent in American Native-owned firms.

(8) Minority-owned firms had about $96 billion in payroll in 1997. The average payroll per employee was roughly $21,000 in the major minority groups and ranged from just under $15,000 to just over $27,000 in various subgroups of the minority population.

(9) African Americans were the only race or ethnic group to show an increase in voter participation in congressional elections, increasing their presence at the polls from 37 percent in 1994 to 40 percent in 1998. Nationwide, overall turnout by the voting-age population was down from 45 percent in 1994 to 42 percent in 1998.

(10) In 2000, there were 8.7 million African American families. The United States had 96,000 African American engineers, 41,000 African American physicians and 47,000 African American lawyers in 1999.

(11) The number of Asians and Pacific Islanders voting in congressional elections increased by 366,000 between 1994 and 1998.

(12) Businesses owned by Asians and Pacific Islanders made up 4 percent of the nation's 20.8 million nonfarm businesses.

(13) Asians tend to have larger families - the average family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(14) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(15) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(16) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(17) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(18) Citizens who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(19) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning civil rights to their elected officials and the general public.

(20) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO CIVIL RIGHTS AND ISSUES AFFECTING MINORITIES.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to civil rights and issues affecting minorities.

H.R. 2356

OFFERED BY: ____

AMENDMENT NO. 22: Add at the end the following title:

TITLE VI—NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS

SEC. 601. FINDINGS.

Congress finds the following:

(1) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''

(2) The First Amendment affords the broadest protection to such political expression in order ''to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people. *Roth v. United States*, 354 U.S. 476, 484 (1957).

(3) According to *Mills v. Alabama*, 384 U.S. 214, 218 (1966), there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs, ''...of course including[ing] discussions of candidates...''.

(4) According to *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964), the First Amendment reflects our ''profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open''. In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for the identities of those who are elected will inevitably shape the course that we follow as a nation.

(5) The First Amendment protects political association as well as political expression. The constitutional right of association explicated in *NAACP v. Alabama*, 357 U.S. 449, 460 (1958), stemmed from the Court's recognition that ''[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.'' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee ''freedom to associate with others for the common advancement of political beliefs and ideas,'' a freedom that encompasses '''[t]he right to associate with the political party of one's choice.''' *Kusper v. Pontikes*, 414 U.S. 51, 56, 57, quoted in *Cousins v. Wigoda*, 419 U.S. 477, 487 (1975).

(6) In *Buckley v. Valeo*, the Supreme Court stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(7) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(8) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(9) The courts of the United States have consistently reaffirmed and applied the teachings of *Buckley*, striking down such government overreaching. The courts of the United States have consistently upheld the rights of the citizens of the United States, candidates for public office, political parties, corporations, labor unions, trade associations, non-profit entities, among others. Such decisions provide a very clear line as to what the government can and cannot do with respect to the regulation of campaigns. See *Federal Election Comm'n v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986); *Federal Election Comm'n v. National Conservative Political Action Comm.*, 470 U.S. 480 (1985); *California Medical Assn. v. Federal Election Comm'n*, 453 U.S. 182 (1981).

(10) The FEC has lost time and time again in court attempting to move away from the express advocacy bright line test of *Buckley v. Valeo*. In fact, in some cases, the FEC has had to pay fees and costs because the theory is frivolous. *See FEC v. Christian Action Network*, 110 F.3d 1049 (4th Cir. 1997), *aff'g* 894 F. Supp. 946 (W.D.Va. 1995); *Maine Right to Life Comm. v. FEC*, 914 F. Supp. 8 (D.Me. 1996), aff'd 98 F.3d 1 (1st Cir. 1996), *cert. denied*, 118 S. Ct. 52 (1997); *Clifton v. FEC*, 114 F.3d 1309 (1st Cir. 1997); *Faucher v. FEC*, 928 F.2d 468, 472 (1st Cir.), *cert. denied*, 502 U.S. 820 (1991); *FEC v. Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Co.), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir.), vacated on other grounds, 116 S. Ct. 2309 (1996); *FEC v. Central Long Island Tax Reform Immediately Comm.*, 616 F.2d 45, 53 (2d Cir. 1980); *Minnesota Citizens Concerned for Life, Inc. v. FEC*, 936 F. Supp. 633 (D. Minn. 1996), *aff'd* 113 F.3d 129 (8th Cir. 1997), *reh'g. en banc denied*, 1997 U.S. App. LEXIS 17528; *West Virginians for Life, Inc. v. Smith*, 960 F. Supp. 1036, 1039 (S.D.W.Va. 1996); *FEC v. Survival Education Fund*, 1994 U.S. Dist. Lexis 210 (S.D.N.Y. 1994), *aff'd in part and rev'd in part*, 65 F.3d 285 (2nd Cir. 1995); *FEC v. National Organization for Women*, 713 F. Supp. 428, 433–34 (D.D.C. 1989); *FEC v. American Federation of State, County and Municipal Employees*, 471 F. Supp. 315, 316–17 (D.D.C. 1979). Even the FEC abandoned the ''electioneering communication'' standard soon after the 1996 election due to its vagueness.

(11) The courts have also repeatedly upheld the rights of political party committees. As Justice Kennedy noted: ''The central holding in *Buckley v. Valeo* is that spending money on one's own speech must be permitted, and that this is what political parties do when they make expenditures FECA restricts.'' *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n*, 518 U.S. 604, 627 (1996) (J. Kennedy, concurring). Justice Thomas added: ''As applied in the specific context of campaign funding by political parties, the anticorruption rationale loses its force. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities*, 56 Ford L. Rev. 53, 105–106 (1987). What could it mean for a party to 'corrupt' its candidates or to exercise 'coercive' influence over him? The very aim of a political party is to influence its candidate's stance on issues and, if the candidate takes office or is reelected, his votes. When political parties achieve that aim, that achievement does not, in my view, constitute 'a subversion of the political process.' *Federal Election Comm'n v. NCPAC*, 470 U.S. at 497. For instance, if the Democratic Party spends large sums of money in support of a candidate who wins, takes office, and then implements the Party's platform, that is not corruption; that is successful advocacy of ideas in the political marketplace and representative government in a party system. To borrow a phrase from *Federal Election Comm'n v. NCPAC*, 'the fact that candidates and elected officials may alter or reaffirm their own positions on issues in response to political messages paid for by [political groups] can hardly be called corruption, for one of the essential features of democracy is the presentation of the electorate of varying points of view.' *Id.* at 498. Cf. *Federal Election Comm'n v. MCFL*, 479 U.S. at 263 (suggesting that '[v]oluntary political associations do not . . . present the specter of corruption').''. *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n*, 518 U.S. 604, 647 (1996) (J. Thomas, concurring). Justice Thomas continued: ''The structure of political parties is such that the theoretical danger of those groups actually engaging in quid pro quos with candidates is significantly less than the threat of individuals or other groups doing so. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities*, 56 Ford L. Rev. 53, 97–98 (1987) (citing F. Sorauf, *Party Politics in America* 15–18 (5th ed. 1984)). American political parties, generally speaking, have numerous members with a wide variety of interests, features necessary for success in majoritarian elections. Consequently, the influence of any one person or the importance of any single issue within a political party is significantly diffused. For this reason, as the Party's amici argue, see Brief for Committee for Party Renewal et al. as Amicus Curiae 16, campaign funds donated by parties are considered to be some of 'the cleanest money in politics.' J. Bibby, *Campaign Finance Reform*, 6 Commonsense 1, 10 (Dec. 1983). And, as long as the Court continues to permit Congress to subject individuals to limits on the amount they can give to parties, and those limits are uniform as to all donors, *see* 2 U.S.C. section 441a(a)(1), there is little risk that an individual donor could use a party as a conduit for bribing candidates. *Id.*''.

(12) As recently as 2000, the Supreme Court reminded us once again of the vital role that political parties play on our democratic life, by serving as the primary vehicles for the political views and voices of millions and millions of Americans. ''Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting the electoral candidates who espouse their political views. The formation of national political parties was almost concurrent with the formation of the Republic itself.'' *California Democratic Party v. Jones*, 530 U.S. 567 (2000). Moreover, just last year, a Federal court struck down a state law that included a so-called ''soft money ban,'' which in reality was a ban on corporate and union contributions to political parties—which as a factual matter is correct. The *Anchorage Daily News* reported:

(13) A Federal judge says corporations and unions have a constitutional right to give unlimited amounts of ''soft money'' to political parties, so long as none of the money is used to get specific candidates elected. In a decision dated June 11, U.S. District Judge James Singleton struck down a section of Alaska's 1997 political contributions law that barred corporations, unions and other businesses from contributing any money to political candidates or parties. The ban against corporate contributions to individual candidates is fine, Singleton said. Public concern about the corrupting influence or corporate contributions on a specific candidate is legitimate and important enough to somewhat limit freedom of speech and political association, the judge concluded. But contributions to the noncandidate work of a political party do not raise undue influence issues and therefore may not be restricted, the judge concluded.

(14) Sheila Toomey, *Anchorage Daily News* (June 14, 2001) (reporting on *Kenneth P. Jacobus, et al. vs. State of Alaska, et al.*, No. A97–0272 (D. Alaska filed June 11, 2001).

(15) Nor is speech any less protected by the First Amendment simply because the one making the speech contacted or communicated with others. For some time, the Federal Election Commission held the view that such ''coordination'' (an undefined term), even of communications that did not contain express advocacy, somehow was problematic, and subject to the limitations and prohibitions of the Act. This view has been rejected by the courts. *Federal Election Commission v. Christian Coalition*, 52 F. Supp. 2d 45 (D.D.C. 1999). In fact, lower Federal courts have held that even political party committee limits on coordinated expenditures are an unconstitutional restriction on speech. *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.*, 213 F.3d 1221 (10th Cir. 2000). Unless a party committee's expenditure is the functional equivalent of a contribution (and thus not ''coordinated''), it cannot be limited. See Federal Election Commission v. Colo. Republican Fed. Campaign Comm., 150 L.Ed.2d 461, nt. 17, nt. 2 (J. Thomas, dissenting) (2001). As a factual matter, many party committee ''coordinated'' expenditures are not the functional equivalent of contributions. *See* Amicus Curie Brief of the National Republican Congressional Committee, *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.*, 150 L.Ed.2d 461 (2001).

(16) Commentators, legal experts and testimony in the record echoes the need to be mindful of the First Amendment. Whether it is the American Civil Liberties Union, see March 10, 2001 ACLU Letter to Senate (and all cases cited therein) & June 14, 2001 ACLU testimony before the House Administration Committee (and cases cited therein), or the counsel to the National Right to Life Committee and the Christian Coalition, see June 14, 2001 testimony of James Bopp before the House Administration Committee (and cases cited therein), experts across the political spectrum have thoughtfully explained the need to ensure the First Amendment rights of citizens of this country.

(17) Citizens who have an interest in issues have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communication in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(18) This Act contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues to their elected officials and the general public.

(19) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political

speech should be at its most robust and unfettered.

SEC. 602. NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS.

Notwithstanding any provision of this Act, and in recognition of the First Amendment to the United States Constitution, nothing in this Act or in any amendment made by this Act may be construed to abridge those freedoms found in that Amendment, specifically the freedom of speech or of the press, or the right of people to peaceably assemble, and to petition the government for a redress of grievances, consistent with the rulings of the courts of the United States (as provided in section 601).

H.R. 2356

OFFERED BY: ____

AMENDMENT NO. 23: Amend section 323(b) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—An amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

Amend section 323(e)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

Amend section 304(e)(2) of the Federal Election Campaign Act of 1971, as proposed to be added by section 103(a) of the bill, to read as follows:

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b) applies shall report all receipts and disbursements made for activities described in section 301(20)(A).

H.R. 2356

OFFERED BY: ____

AMENDMENT NO. 24: Add at the end of title III the following new section:

SEC. 323. BANNING POLITICAL CONTRIBUTIONS IN FEDERAL ELECTIONS BY ALL INDIVIDUALS NOT CITIZENS OR NATIONALS OF THE UNITED STATES.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: '', or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

H.R. 2356

OFFERED BY: MR. NEY

AMENDMENT NO 25: Amend section 301(20) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(20) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

''(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention; and

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

In section 402(b), strike ''At any time after such effective date, the committee may spend such funds for activities which are solely to defray the costs of the construction or purchase of any office building or facility.'' and insert the following: ''At no time after such effective date may the committee spend any such funds for activities to defray the costs of the construction or purchase of any office building or facility.''.

H.R. 2356

OFFERED BY: MR. NEY

[Shays Substitute]

AMENDMENT NO. 26. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Campaign Reform and Citizen Participation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

Sec. 101. Restrictions on soft money of national political parties.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions to State parties.

Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

Sec. 205. Indexing.

Sec. 206. Permitting national parties to establish accounts for making expenditures in excess of limits on behalf of candidates facing wealthy opponents.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

Sec. 301. Disclosure of information on communications broadcast prior to election.

Sec. 302. Disclosure of information on targeted mass communications.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

SEC. 101. RESTRICTIONS ON SOFT MONEY OF NATIONAL POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SOFT MONEY OF NATIONAL POLITICAL PARTIES

''SEC. 323. (a) PROHIBITING USE OF SOFT MONEY FOR FEDERAL ELECTION ACTIVITY.—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 for Federal election activity, or spend any funds for Federal election activity, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) LIMIT ON AMOUNT OF NONFEDERAL FUNDS PROVIDED TO PARTY BY ANY PERSON FOR ANY PURPOSE.—

''(1) LIMIT ON AMOUNT.—No person shall make contributions, donations, or transfers of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party in any calendar year in an aggregate amount equal to or greater than $20,000.

''(2) PROHIBITING PROVISION OF NONFEDERAL FUNDS BY INDIVIDUALS.—No individual may make any contribution, donation, or transfer of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party.

''(c) APPLICABILITY.— This subsection shall apply to any political committee established and maintained by a national political party, any officer or agent of such a committee acting on behalf of the committee, and any entity that is directly or indirectly established, maintained, or controlled by such a national committee.

''(d) DEFINITIONS.—

''(1) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election, unless the activity constitutes generic campaign activity;

''(ii) voter identification or get-out-the-vote activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot), unless the activity constitutes generic campaign activity;

''(iii) any public communication that refers to or depicts a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) any public communication made by means of any broadcast, cable, or satellite communication.

''(B) EXCEPTION FOR CERTAIN ADMINISTRATIVE ACTIVITIES.—The term 'Federal election activity' does not include any activity relating to establishment, administration, or solicitation costs of a political committee established and maintained by a national political party, so long as the funds used to carry out the activity are derived from funds or payments made to the committee which are segregated and used exclusively to defray the costs of such activities.

''(2) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means any activity that does not mention, depict, or otherwise promote a clearly identified Federal candidate.

''(3) PUBLIC COMMUNICATION.—The term 'public communication' means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, or direct mail.

''(4) DIRECT MAIL.—The term 'direct mail' means a mailing by a commercial vendor or any mailing made from a commercial list.''.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

SEC. 201. INCREASE IN LIMITS ON CERTAIN CONTRIBUTIONS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL PARTIES.—Section 315(a)(2)(B) of such Act (2 U.S.C. 441a(a)(2)(B)) is amended by striking ''$15,000'' and inserting ''$30,000''.

(b) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$37,500''.

SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO STATE PARTIES.

(a) CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (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) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

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

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

SEC. 203. TREATMENT OF CONTRIBUTIONS TO NATIONAL PARTY UNDER AGGREGATE ANNUAL LIMIT ON INDIVIDUAL CONTRIBUTIONS.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(3)) is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)''; and

(2) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply with respect to any contribution made to any political committee established and maintained by a national political party which is not the authorized political committee of any candidate.''.

SEC. 204. EXEMPTION OF COSTS OF VOLUNTEER CAMPAIGN MATERIALS PRODUCED AND DISTRIBUTED BY PARTIES FROM TREATMENT AS CONTRIBUTIONS AND EXPENDITURES.

(a) TREATMENT AS CONTRIBUTIONS.—Section 301(8)(B)(x) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(x)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

(b) TREATMENT AS EXPENDITURES.—Section 301(9)(B)(viii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(viii)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

SEC. 205. INDEXING.

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 calendar year after 2002—

''(i) a limitation established by subsections (a), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

''(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 subsections (a) and (h), 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—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsections (a) and (h), calendar year 2001''.

SEC. 206. PERMITTING NATIONAL PARTIES TO ESTABLISH ACCOUNTS FOR MAKING EXPENDITURES IN EXCESS OF LIMITS ON BEHALF OF CANDIDATES FACING WEALTHY OPPONENTS.

(a) ESTABLISHMENT OF ACCOUNTS.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following new paragraph:

''(4)(A) Subject to subparagraph (B), the national committee of a political party may make expenditures in connection with the general election campaign of a candidate for Federal office (other than a candidate for President) who is affiliated with such party in an amount in excess of the limit established under paragraph (3) if—

''(i) the candidate's opponent in the general election campaign makes expenditures of personal funds in connection with the campaign in an amount in excess of $100,000 (as provided in the notifications submitted under section 304(a)(6)(B)); and

''(ii) the expenditures are made from a separate account of the party used exclusively for making expenditures pursuant to this paragraph.

''(B) The amount of expenditures made in accordance with subparagraph (A) by the national committee of a political party in connection with the general election campaign of a candidate may not exceed the amount of expenditures of personal funds made by the candidate's opponent in connection with the campaign (as provided in the notifications submitted under section 304(a)(6)(B)).''.

(b) WAIVER OF LIMITS ON CONTRIBUTIONS TO ACCOUNTS.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations imposed by paragraphs (1)(B), (2)(B), and (3) shall not apply with respect to contributions made to the national committee of a political party which are designated by the donor to be deposited solely into the account established by the party under subsection (d)(4).''.

(c) NOTIFICATION OF EXPENDITURES OF PERSONAL FUNDS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended—

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

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B)(i) The principal campaign committee of a candidate (other than a candidate for President) shall submit the following notifications relating to expenditures of personal funds by such candidate (including contributions by the candidate or the candidate's spouse to such committee and funds derived from loans made by the candidate or the candidate's spouse to such committee):

''(I) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds $100,000.

''(II) After the notification is made under subclause (I), a notification of each such subsequent expenditure (or contribution) which, taken together with all such subsequent expenditures (and contributions) in any amount not included in the most recent report under this subparagraph, totals $5,000 or more.

''(ii) Each of the notifications submitted under clause (i)—

''(I) shall be submitted not later than 24 hours after the expenditure or contribution which is the subject of the notification is made;

''(II) shall include the name of the candidate, the office sought by the candidate, and the date of the expenditure or contribution and amount of the expenditure or contribution involved; and

''(III) shall include the total amount of all such expenditures and contributions made with respect to the same election as of the date of expenditure or contribution which is the subject of the notification.''.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICATIONS BROADCAST PRIOR TO ELECTION.

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

adding at the end the following new subsection:

''(e) DISCLOSURE OF INFORMATION ON CERTAIN COMMUNICATIONS BROADCAST PRIOR TO ELECTIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for a communication described in paragraph (3) shall, not later than 24 hours after making the disbursement, file with the Commission a statement containing the information required under paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of the disbursement.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) COMMUNICATIONS DESCRIBED.—

''(A) IN GENERAL.—A communication described in this paragraph is any communication—

''(i) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of a Federal election; and

''(ii) which mentions a clearly identified candidate for such election (by name, image, or likeness).

''(B) EXCEPTION.—A communication is not described in this paragraph if—

''(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

''(ii) the communication constitutes an expenditure under this Act.

''(4) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

''(5) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

SEC. 302. DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 301, is further amended by adding at the end the following new subsection:

''(f) DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for targeted mass communications in an aggregate amount in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of each such disbursement of more than $200 made by the person during the period covered by the statement and the identification of the person to whom the disbursement was made.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) TARGETED MASS COMMUNICATION DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'targeted mass communication' means any communication—

''(i) which is disseminated during the 120-day period ending on the date of a Federal election;

''(ii) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and

''(iii) which is targeted to the relevant electorate.

''(B) TARGETING TO RELEVANT ELECTORATE.—

''(i) BROADCAST COMMUNICATIONS.—For purposes of this paragraph, a communication disseminated to the public by means of any broadcast, cable, or satellite communication which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if the communication is disseminated by a broadcaster whose audience includes—

''(I) a substantial number of residents of the district the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

''(II) a substantial number of residents of the State the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Senator.

''(ii) OTHER COMMUNICATIONS.—For purposes of this paragraph, a communication which is not described in clause (i) which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if—

''(I) more than 10 percent of the total number of intended recipients of the communication are members of the electorate involved with respect to such Federal office; or

''(II) more than 10 percent of the total number of members of the electorate involved with respect to such Federal office receive the communication.

''(C) EXCEPTIONS.—The term 'targeted mass communication' does not include—

''(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

''(ii) a communication made by any membership organization (including a labor organization) or corporation solely to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

''(iii) a communication which constitutes an expenditure under this Act.

''(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

''(A) the first date during any calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000; and

''(B) any other date during such calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

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

''(6) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 27: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to the Second Amendment of the Constitution

SEC. 221. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution protects the right of individual persons to keep and bear arms.

(2) There are more than 60,000,000 gun owners in the United States.

(3) The Second Amendment to the Constitution of the United States protects the right of Americans to carry firearms in defense of themselves and others.

(4) The United States Court of Appeals in *U.S. v. Emerson* reaffirmed the fact that the right to keep and bear arms is an individual right protected by the Constitution.

(5) Americans who are concerned about threats to their ability to keep and bear arms have the right to petition their government.

(6) The Supreme Court, in *U.S. v. Cruikshank* (92 U.S. 542, 1876) recognized that the right to arms preexisted the Constitution. The Court stated that the right to arms ''is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence.''.

(7) In *Beard v. United States* (158 U.S. 550, 1895) the Court approved the common-law rule that a person ''may repel force by force'' in self-defense, and concluded that when attacked a person ''was entitled to stand his ground and meet any attack made upon him with a deadly weapon, in such a way and with such force'' as needed to prevent ''great bodily injury or death''. The laws of all 50 states, and the constitutions of most States, recognize the right to use armed force in self-defense.

(8) In order to protect Americans' constitutional rights under the Second Amendment, the First Amendment provides the ability for citizens to address the Government.

(9) The First Amendment to the United States Constitution states that, ''Congress

shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(10) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(11) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(12) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ″.

(13) Citizens who have an interest in issues about or related to the Second Amendment of the Constitution have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(14) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning the right to keep and bear arms to their elected officials and the general public.

(15) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO THE SECOND AMENDMENT OF THE CONSTITUTION.

None of the restrictions or requirements contained in this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any person who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to the Second Amendment.

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 28: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Veterans, Military Personnel, or Seniors

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 42,000,000 men and women have served in the United States Armed Forces from the Revolution onward and more than 25 million are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute a significant part of the present United States population.

(2) American veterans are black and they are white; they are of every race and ethnic heritage. They are men, and they are women. They are Christians, they are Muslims, they are Jews. They are fathers, mothers, sisters, brothers, sons and daughters. They are neighbors, down the street or right next door. They are teachers in our schools, they are factory workers. They are Americans living today who served in the armed services, and they are the more than 1,000,000 who have died in America's wars.

(3) America's veterans are men and women who have fought to protect the United States against foreign aggressors as Soldiers, Sailors, Airmen, Coast Guardsmen and Marines. The members of our elite organization are those who have discharged their very special obligation of citizenship as servicemen and women, and who today continue to expend great time, effort and energy in the service of their fellow veterans and their communities.

(4) There is a bond joining every veteran from every branch of the service. Whether drafted or enlisted, commissioned or noncommissioned, each took an oath, lived by a code, and stood ready to fight and die for their country.

(5) American men and women in uniform risk their lives on a daily basis to defend our freedom and democracy. Americans have always believed that there are values worth fighting for—values and liberties upon which America was founded and which we have carried forward for more than 225 years, that men and women of this great nation gave their lives to preserve.

(6) It is the sacrifice borne by generations of American veterans that has made us strong and has rendered us the beacon of freedom guiding the course of nations throughout the world. American veterans have fought for freedom for Americans, as well as citizens throughout the world. They have helped to defend and preserve the values of freedom of speech, democracy, voting rights, human rights, equal access and the rights of the individual—those values felt and nurtured on every continent in our world.

(7) The freedoms and opportunities we enjoy today were bought and paid for with their devotion to duty and their sacrifices. We can never say it too many times: We are the benefactors of their sacrifice, and we are grateful.

(8) Of the 25,000,000 veterans currently alive, nearly three of every four served during a war or an official period of hostility. About a quarter of the Nation's population—approximately 70,000,000 people—are potentially eligible for Veterans' Administration benefits and services because they are veterans, family members or survivors of veterans.

(9) The present veteran population is estimated at 25,600,000, as of July 1, 1997. Nearly 80 of every 100 living veterans served during defined periods of armed hostilities. Altogether, almost one-third of the nation's population-approximately 70,000,000 persons who are veterans, dependents and survivors of deceased veterans—are potentially eligible for Veterans' Administration benefits and services.

(10) Care for veterans and dependents spans centuries. The last dependent of a Revolutionary War veteran died in 1911; the War of 1812's last dependent died in 1946; the Mexican War's, in 1962.

(11) The Veterans' Administration health care system has grown from 54 hospitals in 1930, to include 171 medical centers; more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; and 35 domiciliaries. Veterans' Administration health care facilities provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast increase in the veteran population, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act more than a century ago.

(13) About 2,700,000 veterans receive disability compensation or pensions from VA. Also receiving Veterans' Administration benefits are 592,713 widows, children and parents of deceased veterans. Among them are 133,881 survivors of Vietnam era veterans and 295,679 survivors of World War II veterans. In fiscal year 2001, Veterans' Administration planned to spend $22,000,000,000 yearly in disability compensation, death compensation and pension to 3,200,000 people.

(14) Veterans' Administration manages the largest medical education and health professions training program in the United States. Veterans' Administration facilities are affiliated with 107 medical schools, 55 dental schools and more than 1,200 other schools across the country. Each year, about 85,000 health professionals are trained in Veterans' Administration medical centers. More than half of the physicians practicing in the United States have had part of their professional education in the Veterans' Administration health care system.

(15) 75 percent of Veterans' Administration researchers are practicing physicians. Because of their dual roles, Veterans' Administration research often immediately benefits patients. Functional electrical stimulation, a technology using controlled electrical current to activate paralyzed muscles, is being developed at Veterans' Administration clinical facilities and laboratories throughout the country. Through this technology, paraplegic patients have been able to stand and, in some instances, walk short distances and climb stairs. Patients with quadriplegia are able to use their hands to grasp objects.

(16) There are more than 35,000,000 persons in the United States aged 65 and over.

(17) Seniors are a diverse population, each member having his or her own political and economic issues.

(18) Seniors and their families have many important issues for which they seek congressional action. Some of these issues include, but are not limited to, health care, Social Security, and taxes.

(19) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(20) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(21) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(22) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(23) Citizens who have an interest in issues about or related to veterans, military personnel, seniors, and their families have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(24) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning veterans, military personnel, seniors, and their families to their elected officials and the general public.

(25) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO VETERANS, MILITARY PERSONNEL, OR SENIORS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to veterans, military personnel, or senior citizens, or to the immediate family members of veterans, military personnel, or senior citizens.

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 29. Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect February 14, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL PARTIES.—If a national committee of a political party described in 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) which remain unexpended as of such date, the committee shall return the funds on a pro rata basis to the persons who provided the funds to the committee.

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 30. Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Workers, Farmers, Families, and Individuals

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Thousands of organizations and associations represent these employed persons and their employers in numerous forms and forums, not least of which is by participating in our electoral and political system in a number of ways, including informing citizens of key votes that affect their common interests, criticizing and praising elected officials for their position on issues, contributing to candidates and political parties, registering voters, and conducting get-out-the-vote activities.

(3) The rights of American workers to bargain collectively are protected by their First Amendment to the Constitution and by provisions in the National Labor Relations Act. Federal law guarantees the rights of workers to choose whether to bargain collectively through a union.

(4) Fourteen percent of the American workforce has chosen to affiliate with a labor union. Federal law allows workers and unions the opportunity to combine strength and to work together to seek to improve the lives of America's working families, bring fairness and dignity to the workplace and secure social and economic equity in our nation.

(5) Nearly three quarters of all United States business firms have no payroll. Most are self-employed persons operating unincorporated businesses, and may or may not be the owner's principal source of income.

(6) Minorities owned fewer than 7 percent of all United States firms, excluding C corporations, in 1982, but this share soared to about 15 percent by 1997. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(7) In 1999, women made up 46 percent of the labor force. The labor force participation rate of American women was the highest in the world.

(8) Labor/Worker unions represent 16 million working women and men of every race and ethnicity and from every walk of life.

(9) In recent years, union members and their families have mobilized in growing numbers. In the 2000 election, 26 percent of the nation's voters came from union households.

(10) According to the 2000 census, total United States families were totaled at over 105 million.

(11) In 2000, there were 8.7 million African American families.

(12) Asians have larger families than other groups. For example, the average Asian family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(13) American farmers, ranchers, and agricultural managers direct the activities of the world's largest and most productive agricultural sectors. They produce enough food and fiber to meet the needs of the United States and produce a surplus for export.

(14) About 17 percent of raw United States agricultural products are exported yearly, including 83 million metric tons of cereal grains, 1.6 billion pounds of poultry, and 1.4 million metric tons of fresh vegetables.

(15) One-fourth of the world's beef and nearly one-fifth of the world's grain, milk, and eggs are produced in the United States.

(16) With 96 percent of the world's population living outside our borders, the world's most productive farmers need access to international markets to compete.

(17) Every State benefits from the income generated from agricultural exports. 19 States have exports of $1 billion or more.

(18) America's total on United States exports is $49.1 billion and the number of imports is $37.5 billion.

(19) By itself, farming-production agriculture-contributed $60.4 billion toward the national GDP (Gross Domestic Product).

(20) Farmers and ranchers provide food and habitat for 75 percent of the Nation's wildlife.

(21) More than 23 million jobs-17 percent of the civilian workforce-are involved in some phase of growing and getting our food and clothing to us. America now has fewer farmers, but they are producing now more than ever before.

(22) Twenty-two million American workers process, sell, and trade the Nation's food and fiber. Farmers and ranchers work with the Department of Agriculture to produce healthy crops while caring for soil and water.

(23) By February 8, the 39th day of 2002, the average American has earned enough to pay for their family's food for the entire year. In 1970 it took 12 more days than it does now to earn a full food pantry for the year. Even in 1980 it took 10 more days—49 total days—of earning to put a year's supply of food on the table.

(24) Farmers are facing the 5th straight year of the lowest real net farm income since the Great Depression. Last October, prices farmers received made their sharpest drop since United States Department of Agriculture began keeping records 91 years ago.

During this same period the cost of production has hit record highs.

(25) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(26) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(27) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(28) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ″.

(29) Citizens who have an interest in issues about or related to their lives have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(30) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy.

(31) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO WORKERS, FARMERS, FAMILIES, AND INDIVIDUALS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to any individual.

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 31. Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Civil Rights and issues affecting minorities.

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 70 million people in the United States belong to a minority race.

(2) More than 34 million people in the United States are African American, 35 million are Hispanic or Latino, 10 million are Asian, and 2 million are American Indian or Alaska Native.

(3) Minorities account for around 24 percent of the U.S. workforce.

(4) Minorities, who owned fewer than 7 percent of all U.S. firms in 1982, now own more than 15 percent. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(5) Self-employment as a share of each group's nonagricultural labor force (averaged over the 1991–1999 decade) was White, 9.7 percent; African American, 3.8 percent; American Indian, Eskimo, or Aleut, 6.4 percent; and Asian or Pacific Islander, 10.1 percent.

(6) Of U.S. businesses, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 0.9 percent by American Indians.

(7) Of the 4,514,699 jobs in minority-owned businesses in 1997, 48.8 percent were in Asian-owned firms, 30.8 percent in Hispanic-owned firms, 15.9 percent in African American-owned firms, and 6.6 percent in American Native-owned firms.

(8) Minority-owned firms had about $96 billion in payroll in 1997. The average payroll per employee was roughly $21,000 in the major minority groups and ranged from just under $15,000 to just over $27,000 in various subgroups of the minority population.

(9) African Americans were the only race or ethnic group to show an increase in voter participation in congressional elections, increasing their presence at the polls from 37 percent in 1994 to 40 percent in 1998. Nationwide, overall turnout by the voting-age population was down from 45 percent in 1994 to 42 percent in 1998.

(10) In 2000, there were 8.7 million African American families. The United States had 96,000 African American engineers, 41,000 African American physicians and 47,000 African American lawyers in 1999.

(11) The number of Asians and Pacific Islanders voting in congressional elections increased by 366,000 between 1994 and 1998.

(12) Businesses owned by Asians and Pacific Islanders made up 4 percent of the nation's 20.8 million nonfarm businesses.

(13) Asians tend to have larger families - the average family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(14) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(15) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(16) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(17) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(18) Citizens who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(19) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning civil rights to their elected officials and the general public.

(20) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO CIVIL RIGHTS AND ISSUES AFFECTING MINORITIES.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or

mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to civil rights and issues affecting minorities.

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 32: Add at the end the following title:

TITLE VI—NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS

SEC. 601. FINDINGS.

Congress finds the following:

(1) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''

(2) The First Amendment affords the broadest protection to such political expression in order ''to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people. *Roth v. United States*, 354 U.S. 476, 484 (1957).

(3) According to *Mills v. Alabama*, 384 U.S. 214, 218 (1966), there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs, ''...of course including[ing] discussions of candidates...''.

(4) According to *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964), the First Amendment reflects our ''profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open''. In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for the identities of those who are elected will inevitably shape the course that we follow as a nation.

(5) The First Amendment protects political association as well as political expression. The constitutional right of association explicated in *NAACP v. Alabama*, 357 U.S. 449, 460 (1958), stemmed from the Court's recognition that ''[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.'' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee ''freedom to associate with others for the common advancement of political beliefs and ideas,'' a freedom that encompasses '''[t]he right to associate with the political party of one's choice.''' *Kusper v. Pontikes*, 414 U.S. 51, 56, 57, quoted in *Cousins v. Wigoda*, 419 U.S. 477, 487 (1975).

(6) In *Buckley v. Valeo*, the Supreme Court stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(7) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(8) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(9) The courts of the United States have consistently reaffirmed and applied the teachings of *Buckley*, striking down such government overreaching. The courts of the United States have consistently upheld the rights of the citizens of the United States, candidates for public office, political parties, corporations, labor unions, trade associations, non-profit entities, among others. Such decisions provide a very clear line as to what the government can and cannot do with respect to the regulation of campaigns. See *Federal Election Comm'n v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986); *Federal Election Comm'n v. National Conservative Political Action Comm.*, 470 U.S. 480 (1985); *California Medical Assn. V. Federal Election Comm'n*, 453 U.S. 182 (1981).

(10) The FEC has lost time and time again in court attempting to move away from the express advocacy bright line test of *Buckley v. Valeo*. In fact, in some cases, the FEC has had to pay fees and costs because the theory is frivolous. *See FEC v. Christian Action Network*, 110 F.3d 1049 (4th Cir. 1997), *aff'g* 894 F. Supp. 946 (W.D.Va. 1995); *Maine Right to Life Comm. v. FEC*, 914 F. Supp. 8 (D.Me. 1996), aff'd 98 F.3d 1 (1st Cir. 1996), *cert. denied*, 118 S. Ct. 52 (1997); *Clifton v. FEC*, 114 F.3d 1309 (1st Cir. 1997); *Faucher v. FEC*, 928 F.2d 468, 472 (1st Cir.), *cert. denied*, 502 U.S. 820 (1991); *FEC v. Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Co.), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir.), vacated on other grounds, 116 S. Ct. 2309 (1996); *FEC v. Central Long Island Tax Reform Immediately Comm.*, 616 F.2d 45, 53 (2d Cir. 1980); *Minnesota Citizens Concerned for Life, Inc. v. FEC*, 936 F. Supp. 633 (D. Minn. 1996), *aff'd* 113 F.3d 129 (8th Cir. 1997), *reh'g. en banc denied*, 1997 U.S. App. LEXIS 17528; *West Virginians for Life, Inc. v. Smith*, 960 F. Supp. 1036, 1039 (S.D.W.Va. 1996); *FEC v. Survival Education Fund*, 1994 U.S. Dist. Lexis 210 (S.D.N.Y. 1994), *aff'd in part and rev'd in part*, 65 F.3d 285 (2nd Cir. 1995); *FEC v. National Organization for Women*, 713 F. Supp. 428, 433–34 (D.D.C. 1989); *FEC v. American Federation of State, County and Municipal Employees*, 471 F. Supp. 315, 316–17 (D.D.C. 1979). Even the FEC abandoned the ''electioneering communication'' standard soon after the 1996 election due to its vagueness.

(11) The courts have also repeatedly upheld the rights of political party committees. As Justice Kennedy noted: ''The central holding in *Buckley v. Valeo* is that spending money on one's own speech must be permitted, and that this is what political parties do when they make expenditures FECA restricts.'' *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n*, 518 U.S. 604, 627 (1996) (J. Kennedy, concurring). Justice Thomas added: ''As applied in the specific context of campaign funding by political parties, the anticorruption rationale loses its force. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities*, 56 Ford L. Rev. 53, 105–106 (1987). What could it mean for a party to 'corrupt' its candidates or to exercise 'coercive' influence over him? The very aim of a political party is to influence its candidate's stance on issues and, if the candidate takes office or is reelected, his votes. When political parties achieve that aim, that achievement does not, in my view, constitute 'a subversion of the political process.' *Federal Election Comm'n v. NCPAC*, 470 U.S. at 497. For instance, if the Democratic Party spends large sums of money in support of a candidate who wins, takes office, and then implements the Party's platform, that is not corruption; that is successful advocacy of ideas in the political marketplace and representative government in a party system. To borrow a phrase from *Federal Election Comm'n v. NCPAC*, 'the fact that candidates and elected officials may alter or reaffirm their own positions on issues in response to political messages paid for by [political groups] can hardly be called corruption, for one of the essential features of democracy is the presentation of the electorate of varying points of view.' *Id.* at 498. Cf. *Federal Election Comm'n v. MCFL*, 479 U.S. at 263 (suggesting that '[v]oluntary political associations do not...present the specter of corruption').''. *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n*, 518 U.S. 604, 647 (1996) (J. Thomas, concurring). Justice Thomas continued: ''The structure of political parties is such that the theoretical danger of those groups actually engaging in quid pro quos with candidates is significantly less than the threat of individuals or other groups doing so. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities*, 56 Ford L. Rev. 53, 97–98 (1987) (citing F. Sorauf, *Party Politics in America* 15–18 (5th ed. 1984)). American political parties, generally speaking, have numerous members with a wide variety of interests, features necessary for success in majoritarian elections. Consequently, the influence of any one person or the importance of any single issue within a political party is significantly diffused. For this reason, as the Party's amici argue, see Brief for Committee for Party Renewal et al. as Amicus Curiae 16, campaign funds donated by parties are considered to be some of 'the cleanest money in politics.' J. Bibby, *Campaign Finance Reform*, 6 Commonsense 1, 10 (Dec. 1983). And, as long as the Court continues to permit Congress to subject individuals to limits on the amount they can give to parties, and those limits are uniform as to all donors, *see* 2 U.S.C. section 441a(a)(1), there is little risk that an individual donor could use a party as a conduit for bribing candidates. *Id.*''.

(12) As recently as 2000, the Supreme Court reminded us once again of the vital role that political parties play on our democratic life, by serving as the primary vehicles for the political views and voices of millions and millions of Americans. ''Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting the electoral candidates who espouse their political views. The formation of national political parties was almost concurrent with the formation of the Republic itself.'' *California Democratic Party v. Jones*, 530 U.S. 567 (2000). Moreover, just last year, a Federal court struck down a state law that included a so-called ''soft money ban,'' which in reality was a ban on corporate and union contributions to political parties—which as a factual

matter is correct. The *Anchorage Daily News* reported:

(13) A Federal judge says corporations and unions have a constitutional right to give unlimited amounts of ''soft money'' to political parties, so long as none of the money is used to get specific candidates elected. In a decision dated June 11, U.S. District Judge James Singleton struck down a section of Alaska's 1997 political contributions law that barred corporations, unions and other businesses from contributing any money to political candidates or parties. The ban against corporate contributions to individual candidates is fine, Singleton said. Public concern about the corrupting influence or corporate contributions on a specific candidate is legitimate and important enough to somewhat limit freedom of speech and political association, the judge concluded. But contributions to the noncandidate work of a political party do not raise undue influence issues and therefore may not be restricted, the judge concluded.

(14) Sheila Toomey, *Anchorage Daily News* (June 14, 2001) (reporting on *Kenneth P. Jacobus, et al. vs. State of Alaska, et al.*, No. A97–0272 (D. Alaska filed June 11, 2001).

(15) Nor is speech any less protected by the First Amendment simply because the one making the speech contacted or communicated with others. For some time, the Federal Election Commission held the view that such ''coordination'' (an undefined term), even of communications that did not contain express advocacy, somehow was problematic, and subject to the limitations and prohibitions of the Act. This view has been rejected by the courts. *Federal Election Commission v. Christian Coalition*, 52 F. Supp. 2d 45 (D.D.C. 1999). In fact, lower Federal courts have held that even political party committee limits on coordinated expenditures are an unconstitutional restriction on speech. *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.*, 213 F.3d 1221 (10th Cir. 2000). Unless a party committee's expenditure is the functional equivalent of a contribution (and thus not ''coordinated''), it cannot be limited. See Federal Election Commission v. Colo. Republican Fed. Campaign Comm., 150 L.Ed.2d 461, nt. 17, nt. 2 (J. Thomas, dissenting) (2001). As a factual matter, many party committee ''coordinated'' expenditures are not the functional equivalent of contributions. *See* Amicus Curie Brief of the National Republican Congressional Committee, *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.*, 150 L.Ed.2d 461 (2001).

(16) Commentators, legal experts and testimony in the record echoes the need to be mindful of the First Amendment. Whether it is the American Civil Liberties Union, see March 10, 2001 ACLU Letter to Senate (and all cases cited therein) & June 14, 2001 ACLU testimony before the House Administration Committee (and cases cited therein), or the counsel to the National Right to Life Committee and the Christian Coalition, see June 14, 2001 testimony of James Bopp before the House Administration Committee (and cases cited therein), experts across the political spectrum have thoughtfully explained the need to ensure the First Amendment rights of citizens of this country.

(17) Citizens who have an interest in issues have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communication in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(18) This Act contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues to their elected officials and the general public.

(19) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 602. NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS.

Notwithstanding any provision of this Act, and in recognition of the First Amendment to the United States Constitution, nothing in this Act or in any amendment made by this Act may be construed to abridge those freedoms found in that Amendment, specifically the freedom of speech or of the press, or the right of people to peaceably assemble, and to petition the government for a redress of grievances, consistent with the rulings of the courts of the United States (as provided in section 601).

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 33. Amend section 323(b) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—An amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

Amend section 323(e)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

Amend section 304(e)(2) of the Federal Election Campaign Act of 1971, as proposed to be added by section 103(a) of the bill, to read as follows:

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b) applies shall report all receipts and disbursements made for activities described in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

H.R. 2356

OFFERED BY: ____

[Shays Substitute]

AMENDMENT NO. 34. Add at the end of title III the following new section:

SEC. 320. BANNING POLITICAL CONTRIBUTIONS IN FEDERAL ELECTIONS BY ALL INDIVIDUALS NOT CITIZENS OR NATIONALS OF THE UNITED STATES.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: '', or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

H.R. 2356

OFFERED BY: MR. NEY

[Armey Substitute]

AMENDMENT NO. 35: Amend section 301(20) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(20) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

''(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention; and

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

In section 402(b), strike ''At any time after such effective date, the committee may spend such funds for activities which are solely to defray the costs of the construction or purchase of any office building or facility.'' and insert the following: ''At no time after such effective date may the committee spend any such funds for activities to defray the costs of the construction or purchase of any office building or facility.''.

H.R. 2356

OFFERED BY: MR. NEY

[Armey Substitute]

AMENDMENT NO. 36: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Campaign Reform and Citizen Participation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

Sec. 101. Restrictions on soft money of national political parties.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

Sec. 201. Increase in limits on certain contributions.
Sec. 202. Increase in limits on contributions to State parties.
Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.
Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.
Sec. 205. Indexing.
Sec. 206. Permitting national parties to establish accounts for making expenditures in excess of limits on behalf of candidates facing wealthy opponents.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

Sec. 301. Disclosure of information on communications broadcast prior to election.
Sec. 302. Disclosure of information on targeted mass communications.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

SEC. 101. RESTRICTIONS ON SOFT MONEY OF NATIONAL POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SOFT MONEY OF NATIONAL POLITICAL PARTIES

''SEC. 323. (a) PROHIBITING USE OF SOFT MONEY FOR FEDERAL ELECTION ACTIVITY.—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 for Federal election activity, or spend any funds for Federal election activity, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) LIMIT ON AMOUNT OF NONFEDERAL FUNDS PROVIDED TO PARTY BY ANY PERSON FOR ANY PURPOSE.—

''(1) LIMIT ON AMOUNT.—No person shall make contributions, donations, or transfers of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party in any calendar year in an aggregate amount equal to or greater than $20,000.

''(2) PROHIBITING PROVISION OF NONFEDERAL FUNDS BY INDIVIDUALS.—No individual may make any contribution, donation, or transfer of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party.

''(c) APPLICABILITY.— This subsection shall apply to any political committee established and maintained by a national political party, any officer or agent of such a committee acting on behalf of the committee, and any entity that is directly or indirectly established, maintained, or controlled by such a national committee.

''(d) DEFINITIONS.—

''(1) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election, unless the activity constitutes generic campaign activity;

''(ii) voter identification or get-out-the-vote activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot), unless the activity constitutes generic campaign activity;

''(iii) any public communication that refers to or depicts a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) any public communication made by means of any broadcast, cable, or satellite communication.

''(B) EXCEPTION FOR CERTAIN ADMINISTRATIVE ACTIVITIES.—The term 'Federal election activity' does not include any activity relating to establishment, administration, or solicitation costs of a political committee established and maintained by a national political party, so long as the funds used to carry out the activity are derived from funds or payments made to the committee which are segregated and used exclusively to defray the costs of such activities.

''(2) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means any activity that does not mention, depict, or otherwise promote a clearly identified Federal candidate.

''(3) PUBLIC COMMUNICATION.—The term 'public communication' means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, or direct mail.

''(4) DIRECT MAIL.—The term 'direct mail' means a mailing by a commercial vendor or any mailing made from a commercial list.''.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

SEC. 201. INCREASE IN LIMITS ON CERTAIN CONTRIBUTIONS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL PARTIES.—Section 315(a)(2)(B) of such Act (2 U.S.C. 441a(a)(2)(B)) is amended by striking ''$15,000'' and inserting ''$30,000''.

(b) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$37,500''.

SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO STATE PARTIES.

(a) CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (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) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

(b) CONTRIBUTIONS BY COMMITTEES.—Section 315(a)(2) of the Federal EElection Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

SEC. 203. TREATMENT OF CONTRIBUTIONS TO NATIONAL PARTY UNDER AGGREGATE ANNUAL LIMIT ON INDIVIDUAL CONTRIBUTIONS.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(3)) is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)''; and

(2) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply with respect to any contribution made to any political committee established and maintained by a national political party which is not the authorized political committee of any candidate.''.

SEC. 204. EXEMPTION OF COSTS OF VOLUNTEER CAMPAIGN MATERIALS PRODUCED AND DISTRIBUTED BY PARTIES FROM TREATMENT AS CONTRIBUTIONS AND EXPENDITURES.

(a) TREATMENT AS CONTRIBUTIONS.—Section 301(8)(B)(x) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(x)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

(b) TREATMENT AS EXPENDITURES.—Section 301(9)(B)(viii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(viii)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

SEC. 205. INDEXING.

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 calendar year after 2002—

''(i) a limitation established by subsections (a), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

''(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 subsections (a) and (h), 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—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsections (a) and (h), calendar year 2001''.

SEC. 206. PERMITTING NATIONAL PARTIES TO ESTABLISH ACCOUNTS FOR MAKING EXPENDITURES IN EXCESS OF LIMITS ON BEHALF OF CANDIDATES FACING WEALTHY OPPONENTS.

(a) ESTABLISHMENT OF ACCOUNTS.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following new paragraph:

''(4)(A) Subject to subparagraph (B), the national committee of a political party may make expenditures in connection with the general election campaign of a candidate for Federal office (other than a candidate for President) who is affiliated with such party in an amount in excess of the limit established under paragraph (3) if—

''(i) the candidate's opponent in the general election campaign makes expenditures of personal funds in connection with the campaign in an amount in excess of $100,000 (as provided in the notifications submitted under section 304(a)(6)(B)); and

''(ii) the expenditures are made from a separate account of the party used exclusively for making expenditures pursuant to this paragraph.

''(B) The amount of expenditures made in accordance with subparagraph (A) by the national committee of a political party in connection with the general election campaign of a candidate may not exceed the amount of expenditures of personal funds made by the candidate's opponent in connection with the campaign (as provided in the notifications submitted under section 304(a)(6)(B)).''.

(b) WAIVER OF LIMITS ON CONTRIBUTIONS TO ACCOUNTS.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations imposed by paragraphs (1)(B), (2)(B), and (3) shall not apply with respect to contributions made to the national committee of a political party which are designated by the donor to be deposited solely into the account established by the party under subsection (d)(4).''.

(c) NOTIFICATION OF EXPENDITURES OF PERSONAL FUNDS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended—

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

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B)(i) The principal campaign committee of a candidate (other than a candidate for President) shall submit the following notifications relating to expenditures of personal funds by such candidate (including contributions by the candidate or the candidate's spouse to such committee and funds derived from loans made by the candidate or the candidate's spouse to such committee):

''(I) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds $100,000.

''(II) After the notification is made under subclause (I), a notification of each such subsequent expenditure (or contribution) which, taken together with all such subsequent expenditures (and contributions) in any amount not included in the most recent report under this subparagraph, totals $5,000 or more.

''(ii) Each of the notifications submitted under clause (i)—

''(I) shall be submitted not later than 24 hours after the expenditure or contribution which is the subject of the notification is made;

''(II) shall include the name of the candidate, the office sought by the candidate, and the date of the expenditure or contribution and amount of the expenditure or contribution involved; and

''(III) shall include the total amount of all such expenditures and contributions made with respect to the same election as of the date of expenditure or contribution which is the subject of the notification.''.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICATIONS BROADCAST PRIOR TO ELECTION.

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

''(e) DISCLOSURE OF INFORMATION ON CERTAIN COMMUNICATIONS BROADCAST PRIOR TO ELECTIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for a communication described in paragraph (3) shall, not later than 24 hours after making the disbursement, file with the Commission a statement containing the information required under paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of the disbursement.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) COMMUNICATIONS DESCRIBED.—

''(A) IN GENERAL.—A communication described in this paragraph is any communication—

''(i) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of a Federal election; and

''(ii) which mentions a clearly identified candidate for such election (by name, image, or likeness).

''(B) EXCEPTION.—A communication is not described in this paragraph if—

''(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

''(ii) the communication constitutes an expenditure under this Act.

''(4) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

''(5) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

SEC. 302. DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 301, is further amended by adding at the end the following new subsection:

''(f) DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for targeted mass communications in an aggregate amount in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of each such disbursement of more than $200 made by the person during the period covered by the statement and the identification of the person to whom the disbursement was made.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) TARGETED MASS COMMUNICATION DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'targeted mass communication' means any communication—

''(i) which is disseminated during the 120-day period ending on the date of a Federal election;

''(ii) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and

''(iii) which is targeted to the relevant electorate.

''(B) TARGETING TO RELEVANT ELECTORATE.—

''(i) BROADCAST COMMUNICATIONS.—For purposes of this paragraph, a communication disseminated to the public by means of any broadcast, cable, or satellite communication which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if the communication is disseminated by a broadcaster whose audience includes—

''(I) a substantial number of residents of the district the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

''(II) a substantial number of residents of the State the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Senator.

''(ii) OTHER COMMUNICATIONS.—For purposes of this paragraph, a communication which is not described in clause (i) which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if—

''(I) more than 10 percent of the total number of intended recipients of the communication are members of the electorate involved with respect to such Federal office; or

''(II) more than 10 percent of the total number of members of the electorate involved with respect to such Federal office receive the communication.

''(C) EXCEPTIONS.—The term 'targeted mass communication' does not include—

''(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

''(ii) a communication made by any membership organization (including a labor organization) or corporation solely to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

''(iii) a communication which constitutes an expenditure under this Act.

''(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

''(A) the first date during any calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000; and

''(B) any other date during such calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

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

''(6) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 37: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to the Second Amendment of the Constitution

SEC. 221. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution protects the right of individual persons to keep and bear arms.

(2) There are more than 60,000,000 gun owners in the United States.

(3) The Second Amendment to the Constitution of the United States protects the right of Americans to carry firearms in defense of themselves and others.

(4) The United States Court of Appeals in *U.S. v. Emerson* reaffirmed the fact that the right to keep and bear arms is an individual right protected by the Constitution.

(5) Americans who are concerned about threats to their ability to keep and bear arms have the right to petition their government.

(6) The Supreme Court, in *U.S. v. Cruikshank* (92 U.S. 542, 1876) recognized that the right to arms preexisted the Constitution. The Court stated that the right to arms ''is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence.''.

(7) In *Beard v. United States* (158 U.S. 550, 1895) the Court approved the common-law rule that a person ''may repel force by force'' in self-defense, and concluded that when attacked a person ''was entitled to stand his ground and meet any attack made upon him with a deadly weapon, in such a way and with such force'' as needed to prevent ''great bodily injury or death''. The laws of all 50 states, and the constitutions of most States, recognize the right to use armed force in self-defense.

(8) In order to protect Americans' constitutional rights under the Second Amendment, the First Amendment provides the ability for citizens to address the Government.

(9) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(10) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(11) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(12) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(13) Citizens who have an interest in issues about or related to the Second Amendment of the Constitution have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(14) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning the right to keep and bear arms to their elected officials and the general public.

(15) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO THE SECOND AMENDMENT OF THE CONSTITUTION.

None of the restrictions or requirements contained in this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any person who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to the Second Amendment.

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 38: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Veterans, Military Personnel, or Seniors

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 42,000,000 men and women have served in the United States Armed Forces from the Revolution onward and more than 25 million are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute a significant part of the present United States population.

(2) American veterans are black and they are white; they are of every race and ethnic heritage. They are men, and they are women. They are Christians, they are Muslims, they are Jews. They are fathers, mothers, sisters, brothers, sons and daughters. They are neighbors, down the street or right next door. They are teachers in our schools, they are factory workers. They are Americans living today who served in the armed services, and they are the more than 1,000,000 who have died in America's wars.

(3) America's veterans are men and women who have fought to protect the United States against foreign aggressors as Soldiers, Sailors, Airmen, Coast Guardsmen and Marines. The members of our elite organization are those who have discharged their very special obligation of citizenship as servicemen and women, and who today continue to expend great time, effort and energy in the service of their fellow veterans and their communities.

(4) There is a bond joining every veteran from every branch of the service. Whether drafted or enlisted, commissioned or noncommissioned, each took an oath, lived by a code, and stood ready to fight and die for their country.

(5) American men and women in uniform risk their lives on a daily basis to defend our freedom and democracy. Americans have always believed that there are values worth fighting for—values and liberties upon which America was founded and which we have carried forward for more than 225 years, that men and women of this great nation gave their lives to preserve.

(6) It is the sacrifice borne by generations of American veterans that has made us strong and has rendered us the beacon of freedom guiding the course of nations

freedom guiding the course of nations throughout the world. American veterans have fought for freedom for Americans, as well as citizens throughout the world. They have helped to defend and preserve the values of freedom of speech, democracy, voting rights, human rights, equal access and the rights of the individual—those values felt and nurtured on every continent in our world.

(7) The freedoms and opportunities we enjoy today were bought and paid for with their devotion to duty and their sacrifices. We can never say it too many times: We are the benefactors of their sacrifice, and we are grateful.

(8) Of the 25,000,000 veterans currently alive, nearly three of every four served during a war or an official period of hostility. About a quarter of the Nation's population—approximately 70,000,000 people—are potentially eligible for Veterans' Administration benefits and services because they are veterans, family members or survivors of veterans.

(9) The present veteran population is estimated at 25,600,000, as of July 1, 1997. Nearly 80 of every 100 living veterans served during defined periods of armed hostilities. Altogether, almost one-third of the nation's population-approximately 70,000,000 persons who are veterans, dependents and survivors of deceased veterans—are potentially eligible for Veterans' Administration benefits and services.

(10) Care for veterans and dependents spans centuries. The last dependent of a Revolutionary War veteran died in 1911; the War of 1812's last dependent died in 1946; the Mexican War's, in 1962.

(11) The Veterans' Administration health care system has grown from 54 hospitals in 1930, to include 171 medical centers; more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; and 35 domiciliaries. Veterans' Administration health care facilities provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast increase in the veteran population, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act more than a century ago.

(13) About 2,700,000 veterans receive disability compensation or pensions from VA. Also receiving Veterans' Administration benefits are 592,713 widows, children and parents of deceased veterans. Among them are 133,881 survivors of Vietnam era veterans and 295,679 survivors of World War II veterans. In fiscal year 2001, Veterans' Administration planned to spend $22,000,000,000 yearly in disability compensation, death compensation and pension to 3,200,000 people.

(14) Veterans' Administration manages the largest medical education and health professions training program in the United States. Veterans' Administration facilities are affiliated with 107 medical schools, 55 dental schools and more than 1,200 other schools across the country. Each year, about 85,000 health professionals are trained in Veterans' Administration medical centers. More than half of the physicians practicing in the United States have had part of their professional education in the Veterans' Administration health care system.

(15) 75 percent of Veterans' Administration researchers are practicing physicians. Because of their dual roles, Veterans' Administration research often immediately benefits patients. Functional electrical stimulation, a technology using controlled electrical current to activate paralyzed muscles, is being developed at Veterans' Administration clinical facilities and laboratories throughout the country. Through this technology, paraplegic patients have been able to stand and, in some instances, walk short distances and climb stairs. Patients with quadriplegia are able to use their hands to grasp objects.

(16) There are more than 35,000,000 persons in the United States aged 65 and over.

(17) Seniors are a diverse population, each member having his or her own political and economic issues.

(18) Seniors and their families have many important issues for which they seek congressional action. Some of these issues include, but are not limited to, health care, Social Security, and taxes.

(19) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(20) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(21) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(22) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(23) Citizens who have an interest in issues about or related to veterans, military personnel, seniors, and their families have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(24) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning veterans, military personnel, seniors, and their families to their elected officials and the general public.

(25) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO VETERANS, MILITARY PERSONNEL, OR SENIORS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to veterans, military personnel, or senior citizens, or to the immediate family members of veterans, military personnel, or senior citizens.

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 39: Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect February 14, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL PARTIES.—If a national committee of a political party described in 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) which remain unexpended as of such date, the committee shall return the funds on a pro rata basis to the persons who provided the funds to the committee.

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 40: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Workers, Farmers, Families, and Individuals

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Thousands of organizations and associations represent these employed persons and their employers in numerous forms and forums, not least of which is by participating in our electoral and political system in a number of ways, including informing citizens of key votes that affect their common interests, criticizing and praising elected officials for their position on issues, contributing to candidates and political parties, registering voters, and conducting get-out-the-vote activities.

(3) The rights of American workers to bargain collectively are protected by their First Amendment to the Constitution and by provisions in the National Labor Relations Act. Federal law guarantees the rights of workers to choose whether to bargain collectively through a union.

(4) Fourteen percent of the American workforce has chosen to affiliate with a

labor union. Federal law allows workers and unions the opportunity to combine strength and to work together to seek to improve the lives of America's working families, bring fairness and dignity to the workplace and secure social and economic equity in our nation.

(5) Nearly three quarters of all United States business firms have no payroll. Most are self-employed persons operating unincorporated businesses, and may or may not be the owner's principal source of income.

(6) Minorities owned fewer than 7 percent of all United States firms, excluding C corporations, in 1982, but this share soared to about 15 percent by 1997. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(7) In 1999, women made up 46 percent of the labor force. The labor force participation rate of American women was the highest in the world.

(8) Labor/Worker unions represent 16 million working women and men of every race and ethnicity and from every walk of life.

(9) In recent years, union members and their families have mobilized in growing numbers. In the 2000 election, 26 percent of the nation's voters came from union households.

(10) According to the 2000 census, total United States families were totaled at over 105 million.

(11) In 2000, there were 8.7 million African American families.

(12) Asians have larger families than other groups. For example, the average Asian family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(13) American farmers, ranchers, and agricultural managers direct the activities of the world's largest and most productive agricultural sectors. They produce enough food and fiber to meet the needs of the United States and produce a surplus for export.

(14) About 17 percent of raw United States agricultural products are exported yearly, including 83 million metric tons of cereal grains, 1.6 billion pounds of poultry, and 1.4 million metric tons of fresh vegetables.

(15) One-fourth of the world's beef and nearly one-fifth of the world's grain, milk, and eggs are produced in the United States.

(16) With 96 percent of the world's population living outside our borders, the world's most productive farmers need access to international markets to compete.

(17) Every State benefits from the income generated from agricultural exports. 19 States have exports of $1 billion or more.

(18) America's total on United States exports is $49.1 billion and the number of imports is $37.5 billion.

(19) By itself, farming—production agriculture—contributed $60.4 billion toward the national GDP (Gross Domestic Product).

(20) Farmers and ranchers provide food and habitat for 75 percent of the Nation's wildlife.

(21) More than 23 million jobs—17 percent of the civilian workforce—are involved in some phase of growing and getting our food and clothing to us. America now has fewer farmers, but they are producing now more than ever before.

(22) Twenty-two million American workers process, sell, and trade the Nation's food and fiber. Farmers and ranchers work with the Department of Agriculture to produce healthy crops while caring for soil and water.

(23) By February 8, the 39th day of 2002, the average American has earned enough to pay for their family's food for the entire year. In 1970 it took 12 more days than it does now to earn a full food pantry for the year. Even in 1980 it took 10 more days—49 total days—of earning to put a year's supply of food on the table.

(24) Farmers are facing the 5th straight year of the lowest real net farm income since the Great Depression. Last October, prices farmers received made their sharpest drop since United States Department of Agriculture began keeping records 91 years ago. During this same period the cost of production has hit record highs.

(25) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(26) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(27) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(28) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(29) Citizens who have an interest in issues about or related to their lives have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(30) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy.

(31) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO WORKERS, FARMERS, FAMILIES, AND INDIVIDUALS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to any individual.

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 41: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Civil Rights and issues affecting minorities.

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 70 million people in the United States belong to a minority race.

(2) More than 34 million people in the United States are African American, 35 million are Hispanic or Latino, 10 million are Asian, and 2 million are American Indian or Alaska Native.

(3) Minorities account for around 24 percent of the U.S. workforce.

(4) Minorities, who owned fewer than 7 percent of all U.S. firms in 1982, now own more than 15 percent. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(5) Self-employment as a share of each group's nonagricultural labor force (averaged over the 1991-1999 decade) was White, 9.7 percent; African American, 3.8 percent; American Indian, Eskimo, or Aleut, 6.4 percent; and Asian or Pacific Islander, 10.1 percent.

(6) Of U.S. businesses, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 0.9 percent by American Indians.

(7) Of the 4,514,699 jobs in minority-owned businesses in 1997, 48.8 percent were in Asian-owned firms, 30.8 percent in Hispanic-owned firms, 15.9 percent in African American-owned firms, and 6.6 percent in American Native-owned firms.

(8) Minority-owned firms had about $96 billion in payroll in 1997. The average payroll per employee was roughly $21,000 in the major minority groups and ranged from just under $15,000 to just over $27,000 in various subgroups of the minority population.

(9) African Americans were the only race or ethnic group to show an increase in voter participation in congressional elections, increasing their presence at the polls from 37 percent in 1994 to 40 percent in 1998. Nationwide, overall turnout by the voting-age population was down from 45 percent in 1994 to 42 percent in 1998.

(10) In 2000, there were 8.7 million African American families. The United States had 96,000 African American engineers, 41,000 African American physicians and 47,000 African American lawyers in 1999.

(11) The number of Asians and Pacific Islanders voting in congressional elections increased by 366,000 between 1994 and 1998.

(12) Businesses owned by Asians and Pacific Islanders made up 4 percent of the nation's 20.8 million nonfarm businesses.

(13) Asians tend to have larger families—the average family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(14) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(15) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(16) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(17) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(18) Citizens who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(19) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning civil rights to their elected officials and the general public.

(20) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO CIVIL RIGHTS AND ISSUES AFFECTING MINORITIES.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to civil rights.

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 42: Add at the end the following title:

TITLE VI—NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS

SEC. 601. FINDINGS.

Congress finds the following:

(1) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''

(2) The First Amendment affords the broadest protection to such political expression in order ''to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people. *Roth v. United States*, 354 U.S. 476, 484 (1957).

(3) According to *Mills v. Alabama*, 384 U.S. 214, 218 (1966), there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs, ''. . . of course including[ing] discussions of candidates . . .''.

(4) According to *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964), the First Amendment reflects our ''profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open''. In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for the identities of those who are elected will inevitably shape the course that we follow as a nation.

(5) The First Amendment protects political association as well as political expression. The constitutional right of association explicated in *NAACP v. Alabama*, 357 U.S. 449, 460 (1958), stemmed from the Court's recognition that ''[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.'' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee ''freedom to associate with others for the common advancement of political beliefs and ideas,'' a freedom that encompasses ''[t]he right to associate with the political party of one's choice.'' *Kusper v. Pontikes*, 414 U.S. 51, 56, 57, quoted in *Cousins v. Wigoda*, 419 U.S. 477, 487 (1975).

(6) In *Buckley v. Valeo*, the Supreme Court stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(7) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(8) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(9) The courts of the United States have consistently reaffirmed and applied the teachings of *Buckley*, striking down such government overreaching. The courts of the United States have consistently upheld the rights of the citizens of the United States, candidates for public office, political parties, corporations, labor unions, trade associations, non-profit entities, among others. Such decisions provide a very clear line as to what the government can and cannot do with respect to the regulation of campaigns. See *Federal Election Comm'n v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986); *Federal Election Comm'n v. National Conservative Political Action Comm.*, 470 U.S. 480 (1985); *California Medical Assn. V. Federal Election Comm'n*, 453 U.S. 182 (1981).

(10) The FEC has lost time and time again in court attempting to move away from the express advocacy bright line test of *Buckley v. Valeo*. In fact, in some cases, the FEC has had to pay fees and costs because the theory is frivolous. *See FEC v. Christian Action Network*, 110 F.3d 1049 (4th Cir. 1997), *aff'g* 894 F. Supp. 946 (W.D.Va. 1995); *Maine Right to Life Comm. v. FEC*, 914 F. Supp. 8 (D.Me. 1996), aff'd 98 F.3d 1 (1st Cir. 1996), *cert. denied*, 118 S. Ct. 52 (1997); *Clifton v. FEC*, 114 F.3d 1309 (1st Cir. 1997); *Faucher v. FEC*, 928 F.2d 468, 472 (1st Cir.), *cert. denied*, 502 U.S. 820 (1991); *FEC v. Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Co.), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir.), vacated on other grounds, 116 S. Ct. 2309 (1996); *FEC v. Central Long Island Tax Reform Immediately Comm.*, 616 F.2d 45, 53 (2d Cir. 1980); *Minnesota Citizens Concerned for Life, Inc. v. FEC*, 936 F. Supp. 633 (D. Minn. 1996), *aff'd* 113 F.3d 129 (8th Cir. 1997), *reh'g. en banc denied*, 1997 U.S. App. LEXIS 17528; *West Virginians for Life, Inc. v. Smith*, 960 F. Supp. 1036, 1039 (S.D.W.Va. 1996); *FEC v. Survival Education Fund*, 1994 U.S. Dist. Lexis 210 (S.D.N.Y. 1994), *aff'd in part and rev'd in part*, 65 F.3d 285 (2nd Cir. 1995); *FEC v. National Organization for Women*, 713 F. Supp. 428, 433–34 (D.D.C. 1989); *FEC v. American Federation of State, County and Municipal Employees*, 471 F. Supp. 315, 316–17 (D.D.C. 1979). Even the FEC abandoned the ''electioneering communication''

standard soon after the 1996 election due to its vagueness.

(11) The courts have also repeatedly upheld the rights of political party committees. As Justice Kennedy noted: ''The central holding in *Buckley v. Valeo* is that spending money on one's own speech must be permitted, and that this is what political parties do when they make expenditures FECA restricts.'' *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n,* 518 U.S. 604, 627 (1996) (J. Kennedy, concurring). Justice Thomas added: ''As applied in the specific context of campaign funding by political parties, the anticorruption rationale loses its force. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities,* 56 Ford L. Rev. 53, 105–106 (1987). What could it mean for a party to 'corrupt' its candidates or to exercise 'coercive' influence over him? The very aim of a political party is to influence its candidate's stance on issues and, if the candidate takes office or is reelected, his votes. When political parties achieve that aim, that achievement does not, in my view, constitute 'a subversion of the political process.' *Federal Election Comm'n v. NCPAC,* 470 U.S. at 497. For instance, if the Democratic Party spends large sums of money in support of a candidate who wins, takes office, and then implements the Party's platform, that is not corruption; that is successful advocacy of ideas in the political marketplace and representative government in a party system. To borrow a phrase from *Federal Election Comm'n v. NCPAC,* 'the fact that candidates and elected officials may alter or reaffirm their own positions on issues in response to political messages paid for by [political groups] can hardly be called corruption, for one of the essential features of democracy is the presentation of the electorate of varying points of view.' *Id.* at 498. Cf. *Federal Election Comm'n v. MCFL,* 479 U.S. at 263 (suggesting that '[v]oluntary political associations do not . . . present the specter of corruption').''. *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n,* 518 U.S. 604, 647 (1996) (J. Thomas, concurring). Justice Thomas continued: ''The structure of political parties is such that the theoretical danger of those groups actually engaging in quid pro quos with candidates is significantly less than the threat of individuals or other groups doing so. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities,* 56 Ford L. Rev. 53, 97–98 (1987) (citing F. Sorauf, *Party Politics in America* 15–18 (5th ed. 1984)). American political parties, generally speaking, have numerous members with a wide variety of interests, features necessary for success in majoritarian elections. Consequently, the influence of any one person or the importance of any single issue within a political party is significantly diffused. For this reason, as the Party's amici argue, see Brief for Committee for Party Renewal et al. as Amicus Curiae 16, campaign funds donated by parties are considered to be some of 'the cleanest money in politics.' J. Bibby, *Campaign Finance Reform,* 6 Commonsense 1, 10 (Dec. 1983). And, as long as the Court continues to permit Congress to subject individuals to limits on the amount they can give to parties, and those limits are uniform as to all donors, *see* 2 U.S.C. section 441a(a)(1), there is little risk that an individual donor could use a party as a conduit for bribing candidates. *Id.*''.

(12) As recently as 2000, the Supreme Court reminded us once again of the vital role that political parties play on our democratic life, by serving as the primary vehicles for the political views and voices of millions and millions of Americans. ''Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting the electoral candidates who espouse their political views. The formation of national political parties was almost concurrent with the formation of the Republic itself.'' *California Democratic Party v. Jones,* 530 U.S. 567 (2000). Moreover, just last year, a Federal court struck down a state law that included a so-called ''soft money ban,'' which in reality was a ban on corporate and union contributions to political parties—which as a factual matter is correct. The *Anchorage Daily News* reported:

(13) A Federal judge says corporations and unions have a constitutional right to give unlimited amounts of ''soft money'' to political parties, so long as none of the money is used to get specific candidates elected. In a decision dated June 11, U.S. District Judge James Singleton struck down a section of Alaska's 1997 political contributions law that barred corporations, unions and other businesses from contributing any money to political candidates or parties. The ban against corporate contributions to individual candidates is fine, Singleton said. Public concern about the corrupting influence or corporate contributions on a specific candidate is legitimate and important enough to somewhat limit freedom of speech and political association, the judge concluded. But contributions to the noncandidate work of a political party do not raise undue influence issues and therefore may not be restricted, the judge concluded.

(14) Sheila Toomey, *Anchorage Daily News* (June 14, 2001) (reporting on *Kenneth P. Jacobus, et al. vs. State of Alaska, et al.,* No. A97–0272 (D. Alaska filed June 11, 2001).

(15) Nor is speech any less protected by the First Amendment simply because the one making the speech contacted or communicated with others. For some time, the Federal Election Commission held the view that such ''coordination'' (an undefined term), even of communications that did not contain express advocacy, somehow was problematic, and subject to the limitations and prohibitions of the Act. This view has been rejected by the courts. *Federal Election Commission v. Christian Coalition,* 52 F. Supp. 2d 45 (D.D.C. 1999). In fact, lower Federal courts have held that even political party committee limits on coordinated expenditures are an unconstitutional restriction on speech. *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.,* 213 F.3d 1221 (10th Cir. 2000). Unless a party committee's expenditure is the functional equivalent of a contribution (and thus not ''coordinated''), it cannot be limited. See Federal Election Commission v. Colo. Republican Fed. Campaign Comm., 150 L.Ed.2d 461, nt. 17, nt. 2 (J. Thomas, dissenting) (2001). As a factual matter, many party committee ''coordinated'' expenditures are not the functional equivalent of contributions. *See* Amicus Curie Brief of the National Republican Congressional Committee, *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.,* 150 L.Ed.2d 461 (2001).

(16) Commentators, legal experts and testimony in the record echoes the need to be mindful of the First Amendment. Whether it is the American Civil Liberties Union, see March 10, 2001 ACLU Letter to Senate (and all cases cited therein) & June 14, 2001 ACLU testimony before the House Administration Committee (and cases cited therein), or the counsel to the National Right to Life Committee and the Christian Coalition, see June 14, 2001 testimony of James Bopp before the House Administration Committee (and cases cited therein), experts across the political spectrum have thoughtfully explained the need to ensure the First Amendment rights of citizens of this country.

(17) Citizens who have an interest in issues have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communication in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(18) This Act contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues to their elected officials and the general public.

(19) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 602. NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS.

Notwithstanding any provision of this Act, and in recognition of the First Amendment to the United States Constitution, nothing in this Act or in any amendment made by this Act may be construed to abridge those freedoms found in that Amendment, specifically the freedom of speech or of the press, or the right of people to peaceably assemble, and to petition the government for a redress of grievances, consistent with the rulings of the courts of the United States (as provided in section 601).

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 43: Amend section 323(b) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—An amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

Amend section 323(e)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

Amend section 304(e)(2) of the Federal Election Campaign Act of 1971, as proposed to be added by section 103(a) of the bill, to read as follows:

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b) applies shall report all receipts and disbursements made for activities described

in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

H.R. 2356

OFFERED BY: ____

[Armey Substitute]

AMENDMENT NO. 44: Add at the end the following:

TITLE ____—STRENGTHENING FOREIGN MONEY BAN

SEC. ____. STRENGTHENING FOREIGN MONEY BAN.

(a) BANNING ALL DONATIONS TO CANDIDATES AND PARTIES.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election; or

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

''(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.''.

(b) EXTENSION OF BAN IN FEDERAL ELECTIONS TO ALL NONCITIZENS.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: '', or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

H.R. 2356

OFFERED BY: MR. NEY

[Ney Substitute]

AMENDMENT NO. 45: Amend section 301(20) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(20) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

''(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention; and

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

In section 402(b), strike ''At any time after such effective date, the committee may spend such funds for activities which are solely to defray the costs of the construction or purchase of any office building or facility.'' and insert the following: ''At no time after such effective date may the committee spend any such funds for activities to defray the costs of the construction or purchase of any office building or facility.''.

H.R. 2356

OFFERED BY: MR. NEY

[Ney Substitute]

AMENDMENT NO. 46: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Campaign Reform and Citizen Participation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

Sec. 101. Restrictions on soft money of national political parties.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

Sec. 201. Increase in limits on certain contributions.

Sec. 202. Increase in limits on contributions to State parties.

Sec. 203. Treatment of contributions to national party under aggregate annual limit on individual contributions.

Sec. 204. Exemption of costs of volunteer campaign materials produced and distributed by parties from treatment as contributions and expenditures.

Sec. 205. Indexing.

Sec. 206. Permitting national parties to establish accounts for making expenditures in excess of limits on behalf of candidates facing wealthy opponents.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

Sec. 301. Disclosure of information on communications broadcast prior to election.

Sec. 302. Disclosure of information on targeted mass communications.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—SOFT MONEY OF NATIONAL PARTIES

SEC. 101. RESTRICTIONS ON SOFT MONEY OF NATIONAL POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SOFT MONEY OF NATIONAL POLITICAL PARTIES

''SEC. 323. (a) PROHIBITING USE OF SOFT MONEY FOR FEDERAL ELECTION ACTIVITY.—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 for Federal election activity, or spend any funds for Federal election activity, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) LIMIT ON AMOUNT OF NONFEDERAL FUNDS PROVIDED TO PARTY BY ANY PERSON FOR ANY PURPOSE.—

''(1) LIMIT ON AMOUNT.—No person shall make contributions, donations, or transfers of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party in any calendar year in an aggregate amount equal to or greater than $20,000.

''(2) PROHIBITING PROVISION OF NONFEDERAL FUNDS BY INDIVIDUALS.—No individual may make any contribution, donation, or transfer of funds which are not subject to the limitations, prohibitions, and reporting requirements of this Act to a political committee established and maintained by a national political party.

''(c) APPLICABILITY.— This subsection shall apply to any political committee established and maintained by a national political party, any officer or agent of such a committee acting on behalf of the committee, and any entity that is directly or indirectly established, maintained, or controlled by such a national committee.

''(d) DEFINITIONS.—

''(1) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election, unless the activity constitutes generic campaign activity;

''(ii) voter identification or get-out-the-vote activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot), unless the activity constitutes generic campaign activity;

''(iii) any public communication that refers to or depicts a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

''(iv) any public communication made by means of any broadcast, cable, or satellite communication.

''(B) EXCEPTION FOR CERTAIN ADMINISTRATIVE ACTIVITIES.—The term 'Federal election activity' does not include any activity relating to establishment, administration, or solicitation costs of a political committee established and maintained by a national political party, so long as the funds used to carry out the activity are derived from funds or payments made to the committee which are segregated and used exclusively to defray the costs of such activities.

''(2) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means any activity that does not mention, depict, or otherwise promote a clearly identified Federal candidate.

''(3) PUBLIC COMMUNICATION.—The term 'public communication' means a communication by means of any broadcast, cable, or

tion by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, or direct mail.

''(4) DIRECT MAIL.—The term 'direct mail' means a mailing by a commercial vendor or any mailing made from a commercial list.''.

TITLE II—MODIFICATION OF CONTRIBUTION LIMITS

SEC. 201. INCREASE IN LIMITS ON CERTAIN CONTRIBUTIONS.

(a) CONTRIBUTIONS BY COMMITTEES TO NATIONAL PARTIES.—Section 315(a)(2)(B) of such Act (2 U.S.C. 441a(a)(2)(B)) is amended by striking ''$15,000'' and inserting ''$30,000''.

(b) AGGREGATE ANNUAL LIMIT ON CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$37,500''.

SEC. 202. INCREASE IN LIMITS ON CONTRIBUTIONS TO STATE PARTIES.

(a) CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (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) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

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

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

SEC. 203. TREATMENT OF CONTRIBUTIONS TO NATIONAL PARTY UNDER AGGREGATE ANNUAL LIMIT ON INDIVIDUAL CONTRIBUTIONS.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(3)) is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)''; and

(2) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply with respect to any contribution made to any political committee established and maintained by a national political party which is not the authorized political committee of any candidate.''.

SEC. 204. EXEMPTION OF COSTS OF VOLUNTEER CAMPAIGN MATERIALS PRODUCED AND DISTRIBUTED BY PARTIES FROM TREATMENT AS CONTRIBUTIONS AND EXPENDITURES.

(a) TREATMENT AS CONTRIBUTIONS.—Section 301(8)(B)(x) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(x)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

(b) TREATMENT AS EXPENDITURES.—Section 301(9)(B)(viii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(viii)) is amended by striking ''a State or local committee of a political party of the costs of'' and inserting ''a national, State, or local committee of a political party of the costs of producing and distributing''.

SEC. 205. INDEXING.

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 calendar year after 2002—

''(i) a limitation established by subsections (a), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

''(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 subsections (a) and (h), 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—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsections (a) and (h), calendar year 2001''.

SEC. 206. PERMITTING NATIONAL PARTIES TO ESTABLISH ACCOUNTS FOR MAKING EXPENDITURES IN EXCESS OF LIMITS ON BEHALF OF CANDIDATES FACING WEALTHY OPPONENTS.

(a) ESTABLISHMENT OF ACCOUNTS.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following new paragraph:

''(4)(A) Subject to subparagraph (B), the national committee of a political party may make expenditures in connection with the general election campaign of a candidate for Federal office (other than a candidate for President) who is affiliated with such party in an amount in excess of the limit established under paragraph (3) if—

''(i) the candidate's opponent in the general election campaign makes expenditures of personal funds in connection with the campaign in an amount in excess of $100,000 (as provided in the notifications submitted under section 304(a)(6)(B)); and

''(ii) the expenditures are made from a separate account of the party used exclusively for making expenditures pursuant to this paragraph.

''(B) The amount of expenditures made in accordance with subparagraph (A) by the national committee of a political party in connection with the general election campaign of a candidate may not exceed the amount of expenditures of personal funds made by the candidate's opponent in connection with the campaign (as provided in the notifications submitted under section 304(a)(6)(B)).''.

(b) WAIVER OF LIMITS ON CONTRIBUTIONS TO ACCOUNTS.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations imposed by paragraphs (1)(B), (2)(B), and (3) shall not apply with respect to contributions made to the national committee of a political party which are designated by the donor to be deposited solely into the account established by the party under subsection (d)(4).''.

(c) NOTIFICATION OF EXPENDITURES OF PERSONAL FUNDS.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended—

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

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B)(i) The principal campaign committee of a candidate (other than a candidate for President) shall submit the following notifications relating to expenditures of personal funds by such candidate (including contributions by the candidate or the candidate's spouse to such committee and funds derived from loans made by the candidate or the candidate's spouse to such committee):

''(I) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds $100,000.

''(II) After the notification is made under subclause (I), a notification of each such subsequent expenditure (or contribution) which, taken together with all such subsequent expenditures (and contributions) in any amount not included in the most recent report under this subparagraph, totals $5,000 or more.

''(ii) Each of the notifications submitted under clause (i)—

''(I) shall be submitted not later than 24 hours after the expenditure or contribution which is the subject of the notification is made;

''(II) shall include the name of the candidate, the office sought by the candidate, and the date of the expenditure or contribution and amount of the expenditure or contribution involved; and

''(III) shall include the total amount of all such expenditures and contributions made with respect to the same election as of the date of expenditure or contribution which is the subject of the notification.''.

TITLE III—DISCLOSURE OF ELECTION-RELATED COMMUNICATIONS

SEC. 301. DISCLOSURE OF INFORMATION ON COMMUNICATIONS BROADCAST PRIOR TO ELECTION.

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

''(e) DISCLOSURE OF INFORMATION ON CERTAIN COMMUNICATIONS BROADCAST PRIOR TO ELECTIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for a communication described in paragraph (3) shall, not later than 24 hours after making the disbursement, file with the Commission a statement containing the information required under paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of the disbursement.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) COMMUNICATIONS DESCRIBED.—

''(A) IN GENERAL.—A communication described in this paragraph is any communication—

''(i) which is disseminated to the public by means of any broadcast, cable, or satellite communication during the 120-day period ending on the date of a Federal election; and

''(ii) which mentions a clearly identified candidate for such election (by name, image, or likeness).

''(B) EXCEPTION.—A communication is not described in this paragraph if—

''(i) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

''(ii) the communication constitutes an expenditure under this Act.

''(4) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to file a statement under this subsection shall be in addition to any other reporting requirement under this Act.

''(5) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

SEC. 302. DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 301, is further amended by adding at the end the following new subsection:

''(f) DISCLOSURE OF INFORMATION ON TARGETED MASS COMMUNICATIONS.—

''(1) IN GENERAL.—Any person who makes a disbursement for targeted mass communications in an aggregate amount in excess of $50,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

''(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

''(A) The identification of the person making the disbursement, of any individual or entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

''(B) The principal place of business and phone number of the person making the disbursement, if not an individual.

''(C) The amount of each such disbursement of more than $200 made by the person during the period covered by the statement and the identification of the person to whom the disbursement was made.

''(D) The clearly identified candidate or candidates to which the communication pertains and the names (if known) of the candidates identified or to be identified in the communication.

''(E) The text of the communication involved.

''(3) TARGETED MASS COMMUNICATION DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'targeted mass communication' means any communication—

''(i) which is disseminated during the 120-day period ending on the date of a Federal election;

''(ii) which refers to or depicts a clearly identified candidate for such election (by name, image, or likeness); and

''(iii) which is targeted to the relevant electorate.

''(B) TARGETING TO RELEVANT ELECTORATE.—

''(i) BROADCAST COMMUNICATIONS.—For purposes of this paragraph, a communication disseminated to the public by means of any broadcast, cable, or satellite communication which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if the communication is disseminated by a broadcaster whose audience includes—

''(I) a substantial number of residents of the district the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

''(II) a substantial number of residents of the State the candidate seeks to represent (as determined in accordance with regulations of the Commission), in the case of a candidate for Senator.

''(ii) OTHER COMMUNICATIONS.—For purposes of this paragraph, a communication which is not described in clause (i) which refers to or depicts a clearly identified candidate for Federal office is 'targeted to the relevant electorate' if—

''(I) more than 10 percent of the total number of intended recipients of the communication are members of the electorate involved with respect to such Federal office; or

''(II) more than 10 percent of the total number of members of the electorate involved with respect to such Federal office receive the communication.

''(C) EXCEPTIONS.—The term 'targeted mass communication' does not include—

''(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

''(ii) a communication made by any membership organization (including a labor organization) or corporation solely to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office; or

''(iii) a communication which constitutes an expenditure under this Act.

''(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

''(A) the first date during any calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000; and

''(B) any other date during such calendar year by which a person has made disbursements for targeted mass communications aggregating in excess of $50,000 since the most recent disclosure date for such calendar year.

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

''(6) CLARIFICATION OF TREATMENT OF VENDORS.—A person shall not be considered to have made a disbursement for a communication under this subsection if the person made the disbursement solely as a vendor acting pursuant to a contractual agreement with the person responsible for sponsoring the communication.''.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

H.R. 2356

OFFERED BY:____

[Ney substitute]

AMENDMENT NO. 47: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to the Second Amendment of the Constitution

SEC. 221. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution protects the right of individual persons to keep and bear arms.

(2) There are more than 60,000,000 gun owners in the United States.

(3) The Second Amendment to the Constitution of the United States protects the right of Americans to carry firearms in defense of themselves and others.

(4) The United States Court of Appeals in *U.S. v. Emerson* reaffirmed the fact that the right to keep and bear arms is an individual right protected by the Constitution.

(5) Americans who are concerned about threats to their ability to keep and bear arms have the right to petition their government.

(6) The Supreme Court, in *U.S. v. Cruikshank* (92 U.S. 542, 1876) recognized that the right to arms preexisted the Constitution. The Court stated that the right to arms ''is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence.''.

(7) In *Beard v. United States* (158 U.S. 550, 1895) the Court approved the common-law rule that a person ''may repel force by force'' in self-defense, and concluded that when attacked a person ''was entitled to stand his ground and meet any attack made upon him with a deadly weapon, in such a way and with such force'' as needed to prevent ''great bodily injury or death''. The laws of all 50 states, and the constitutions of most States, recognize the right to use armed force in self-defense.

(8) In order to protect Americans' constitutional rights under the Second Amendment, the First Amendment provides the ability for citizens to address the Government.

(9) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(10) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(11) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the

power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(12) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(13) Citizens who have an interest in issues about or related to the Second Amendment of the Constitution have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(14) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning the right to keep and bear arms to their elected officials and the general public.

(15) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO THE SECOND AMENDMENT OF THE CONSTITUTION.

None of the restrictions or requirements contained in this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any person who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to the Second Amendment.

[Ney Substitute] Offered By: ____

AMENDMENT NO. 48: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Veterans, Military Personnel, or Seniors

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 42,000,000 men and women have served in the United States Armed Forces from the Revolution onward and more than 25 million are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute a significant part of the present United States population.

(2) American veterans are black and they are white; they are of every race and ethnic heritage. They are men, and they are women. They are Christians, they are Muslims, they are Jews. They are fathers, mothers, sisters, brothers, sons and daughters. They are neighbors, down the street or right next door. They are teachers in our schools, they are factory workers. They are Americans living today who served in the armed services, and they are the more than 1,000,000 who have died in America's wars.

(3) America's veterans are men and women who have fought to protect the United States against foreign aggressors as Soldiers, Sailors, Airmen, Coast Guardsmen and Marines. The members of our elite organization are those who have discharged their very special obligation of citizenship as servicemen and women, and who today continue to expend great time, effort and energy in the service of their fellow veterans and their communities.

(4) There is a bond joining every veteran from every branch of the service. Whether drafted or enlisted, commissioned or noncommissioned, each took an oath, lived by a code, and stood ready to fight and die for their country.

(5) American men and women in uniform risk their lives on a daily basis to defend our freedom and democracy. Americans have always believed that there are values worth fighting for—values and liberties upon which America was founded and which we have carried forward for more than 225 years, that men and women of this great nation gave their lives to preserve.

(6) It is the sacrifice borne by generations of American veterans that has made us strong and has rendered us the beacon of freedom guiding the course of nations throughout the world. American veterans have fought for freedom for Americans, as well as citizens throughout the world. They have helped to defend and preserve the values of freedom of speech, democracy, voting rights, human rights, equal access and the rights of the individual—those values felt and nurtured on every continent in our world.

(7) The freedoms and opportunities we enjoy today were bought and paid for with their devotion to duty and their sacrifices. We can never say it too many times: We are the benefactors of their sacrifice, and we are grateful.

(8) Of the 25,000,000 veterans currently alive, nearly three of every four served during a war or an official period of hostility. About a quarter of the Nation's population—approximately 70,000,000 people—are potentially eligible for Veterans' Administration benefits and services because they are veterans, family members or survivors of veterans.

(9) The present veteran population is estimated at 25,600,000, as of July 1, 1997. Nearly 80 of every 100 living veterans served during defined periods of armed hostilities. Altogether, almost one-third of the nation's population-approximately 70,000,000 persons who are veterans, dependents and survivors of deceased veterans—are potentially eligible for Veterans' Administration benefits and services.

(10) Care for veterans and dependents spans centuries. The last dependent of a Revolutionary War veteran died in 1911; the War of 1812's last dependent died in 1946; the Mexican War's, in 1962.

(11) The Veterans' Administration health care system has grown from 54 hospitals in 1930, to include 171 medical centers; more than 350 outpatient, community, and outreach clinics; 126 nursing home care units; and 35 domiciliaries. Veterans' Administration health care facilities provide a broad spectrum of medical, surgical, and rehabilitative care.

(12) World War II resulted in not only a vast increase in the veteran population, but also in large number of new benefits enacted by the Congress for veterans of the war. The World War II GI Bill, signed into law on June 22, 1944, is said to have had more impact on the American way of life than any law since the Homestead Act more than a century ago.

(13) About 2,700,000 veterans receive disability compensation or pensions from VA. Also receiving Veterans' Administration benefits are 592,713 widows, children and parents of deceased veterans. Among them are 133,881 survivors of Vietnam era veterans and 295,679 survivors of World War II veterans. In fiscal year 2001, Veterans' Administration planned to spend $22,000,000,000 yearly in disability compensation, death compensation and pension to 3,200,000 people.

(14) Veterans' Administration manages the largest medical education and health professions training program in the United States. Veterans' Administration facilities are affiliated with 107 medical schools, 55 dental schools and more than 1,200 other schools across the country. Each year, about 85,000 health professionals are trained in Veterans' Administration medical centers. More than half of the physicians practicing in the United States have had part of their professional education in the Veterans' Administration health care system.

(15) 75 percent of Veterans' Administration researchers are practicing physicians. Because of their dual roles, Veterans' Administration research often immediately benefits patients. Functional electrical stimulation, a technology using controlled electrical current to activate paralyzed muscles, is being developed at Veterans' Administration clinical facilities and laboratories throughout the country. Through this technology, paraplegic patients have been able to stand and, in some instances, walk short distances and climb stairs. Patients with quadriplegia are able to use their hands to grasp objects.

(16) There are more than 35,000,000 persons in the United States aged 65 and over.

(17) Seniors are a diverse population, each member having his or her own political and economic issues.

(18) Seniors and their families have many important issues for which they seek congressional action. Some of these issues include, but are not limited to, health care, Social Security, and taxes.

(19) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(20) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(21) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the

power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(22) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(23) Citizens who have an interest in issues about or related to veterans, military personnel, seniors, and their families have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(24) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning veterans, military personnel, seniors, and their families to their elected officials and the general public.

(25) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO VETERANS, MILITARY PERSONNEL, OR SENIORS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to veterans, military personnel, or senior citizens, or to the immediate family members of veterans, military personnel, or senior citizens.

H.R. 2356

OFFERED BY: ____

[Ney Substitute]

AMENDMENT NO. 49: Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect February 14, 2002.

(b) TRANSITION RULE FOR SPENDING OF FUNDS BY NATIONAL PARTIES.—If a national committee of a political party described in 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) which remain unexpended as of such date, the committee shall return the funds on a pro rata basis to the persons who provided the funds to the committee.

H.R. 2356

OFFERED BY: ____

[Ney Substitute]

AMENDMENT NO. 50: Add at the end of title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Workers, Farmers, Families, and Individuals

SEC. 221. FINDINGS.

Congress finds the following:

(1) There are approximately 138 million people employed in the United States.

(2) Thousands of organizations and associations represent these employed persons and their employers in numerous forms and forums, not least of which is by participating in our electoral and political system in a number of ways, including informing citizens of key votes that affect their common interests, criticizing and praising elected officials for their position on issues, contributing to candidates and political parties, registering voters, and conducting get-out-the-vote activities.

(3) The rights of American workers to bargain collectively are protected by their First Amendment to the Constitution and by provisions in the National Labor Relations Act. Federal law guarantees the rights of workers to choose whether to bargain collectively through a union.

(4) Fourteen percent of the American workforce has chosen to affiliate with a labor union. Federal law allows workers and unions the opportunity to combine strength and to work together to seek to improve the lives of America's working families, bring fairness and dignity to the workplace and secure social and economic equity in our nation.

(5) Nearly three quarters of all United States business firms have no payroll. Most are self-employed persons operating unincorporated businesses, and may or may not be the owner's principal source of income.

(6) Minorities owned fewer than 7 percent of all United States firms, excluding C corporations, in 1982, but this share soared to about 15 percent by 1997. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(7) In 1999, women made up 46 percent of the labor force. The labor force participation rate of American women was the highest in the world.

(8) Labor/Worker unions represent 16 million working women and men of every race and ethnicity and from every walk of life.

(9) In recent years, union members and their families have mobilized in growing numbers. In the 2000 election, 26 percent of the nation's voters came from union households.

(10) According to the 2000 census, total United States families were totaled at over 105 million.

(11) In 2000, there were 8.7 million African American families.

(12) Asians have larger families than other groups. For example, the average Asian family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(13) American farmers, ranchers, and agricultural managers direct the activities of the world's largest and most productive agricultural sectors. They produce enough food and fiber to meet the needs of the United States and produce a surplus for export.

(14) About 17 percent of raw United States agricultural products are exported yearly, including 83 million metric tons of cereal grains, 1.6 billion pounds of poultry, and 1.4 million metric tons of fresh vegetables.

(15) One-fourth of the world's beef and nearly one-fifth of the world's grain, milk, and eggs are produced in the United States.

(16) With 96 percent of the world's population living outside our borders, the world's most productive farmers need access to international markets to compete.

(17) Every State benefits from the income generated from agricultural exports. 19 States have exports of $1 billion or more.

(18) America's total on United States exports is $49.1 billion and the number of imports is $37.5 billion.

(19) By itself, farming-production agriculture-contributed $60.4 billion toward the national GDP (Gross Domestic Product).

(20) Farmers and ranchers provide food and habitat for 75 percent of the Nation's wildlife.

(21) More than 23 million jobs—17 percent of the civilian workforce—are involved in some phase of growing and getting our food and clothing to us. America now has fewer farmers, but they are producing now more than ever before.

(22) Twenty-two million American workers process, sell, and trade the Nation's food and fiber. Farmers and ranchers work with the Department of Agriculture to produce healthy crops while caring for soil and water.

(23) By February 8, the 39th day of 2002, the average American has earned enough to pay for their family's food for the entire year. In 1970 it took 12 more days than it does now to earn a full food pantry for the year. Even in 1980 it took 10 more days—49 total days—of earning to put a year's supply of food on the table.

(24) Farmers are facing the 5th straight year of the lowest real net farm income since the Great Depression. Last October, prices farmers received made their sharpest drop since United States Department of Agriculture began keeping records 91 years ago. During this same period the cost of production has hit record highs.

(25) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(26) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(27) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it

is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(28) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(29) Citizens who have an interest in issues about or related to their lives have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(30) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy.

(31) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO WORKERS, FARMERS, FAMILIES, AND INDIVIDUALS.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to any individual.

H.R. 2356

OFFERED BY: ____

[Ney Substitute]

AMENDMENT NO. 51: Add at the end title II the following new subtitle:

Subtitle C—Exemption of Communications Pertaining to Civil Rights and Issues Affecting Minorities

SEC. 221. FINDINGS.

Congress finds the following:

(1) More than 70 million people in the United States belong to a minority race.

(2) More than 34 million people in the United States are African American, 35 million are Hispanic or Latino, 10 million are Asian, and 2 million are American Indian or Alaska Native.

(3) Minorities account for around 24 percent of the U.S. workforce.

(4) Minorities, who owned fewer than 7 percent of all U.S. firms in 1982, now own more than 15 percent. Minorities owned more than 3 million businesses in 1997, of which 615,222 had paid employees, generated more than $591 billion in revenues, created more than 4.5 million jobs, and provided about $96 billion in payroll to their workers.

(5) Self-employment as a share of each group's nonagricultural labor force (averaged over the 1991–1999 decade) was White, 9.7 percent; African American, 3.8 percent; American Indian, Eskimo, or Aleut, 6.4 percent; and Asian or Pacific Islander, 10.1 percent.

(6) Of U.S. businesses, 5.8 percent were owned by Hispanic Americans, 4.4 percent by Asian Americans, 4.0 percent by African Americans, and 0.9 percent by American Indians.

(7) Of the 4,514,699 jobs in minority-owned businesses in 1997, 48.8 percent were in Asian-owned firms, 30.8 percent in Hispanic-owned firms, 15.9 percent in African American-owned firms, and 6.6 percent in American Native-owned firms.

(8) Minority-owned firms had about $96 billion in payroll in 1997. The average payroll per employee was roughly $21,000 in the major minority groups and ranged from just under $15,000 to just over $27,000 in various subgroups of the minority population.

(9) African Americans were the only race or ethnic group to show an increase in voter participation in congressional elections, increasing their presence at the polls from 37 percent in 1994 to 40 percent in 1998. Nationwide, overall turnout by the voting-age population was down from 45 percent in 1994 to 42 percent in 1998.

(10) In 2000, there were 8.7 million African American families. The United States had 96,000 African American engineers, 41,000 African American physicians and 47,000 African American lawyers in 1999.

(11) The number of Asians and Pacific Islanders voting in congressional elections increased by 366,000 between 1994 and 1998.

(12) Businesses owned by Asians and Pacific Islanders made up 4 percent of the nation's 20.8 million nonfarm businesses.

(13) Asians tend to have larger families—the average family size is 3.6 persons, as opposed to an average Caucasian family of 3.1 persons.

(14) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''.

(15) The Supreme Court recognized and emphasized the importance of free speech rights in *Buckley v. Valeo*, where it stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(16) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(17) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(18) Citizens who have an interest in issues about or related to civil rights have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communications in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(19) This title contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues concerning civil rights to their elected officials and the general public.

(20) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING TO CIVIL RIGHTS AND ISSUES AFFECTING MINORITIES.

None of the restrictions or requirements contained in this title or the amendments made by this title shall apply to any form or mode of communication to the public that consists of information or commentary regarding the statements, actions, positions, or voting records of any individual who holds congressional or other Federal office, or who is a candidate for congressional or other Federal office, on any matter pertaining to civil rights and issues affecting minorities.

H.R. 2356

OFFERED BY: ____

[Ney Substitute]

AMENDMENT NO. 52: Add at the end the following title:

TITLE VI—NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS

SEC. 601. FINDINGS.

Congress finds the following:

(1) The First Amendment to the United States Constitution states that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''

(2) The First Amendment affords the broadest protection to such political expression in order ''to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people. *Roth v. United States*, 354 U.S. 476, 484 (1957).

(3) According to *Mills v. Alabama*, 384 U.S. 214, 218 (1966), there is practically universal agreement that a major purpose of that

Amendment was to protect the free discussion of governmental affairs, ''...of course including[ing] discussions of candidates...''.

(4) According to *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964), the First Amendment reflects our ''profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open''. In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for the identities of those who are elected will inevitably shape the course that we follow as a nation.

(5) The First Amendment protects political association as well as political expression. The constitutional right of association explicated in *NAACP v. Alabama*, 357 U.S. 449, 460 (1958), stemmed from the Court's recognition that ''[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.'' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee ''freedom to associate with others for the common advancement of political beliefs and ideas,'' a freedom that encompasses '''[t]he right to associate with the political party of one's choice.''' *Kusper v. Pontikes*, 414 U.S. 51, 56, 57, quoted in *Cousins v. Wigoda*, 419 U.S. 477, 487 (1975).

(6) In *Buckley v. Valeo*, the Supreme Court stated, ''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''.

(7) In response to the relentlessly repeated claim that campaign spending has skyrocketed and should be legislatively restrained, the *Buckley* Court stated that the First Amendment denied the government the power to make that determination: ''In the free society ordained by our Constitution, it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''.

(8) In *Buckley*, the Court also stated, ''The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed 'to secure the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered exchange of ideas for the bringing about of political and societal changes desired by the people' ''.

(9) The courts of the United States have consistently reaffirmed and applied the teachings of *Buckley*, striking down such government overreaching. The courts of the United States have consistently upheld the rights of the citizens of the United States, candidates for public office, political parties, corporations, labor unions, trade associations, non-profit entities, among others. Such decisions provide a very clear line as to what the government can and cannot do with respect to the regulation of campaigns. See *Federal Election Comm'n v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986); *Federal Election Comm'n v. National Conservative Political Action Comm.*, 470 U.S. 480 (1985); *California Medical Assn. V. Federal Election Comm'n*, 453 U.S. 182 (1981).

(10) The FEC has lost time and time again in court attempting to move away from the express advocacy bright line test of *Buckley v. Valeo*. In fact, in some cases, the FEC has had to pay fees and costs because the theory is frivolous. *See FEC v. Christian Action Network*, 110 F.3d 1049 (4th Cir. 1997), *aff'g* 894 F. Supp. 946 (W.D.Va. 1995); *Maine Right to Life Comm. v. FEC*, 914 F. Supp. 8 (D.Me. 1996), aff'd 98 F.3d 1 (1st Cir. 1996), *cert. denied*, 118 S. Ct. 52 (1997); *Clifton v. FEC*, 114 F.3d 1309 (1st Cir. 1997); *Faucher v. FEC*, 928 F.2d 468, 472 (1st Cir.), *cert. denied*, 502 U.S. 820 (1991); *FEC v. Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Co.), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir.), vacated on other grounds, 116 S. Ct. 2309 (1996); *FEC v. Central Long Island Tax Reform Immediately Comm.*, 616 F.2d 45, 53 (2d Cir. 1980); *Minnesota Citizens Concerned for Life, Inc. v. FEC*, 936 F. Supp. 633 (D. Minn. 1996), *aff'd* 113 F.3d 129 (8th Cir. 1997), *reh'g. en banc denied*, 1997 U.S. App. LEXIS 17528; *West Virginians for Life, Inc. v. Smith*, 960 F. Supp. 1036, 1039 (S.D.W.Va. 1996); *FEC v. Survival Education Fund*, 1994 U.S. Dist. Lexis 210 (S.D.N.Y. 1994), *aff'd in part and rev'd in part*, 65 F.3d 285 (2nd Cir. 1995); *FEC v. National Organization for Women*, 713 F. Supp. 428, 433–34 (D.D.C. 1989); *FEC v. American Federation of State, County and Municipal Employees*, 471 F. Supp. 315, 316–17 (D.D.C. 1979). Even the FEC abandoned the ''electioneering communication'' standard soon after the 1996 election due to its vagueness.

(11) The courts have also repeatedly upheld the rights of political party committees. As Justice Kennedy noted: ''The central holding in *Buckley v. Valeo* is that spending money on one's own speech must be permitted, and that this is what political parties do when they make expenditures FECA restricts.'' *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n*, 518 U.S. 604, 627 (1996) (J. Kennedy, concurring). Justice Thomas added: ''As applied in the specific context of campaign funding by political parties, the anticorruption rationale loses its force. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities*, 56 Ford L. Rev. 53, 105–106 (1987). What could it mean for a party to 'corrupt' its candidates or to exercise 'coercive' influence over him? The very aim of a political party is to influence its candidate's stance on issues and, if the candidate takes office or is reelected, his votes. When political parties achieve that aim, that achievement does not, in my view, constitute 'a subversion of the political process.' *Federal Election Comm'n v. NCPAC*, 470 U.S. at 497. For instance, if the Democratic Party spends large sums of money in support of a candidate who wins, takes office, and then implements the Party's platform, that is not corruption; that is successful advocacy of ideas in the political marketplace and representative government in a party system. To borrow a phrase from *Federal Election Comm'n v. NCPAC*, 'the fact that candidates and elected officials may alter or reaffirm their own positions on issues in response to political messages paid for by [political groups] can hardly be called corruption, for one of the essential features of democracy is the presentation of the electorate of varying points of view.' *Id.* at 498. Cf. *Federal Election Comm'n v. MCFL*, 479 U.S. at 263 (suggesting that '[v]oluntary political associations do not...present the specter of corruption').''. *Colo. Republican Fed. Campaign Comm. v. Federal Election Comm'n*, 518 U.S. 604, 647 (1996) (J. Thomas, concurring). Justice Thomas continued: ''The structure of political parties is such that the theoretical danger of those groups actually engaging in quid pro quos with candidates is significantly less than the threat of individuals or other groups doing so. See Nahra, *Political Parties and the Campaign Finance Laws: Dilemmas, Concerns and Opportunities*, 56 Ford L. Rev. 53, 97–98 (1987) (citing F. Sorauf, *Party Politics in America* 15–18 (5th ed. 1984)). American political parties, generally speaking, have numerous members with a wide variety of interests, features necessary for success in majoritarian elections. Consequently, the influence of any one person or the importance of any single issue within a political party is significantly diffused. For this reason, as the Party's amici argue, see Brief for Committee for Party Renewal et al. as Amicus Curiae 16, campaign funds donated by parties are considered to be some of 'the cleanest money in politics.' J. Bibby, *Campaign Finance Reform*, 6 Commonsense 1, 10 (Dec. 1983). And, as long as the Court continues to permit Congress to subject individuals to limits on the amount they can give to parties, and those limits are uniform as to all donors, *see* 2 U.S.C. section 441a(a)(1), there is little risk that an individual donor could use a party as a conduit for bribing candidates. *Id.*''.

(12) As recently as 2000, the Supreme Court reminded us once again of the vital role that political parties play on our democratic life, by serving as the primary vehicles for the political views and voices of millions and millions of Americans. ''Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting the electoral candidates who espouse their political views. The formation of national political parties was almost concurrent with the formation of the Republic itself.'' *California Democratic Party v. Jones*, 530 U.S. 567 (2000). Moreover, just last year, a Federal court struck down a state law that included a so-called ''soft money ban,'' which in reality was a ban on corporate and union contributions to political parties—which as a factual matter is correct. The *Anchorage Daily News* reported:

(13) A Federal judge says corporations and unions have a constitutional right to give unlimited amounts of ''soft money'' to political parties, so long as none of the money is used to get specific candidates elected. In a decision dated June 11, U.S. District Judge James Singleton struck down a section of Alaska's 1997 political contributions law that barred corporations, unions and other businesses from contributing any money to political candidates or parties. The ban against corporate contributions to individual candidates is fine, Singleton said. Public concern about the corrupting influence or corporate contributions on a specific candidate is legitimate and important enough to somewhat limit freedom of speech and political association, the judge concluded. But contributions to the noncandidate work of a political party do not raise undue influence issues and therefore may not be restricted, the judge concluded.

(14) Sheila Toomey, *Anchorage Daily News* (June 14, 2001) (reporting on *Kenneth P. Jacobus, et al. vs. State of Alaska, et al.*, No. A97–0272 (D. Alaska filed June 11, 2001).

(15) Nor is speech any less protected by the First Amendment simply because the one making the speech contacted or communicated with others. For some time, the Federal Election Commission held the view that such ''coordination'' (an undefined term), even of communications that did not contain express advocacy, somehow was problematic, and subject to the limitations and prohibitions of the Act. This view has been rejected

by the courts. *Federal Election Commission v. Christian Coalition*, 52 F. Supp. 2d 45 (D.D.C. 1999). In fact, lower Federal courts have held that even political party committee limits on coordinated expenditures are an unconstitutional restriction on speech. *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.*, 213 F.3d 1221 (10th Cir. 2000). Unless a party committee's expenditure is the functional equivalent of a contribution (and thus not ''coordinated''), it cannot be limited. See Federal Election Commission v. Colo. Republican Fed. Campaign Comm., 150 L.Ed.2d 461, nt. 17, nt. 2 (J. Thomas, dissenting) (2001). As a factual matter, many party committee ''coordinated'' expenditures are not the functional equivalent of contributions. *See* Amicus Curie Brief of the National Republican Congressional Committee, *Federal Election Commission v. Colo. Republican Fed. Campaign Comm.*, 150 L.Ed.2d 461 (2001).

(16) Commentators, legal experts and testimony in the record echoes the need to be mindful of the First Amendment. Whether it is the American Civil Liberties Union, see March 10, 2001 ACLU Letter to Senate (and all cases cited therein) & June 14, 2001 ACLU testimony before the House Administration Committee (and cases cited therein), or the counsel to the National Right to Life Committee and the Christian Coalition, see June 14, 2001 testimony of James Bopp before the House Administration Committee (and cases cited therein), experts across the political spectrum have thoughtfully explained the need to ensure the First Amendment rights of citizens of this country.

(17) Citizens who have an interest in issues have the Constitutional right to criticize or praise their elected officials individually or collectively as a group. Communication in the form of criticism or praise of elected officials is preciously protected as free speech under the First Amendment of the Constitution of the United States.

(18) This Act contains restrictions on the rights of citizens, either individually or collectively, to communicate with or about their elected representatives and to the general public. Such restrictions would stifle and suppress individual and group advocacy pertaining to politics and government—the political expression at the core of the electoral process and of First Amendment freedoms—the very engine of democracy. Such restrictions also hinder citizens' ability to communicate their support or opposition on issues to their elected officials and the general public.

(19) Candidate campaigns and issue campaigns are the primary vehicles for giving voice to popular grievances, raising issues and proposing solutions. An election, and the time leading up to it, is when political speech should be at its most robust and unfettered.

SEC. 602. NO RESTRICTIONS ON FIRST AMENDMENT RIGHTS.

Notwithstanding any provision of this Act, and in recognition of the First Amendment to the United States Constitution, nothing in this Act or in any amendment made by this Act may be construed to abridge those freedoms found in that Amendment, specifically the freedom of speech or of the press, or the right of people to peaceably assemble, and to petition the government for a redress of grievances, consistent with the rulings of the courts of the United States (as provided in section 601).

H.R. 2356

OFFERED BY: ____

[Ney Substitute]

AMENDMENT NO. 53: Amend section 323(b) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—An amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

Amend section 323(e)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 101(a) of the bill, to read as follows:

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

Amend section 304(e)(2) of the Federal Election Campaign Act of 1971, as proposed to be added by section 103(a) of the bill, to read as follows:

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b) applies shall report all receipts and disbursements made for activities described in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

H.R. 2356

OFFERED BY: ____

[Ney Substitute]

AMENDMENT NO. 54: Insert at the end of the Act:

STRENGTHENING FOREIGN MONEY BAN

SEC. ___. STRENGTHENING FOREIGN MONEY BAN.

(a) BANNING ALL DONATIONS TO CANDIDATES AND PARTIES; BANNING DISBURSEMENTS FOR CERTAIN COMMUNICATIONS.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

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

''(C) an expenditure, independent expenditure, or disbursement for a communication described in section 304(e)(3) or a targeted mass communication (as defined in section 304(f)(3)); or

''(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.''.

(b) EXTENSION OF BAN IN FEDERAL ELECTIONS TO ALL NONCITIZENS.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: '', or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

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

Today on Abraham Lincoln's birthday, we pray remembering some of the most significant things he said about prayer. ''I have been driven many times upon my knees,'' he said, ''by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for that day.'' When asked whether the Lord was on his side, he responded, ''I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I—and this Nation—should be on the Lord's side.''

Let us pray.

Holy, righteous God, so often we sense that same longing to be in profound communion with You because we need vision, wisdom, and courage no one else can give. We long for our prayers to be affirmations that we want to be on Your side rather than appeals for You to join our causes. Forgive us when we act like we have a corner on the truth, and our prayers reach no further than the ceiling. In humility, we spread our concerns before You and ask for Your marching orders and the courage to follow the cadence of Your drumbeat. Through Jesus who taught us to pray, ''*Your will be done on earth as it is in heaven*.'' Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, we are awaiting the arrival of Senator GRASSLEY.

The Senate, today, will resume consideration of the farm bill, with 40 minutes of debate on the Grassley second-degree amendment to the Craig amendment. Following this debate, there will be 15 minutes of debate in relation to the Crapo amendment and then 15 minutes of debate in relation to the Baucus amendment. Following these statements on these measures, the Senate will conduct a series of rollcall votes in relation to the Grassley second-degree amendment, the Crapo amendment, and the Baucus amendment. All amendments, with the exception of the managers' amendment, must be proposed before 3 p.m. today.

The Senate will recess from 12:30 to 2:15 today, which is traditional, for the weekly party conferences.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) amendment No. 2471, in the nature of a substitute.

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

Crapo/Craig amendment No. 2533 (to amendment No. 2471), to strike the water conservation program.

Craig amendment No. 2835 (to amendment No. 2471), to provide for a study of a proposal to prohibit certain packers from owning, feeding, or controlling livestock.

Santorum modified amendment No. 2542 (to amendment No. 2471), to improve the standards for the care and treatment of certain animals.

Feinstein amendment No. 2829 (to amendment No. 2471), to make up for any shortfall in the amount sugar supplying countries are allowed to export to the United States each year.

Harkin (for Grassley) amendment No. 2837 (to amendment No. 2835), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Baucus amendment No. 2839 (to amendment No. 2471), to provide emergency agriculture assistance.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Reid amendment No. 2842 (to the language proposed to be stricken by Crapo/Craig amendment No. 2533), to promote water conservation on agricultural land.

Enzi amendment No. 2843 (to amendment No. 2471), to require the Secretary of Agriculture to provide livestock feed assistance to producers affected by disasters.

AMENDMENT NO. 2837

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 40 minutes of debate, equally divided, on the Grassley amendment No. 2837.

Mr. REID. Senator GRASSLEY has arrived now, so debate can begin.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I wish to make a very short statement today. I would refer my colleagues to a lengthier statement I made when——

The ACTING PRESIDENT pro tempore. Who yields time?

If the Senator will suspend, we are on the amendment. The Senator from Iowa, Mr. GRASSLEY, has time. The Senator controls 20 minutes.

Mr. GRASSLEY. Madam President, I yield the Senator from Iowa, my colleague, 3 minutes.

Mr. HARKIN. I thank the Senator for yielding. I did not think we were on the amendment yet.

Madam President, I will make a statement. I made a lengthier statement on Friday when I offered the second-degree amendment for my colleague from Iowa, Senator GRASSLEY.

Farmers and ranchers have long sought a ban on a packer's ability to own livestock. The reasons are simple: When packers own livestock, it gives them a greater ability to manipulate the market because they control the supply, and packer ownership shuts out farmers from the market because the packer fills its plant with company-owned animals.

This past December, the Senate responded to these problems by adopting the Johnson-Grassley amendment by a 51-to-46 margin. That amendment prohibited packers from owning, feeding, or controlling livestock for more than 14 days before processing.

After that amendment was adopted, the packers created a firestorm with a lot of smoke and mirrors about the word ''control.'' They somehow argued that the amendment would affect forward contracting and marketing agreements, even though the amendment did not affect these types of arrangements. Nevertheless, the packers gained some traction by the pure repetition of this argument.

So Senator GRASSLEY, Senator JOHNSON, myself, and others worked with interested groups, such as the American Farm Bureau, to further define ''control'' so the packers could not even pretend to make the argument that the amendment affects marketing contracts.

This is what the Grassley second-degree amendment does. It makes it clear that farmers may still contract for the sale of their livestock. The amendment does this by stating that it does not affect relationships where the producer ''materially participates in the management of the operation with respect to the production of livestock.'' We use these words because they are familiar terms to farmers and agricultural lawyers. This phrase draws a clear legal line.

Now about the study. Farmers do not want another study that concludes there is a strong correlation between captive supplies and lower prices. The USDA has told us this a number of times before. A report, released on January 18 of this year, included a 15-page appendix of all the previous studies dealing with packer ownership and captive supply. In summary, all these reports basically said: As the packer's use of captive supplies increases, the farmer's price for livestock decreases.

So we know the facts. We have had study after study. We know what is good for our farmers. The National Farmers Union, the American Farm Bureau, and over 100 other farm, commodity, and rural groups are supporting the Grassley amendment. They do not want another study to tell us what the other studies have already told us. They want to limit the packer's ability to manipulate the market; they want a ban on packer ownership; and that is what the Grassley amendment does. That is why I strongly support it and urge our colleagues to support the Grassley amendment.

I thank the Senator for yielding me this time.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Madam President, in a moment the distinguished Senator from Idaho, Mr. CRAIG, will seek recognition on behalf of the opposition to the amendment. I ask Senator CRAIG to control the time on our side.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Madam President, I understand the time on the Grassley second degree was 40 minutes, 20 to each side equally divided.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CRAIG. I thank the Chair.

I will be brief in the beginning because we have now heard from the chairman of the authorizing committee. I share with the chairman the kind of frustration to which he has just spoken as it relates to livestock prices and transparency and reportability and ownership. There is no question that there is concern in the livestock industry.

I come from a large beef-producing State. I was once a rancher. I am very close to the livestock industry of my State. They have spoken to me about this. We have talked about the issue.

Let me take the Senate back before today to December, when I voted for the Johnson-Harkin-Grassley amendment. I voted for it because I was told these were the words that would deal with concentration or packer ownership. I was concerned at that time, but I was also concerned about the myriad new tools being used in the marketplace of sales and processing and distribution and horizontal and vertical integration and regional differences and operational capacities. All of these things have really not been talked about by the chairman or by Senator GRASSLEY or by Senator JOHNSON. And all of a sudden a variety of very skilled attorneys began to arise and say: Wait a moment. We think there is a very real problem, a very real definitional problem as it relates to the kinds of concerns that are very real in the marketplace today.

The chairman talked about a firestorm of concern erupting. You bet there was. All of a sudden, what about brand name relationships? What about what we call operational capacity in livestock deficit areas, where contracting and relationship keeps what we call the throughput of a slaughter operation so that we can sustain it and its employees? Had that been dealt a fatal blow? Were we really dealing with something that maybe we hadn't effectively thought through?

The firestorm produced a real concern. I worked with Senator GRASSLEY in good faith. He has worked in good faith. Out of that, he has produced a second-degree amendment to mine.

My amendment says, let's spend a couple of hundred days, put the experts together. Don't tread on ice so thin that we could collapse the way the livestock marketing operations work today, the way the new relationships that are building dynamics in the marketplace are working. They went ahead. Over the weekend a second-degree amendment was produced in an effort to try to define what control is, because that really is part of the fundamental issue. I could read it. I think it has already been read. It will be discussed.

I believe this, in part, is a rush to judgment to correct a problem that is yet not effectively studied and/or defined. I am not talking about a study that goes on for year after year. I am talking about us coming back next year, having directed USDA in 200-plus days to look at the full ramifications of the livestock industry and the slaughter operations, the packers, the marketers, the wholesalers, the retailers, the brand names, the carcass quality, all of those kinds of things that are an integrated relationship in a new market today that producers are developing with packers that we are now deciding—or at least some are—is a wrong relationship, and somehow we ought to legislatively step in and, by law, fix it.

I am not opposed to fixing something that is broken, but I am not at all convinced that it is yet broken. It may be influenced. It might be tampered with. I don't know that yet. I think an effective study could do that.

I will agree that a study a few years ago indicated there was manipulation

in the market place, there was a minority record that said that captive herd and packer concentration in that regard was a problem. At the same time, I don't think we rush to judgment here and collapse a marketing system that is now growing and creating stability—maybe not the price wanted but clearly stability and brand name and quality to the consumers of our country that is in reality strengthening the market.

That is with what we have to deal. I don't believe the second degree gets us there. It has not been effectively studied. It is in the eye of the legal mind that created it last weekend—not months ago, not with hearings, just this last weekend.

Why don't we take a breather, time-out, 200 days? Examine this amendment against the reality of control and market relationships and contract relationships, and see if this is where this country wants to direct its livestock industry. I would hope not. I hope my colleagues will join with me in opposing this second degree and, as a result, passing the study dealing with this issue.

I reserve the remainder of my time.

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

Mr. GRASSLEY. I yield 5 minutes to the Senator from South Dakota, Mr. JOHNSON.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I thank my friend, Senator GRASSLEY, my colleague from Iowa.

I come to the Chamber to make one final stand for my bipartisan amendment that restores fair competition and access in the livestock markets. Fifty-one Senators already voted for this provision which prevents meatpacker ownership of livestock.

I greatly respect the right of my colleagues to demand a second vote on this issue. That is what we will wind up having today. To clear up any question about the intent of our provision, Senators GRASSLEY and HARKIN have offered a second-degree amendment to the Craig language making it clear that forward contracts can be used as a marketing tool for both packers and producers under the underlying amendment that was passed with 51 votes earlier.

I don't think there has ever been a serious issue about whether forward contracting is permitted under the amendment which we passed last December. The leading agricultural experts in the world have examined that legislation and have all concluded that, in fact, there is no prohibition on forward contracting on the underlying amendment.

However, this issue has come up. There have been people who have raised issues. I think it is a red herring for those who simply do not want to roll back the right of packers to own livestock outright, but, nonetheless, this additional language is now being offered, and we will have this debate this morning and vote on this issue.

With this additional clarification, we have the support of most major farm groups: the American Farm Bureau Federation, National Farmers Union, plus many more. However, our colleague from Idaho, who I greatly respect, proposes to strike my amendment in exchange for a study on these issues. It seems to me that we have had studies enough. The Senate Agriculture Committee has held three hearings on concentration of livestock markets, packer ownership, and other issues—in June of 1998, May of 1999, and April of 2000. The problems are clear, and I believe they have been demonstrated.

This amendment applies to hogs, cattle, and sheep. A lot of the most recent controversy has been relative to hogs. The percentage of hogs owned by packers rose from a modest 6.4 percent only in 1994 to a whopping 27 percent only 7 years later in 2001, according to the University of Missouri. This increase in packer-owned hogs means that packers prefer to buy their own hogs instead of paying farmers a fair price. When packers own their own farms and their own livestock, they don't make purchases from farmers who otherwise provide economic contributions to our rural communities—to main street businesses, school districts' tax base, banks, car dealerships, feed stores, and so on.

Frankly, those opposed to my amendment prohibiting packer ownership of livestock simply have a profoundly different vision of what rural America ought to be about. I believe we ought to have independent livestock producers in a position where there is competition, and they can leverage a decent price for their animals. I don't believe the future of livestock production in our Nation ought to be a series of low-paid employees of the packers on their own land bearing all the risk and little of the profit for the production of their animals. That is not the direction I wanted livestock production in America to go.

We had strong bipartisan support for this amendment last December when it was brought up. I am hopeful we can retain that support so that those of us who have a more optimistic vision of a competitive free enterprise and free market economy for livestock producers can in fact envision them having more choices and options about how to sell their animals and where to sell them.

History demonstrates that USDA studies simply won't do the work. A case in point: USDA failed to take action on a petition with regard to packer ownership and captive supply. This petition was submitted in October of 1996, initially published in the Federal Register for comment in January 1997, hearings were held on September 21, 2001, and USDA still has done nothing on this petition.

Additionally, USDA has failed to hire attorneys to lead investigations on competition cases despite the fact that GAO made a recommendation and Congress appropriated increased money for this purpose.

USDA has done a lot of studies in the past. They have found a strong correlation between increased captive supplies and price.

However, the studies conducted by USDA have not made a conclusion. Rather, they have been indecisive as to action, this is why policy and legislation must clarify and strengthen existing law.

I encourage my colleagues to support the Grassley-Harkin second-degree amendment.

Should we vote on Senator CRAIG's amendment, I urge my colleagues to oppose it and put a stop to concentration in the livestock industry.

Have no doubt about it, this is our opportunity to address the issue. Talk is fine. We can do this in 200 days or a year or so down the road. The fact is, this is the farm bill. The likelihood of passing this legislation as a free-standing bill, with all the controversies and lobbying that come into play, is very slight. This is the opportunity. We either act in the context of this farm bill or I fear that years will go by before we have another opportunity to address the integration crisis we have in American agriculture—livestock in particular. We will find that the horse is long out of the barn before we have another opportunity to address this issue.

I ask my fellow colleagues to support the underlying amendment prohibiting packer ownership of livestock, to support the clarification as it applies to forward contracting, and to support Senator GRASSLEY's amendment.

Mr. ROBERTS. Madam President, it is with deep regret that I must rise today in opposition to the second-degree amendment offered by my good friend from Iowa.

His intentions are good, but I sincerely believe his amendment will have unintended effects that will hurt producers in the long run and that could have an unfortunate effect on the livestock industry in the United States—particularly the beef industry in Kansas.

Kansans are proud of the beef industry and the history it has played in our state. From the days of the cattle drives that stretched from Texas to Abilene and Ellsworth it has been one of our top industries.

I have always argued that we need to give our producers every tool necessary to compete and that we should carry a big stick to ensure the packing industry treats producers fairly.

Coming from Dodge City, I fully understand the concerns of those who are worried about the largest packers having control over the market. Prior to a devastating fire in late 2000 at the ConAgra beef division plant in Garden City, KS we had all four of the major

meat packers doing business within a 100 mile radius of Dodge City.

While some argue that the packers have a crippling effect on the cattle market, I can tell you that the economy of western Kansas would not survive without the beef industry—individual producers, feeders, and packers.

How important is this industry to Kansas?

Cattle represented 62.6 percent of the 2000 Kansas agricultural cash receipts.

Cattle generated $4.95 billion in cash receipts in 2000. More than double that generated by our second largest commodity—wheat.

Kansas processed 8.21 million head in 2000; grazes 1.5 million stockers annually; and, had 1.52 milliion beef cattle in the State on January 1, 2002.

Kansas ranked first in commercial cattle processed in 2000.

Kansas ranks second in the value of live animals and meat exported to other countries at $969.7 million in 2000.

Kansas ranked second in fed cattle marketed with 5.37 million in 2000, representing 22.3 percent of all cattle fed in the United States.

Kansas ranks second, with 6.34 billion pounds of meat produced in 2000.

These numbers extend simply beyond the number of cattle we have and the producers who raise and feed them. These numbers also represent jobs that are the linchpin of many of our western Kansas communities.

As a couple of examples:

Farmland Industries employees 5260 people in Kansas in its beef packing sector and 850 in pork packing. Most of those jobs are in Dodge City and Liberal, Kansas.

Cargill employees approximately 4500 people. 3600 of these people work in its meat and livestock businesses in Leoti, Dodge City, and Wichita.

If those promoting this amendment are wrong, and it indeed does cause a restructuring in the industry or forces packers to move from the country, the economic impact and ripple effects it could cause would be devastating to the Kansas economy.

Farmland has informed me that it is the legal opinion of their lawyers that this amendment would put them out of the beef and pork packing businesses. We cannot allow that to happen.

I am also deeply concerned that this amendment appears to severely curtail the ability of producers to enter into producer alliances and marketing agreements that allow them to gain additional dollars for the livestock they produce.

Several of these alliances already exist, or are being formed, in Kansas. And I have been told that no fewer than 80 are in some stage of development throughout the United States.

One of the most successful of these alliances has been U.S. Premium Beef.

This producer owned cooperative has become one of the most successful producer initiated businesses I have ever seen.

Last year 13,300 head were marketed through USPB each week.

In fiscal year 2001, USPB cattle earned an average of $18.95 per head in premiums over the cash market. The top 25 percent earned a $46 per head average over the cash market, the top 50 percent $35 per head, and the top 75 percent $27 per head more than selling on the cash market.

U.S. Premium Beef has informed me that despite the best intentions of the authors of this amendment to exempt them from this amendment, USPB would also be put out of business.

I understand the concerns of the supporters of this amendment and many producers who argue for its passage. But I also have many producers in Kansas who argue against its passage, and I cannot in good conscious vote for an amendment that I believe ties the hands of producers to compete against the large meat packers and that I believe could devastate the beef industry in Kansas.

I urge my colleagues to vote against the second-degree amendment offered by Mr. GRASSLEY and to vote for the amendment offered by Mr. CRAIG.

Mr. GRASSLEY. Madam President, I withhold instead of my yielding time back and forth. Rather than using all of my time, the other side will have the last 10 minutes of debate.

Mr. CRAIG. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Thirteen minutes, forty-five seconds.

Mr. CRAIG. Let me take just a couple of minutes and then return it to Senator GRASSLEY.

The Senator from South Dakota said studies have languished. Action has languished. Action needs to be taken if the studies yield what he says they might yield. This is a directive from the Congress to USDA to operate in 270 days. It would then not be incumbent upon USDA to act. It would be incumbent upon the Congress to act.

What does my amendment do? It directs that there should be an examination of the relationship of livestock as it relates to 14 days prior to slaughter, livestock producers that market under contract grid, base contracts, forward contracts, rural communities, employees of commercial feedlots, livestock producers, and market feeder livestock, and feedlot owners controlled by packers, market price for livestock—both cash and futures—and the ability of the livestock producers to obtain credit from commercial sources.

What is occurring today under these new relationships with contracts is that the producer can take the contract to the bank and get financing. That has become an important and valuable tool as it relates to a lot of these new relationships. Studies that have been done talk about cooperatives and the relationship they now have with marketers. They talk about how we deal with brand name products and quality control. Those are new relationships that have added value to a product. No, it isn't just a simple matter of concentration so defined by control. We are talking about a new world in the livestock industry and industry planning and adjustments to it.

Do I like it as a traditional cattleman? Probably not. Do some producers? No. Other producers do because they decided to make some adjustments and changes. All of that needs to be studied. There has not been one hearing on this issue. There has been some study but a limited amount of study.

I think that is really the issue. It is not about USDA not acting. It is about the Senate acting when it is properly informed and when we have not rushed to judgment over the weekend by trying to define something that only one attorney, to my knowledge, has had the ability to craft with limited review from anyone else.

I retain the remainder of my time.

Mr. GRASSLEY. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Ten minutes, forty-four seconds.

Mr. GRASSLEY. Madam President, I yield myself 5 minutes.

First of all, if you read the history of the Packers and Stockyards Act passed roughly around 1920, I believe you will find a lot of the same arguments being used against the passage of the original act at that particular time as you are now finding used against our efforts to modify the act to a small extent.

We have had a good Packers and Stockyards Act for 80 years. We are trying to bring it up to date. It didn't anticipate the control that a few packers would have over the livestock industry. We are adjusting it to take into consideration new ways of marketing.

Also, I would ask just my Republican colleagues, not my Democrat colleagues—I am not sure exactly which ones I am talking about, but there was a group of us who met with the new Secretary of Agriculture about a year ago—there were probably 8 to 10 Republican Senators present—to give our views on certain issues for her, an incoming new Secretary of Agriculture. I don't take notes on these meetings, but I remember, to my astonishment, the number of my colleagues who told the Secretary of Agriculture as they reflected on the grassroots opinions which they received from their constituents that one of the greatest concerns was about concentration in agriculture. I will bet the distinguished Senator from Michigan, the Presiding Officer, hears that from family farmers in Michigan.

This was not in reference to what I am trying to do today. I don't imply that at all. My amendment is not a result of that meeting. But my amendment has something to do with the opinion that my Republican Senators expressed to the Secretary of Agriculture—that we have to do something

to make sure we have more competition in agriculture because of this concern about less competition, and particularly because a few packers have the vast majority of the slaughter of livestock. That is one thing. But it is compounded by their ownership of livestock which they can dump on the market on a day they choose to dump it on the market. That depresses the market, and the marketplace just does not work.

I want my Republican colleagues—I do not know who they were, but they were from the Midwest and the West—to think of that meeting we had with Ann Veneman and the opinions they expressed. I hope they will find my amendment in tune with their points of view.

The other thing I want to make a comment on is the insinuation in the Midwest newspapers and by Smithfield's CEO that if this amendment went through, they were not going to build any new plants in certain States in the Midwest.

I had an opportunity to have a long conversation maybe about 18 months ago with Mr. Luter about competition in agriculture. I had never met him before. He is obviously a very good entrepreneur and has developed Smithfield Foods. Out of that meeting I remember two very distinct things he said. He said, first of all, he wanted me to know that his view was that family farmers for the most part are not good businesspeople and are not very sophisticated. Second, he told me something to the effect he—again, I didn't take notes at those meetings; this is a recollection. I hope I am not doing him an injustice. I am sure Mr. Luter would say that I am. But the second point he made was he thinks there should be a lot of pork producers across the United States. It is just that they should all work for him by feeding his pigs. He has such an arrangement with a lot of pork producers.

That is how he controls the market. He would argue that is how he controls the quality. That is how he satisfies the consumer. I am not insinuating bad motives that he has as a quality producer of pork. I am just saying his attitude is very different from that of the family farmer in the United States. Consequently, I hope that is why we can get this amendment adopted, because we want to help the family farmers.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator has used his time.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Will the Chair please tell me when 5 minutes remains on our side?

The PRESIDING OFFICER. Yes.

Mr. CRAIG. Madam President, let me speak to what Senator GRASSLEY has talked to in general because I share his concern. I attended one of those meetings with him some time ago and I, as many others, have expressed that. My effort today is not to stop what is going on here but to better inform us if we are in fact making the right decision. I want the family farmer to prosper, and for any packer to suggest that family farmers today are less than sophisticated, they don't know the family farmer of Idaho, or Iowa for that matter. They are highly skilled, professional business men and women—some small, some quite large. But they are family farmers who produce the food and fiber of our country.

Here is what I think all of us fail to address, and that is not competition in this country as much as competition from foreign countries, where we see livestock production and packing increasing very rapidly and entering the market both here and around the world. The pork industries both in Canada and Brazil, for example, had an annual growth rate of 6.5 percent from 1995 to 2000, according to the USDA. Both countries already are cost competitive pork suppliers. Canada has excess packing capacity and both countries have space for expansion.

Canada, Argentina, and Australia stand to benefit from a less competitive United States beef industry. What we are talking about are efficiencies and competitiveness, and that is really a part of what we have to look at and what my study directs. Are we simply handicapping the family farmers? Or should we be working with them to assure that they have greater tools of integration, so they can share in the profit line instead of simply standing for the highest or the lowest bidder, if you will, to take their product?

Those are fundamental issues that the Grassley amendment does not address. He would like to think it does. But to simply arbitrarily suggest there is only one problem in the livestock industry today—and that is captive herds—is to suggest almost that we ignore all of the rest of the tools of integration that are beginning to develop out there. I want my cattle men and women and my pork men and women—I have little to no poultry in my State—to be as competitive and as profitable as possible. But I do know one thing: If you deny these efficiencies and the vertical integration to the beef and pork industries—there is one industry out there that is vertically integrated, and that is the poultry industry—those two industries become less competitive while the poultry industry becomes more competitive. That is the reality of what we are facing.

Shouldn't we know about that in detail and shouldn't a study be done before we act instead of collapsing the industry after we have acted?

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I yield 1 minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I worked on this proposition, of course, last week. Our purpose, and our goal, is to try to make the marketplace more responsive. Our cattlemen take their cattle into a marketplace, into an auction market, hopefully, to sell at the best price available. Yet we believe sometimes because packers can have their own cattle and their own feedlots prior to the time of the market, it affects that market, and they can adjust it. We only now have about three packers that have 80 percent of the control over this market. This is one of the areas that we believe ought to be remedied. We have it in the package now, and I certainly support Senator GRASSLEY's amendment. I urge our Members to support it.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I yield myself such time as I might consume. It is my understanding I have 4 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Madam President, I also want to take this opportunity to, hopefully, get some people who represent big population States to look at our amendment. I think it is very much oriented toward helping consumers. We have more competition in the processing of livestock, as well as helping the family farmer.

I am offering this second-degree amendment to the Craig amendment to clear up any concerns raised by the opposition regarding the word ''control''. The new language reads that a packer may not own or feed hogs or cattle, ''through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, so such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of livestock.''

The new test established to clear up the question of what control means is found in the phrase ''materially participating.'' A farmer who materially participates in the farming operation must pay self-employment taxes. Those who do not materially participate, do not have to pay self employment taxes. The phrase has appeared in the IRS Code, section 1402(a) since 1956 and there is a full hopper of case law clarifying the definition.

I came to the floor yesterday and explained that all the talk about this generating excess litigation, or bureaucracy, or limiting farmers risk management options is just talk. It's all blue smoke.

Some of the packers' allies are already trying to complain that this only adds another layer of confusion. That's an absolute lie. What this amendment does is crystalize the issue, and this issue is whether packers should be packers, or packers should be producers.

Let me make this clear. The vote this morning is a vote on whether packers should own livestock, nothing more and nothing less. If you oppose my amendment you support packer ownership. If you oppose my amendment you must believe that independent livestock producers should compete on an even playing field with corporations that can generate hundreds of millions of dollars to compete with farmers. If you oppose my amendment you are supporting packer greed versus the independent producer's need.

Ask any independent producer in the United States. If we were able to ask them if they think packers should be able to compete with them dollar for dollar, who benefits? I realize that AMI has been arguing that ''the sky is falling'' is this passes, but what would your independent producers really want you to do?

The revised Grassley amendment will inject greater competition, access, transparency and fairness into the livestock marketplace. Small and medium sized livestock operations will gain greater access to markets that will have greater volume and be subject to less manipulation.

The revised bill clarifies that arrangements that do not impose control over the producer can still provide all the benefits of coordination and product specification that many ''grid'' marketing arrangements desire. We are not limiting independent producers at all, only packers.

I've got letters and endorsements from possibly every group interested in this issue that doesn't allow packers to be included in their membership. These endorsements come from state pork producer and cattlemen groups, to the American Farm Bureau. I have well over 135 organizations that signed a letter in support of my second degree amendment. Just a few of those groups are the: Livestock Marketing Association (who stated they would like to voice their strongest possible support), National Farmers Union, R–CALF USA, Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, National Catholic Rural Life Conference, and the Organization for Competitive Markets.

The packers are an important piece in the rural economy, but only a piece, not the whole pie. They think they are the whole pie. The question we need to ask ourselves is whether packers should be packers or packers should also be producers. Is it our intent to let packers compete with producers on an even playing field? Once again, is there any question who will lose this competition?

The reason we keep sows in farrowing stalls is to protect the piglets. Sows are extremely important for the health and well-being of the piglets, but if we let the sow out of the crate we stand the chance of getting the piglets crushed by the sheer weight of the sow, or worse, and watch the sow grow fatter. Let's build a strong farrowing stall for the packers and facilitate the health and well being of our independent producers.

Support the Grassley second-degree, your independent producers would.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, Senator GRASSLEY and I have worked on a lot of agricultural issues together and a lot of farm issues together, and we are in agreement about 99.9 percent of the time. Today, we differ slightly, only in that I want to make sure the step Senator GRASSLEY, Senator HARKIN, and Senator Johnson are asking the Senate to take, which has a direct impact on the livestock marketing industries of our country, is the right step.

They took a step in December only to have a lot of different legal minds say: Wait a minute. We think you are wrong or we think it could be misinterpreted or we think it could be very destructive to a lot of positive relationships that are now building in the marketing between the producer and the processor.

I have read his amendment. It was read yesterday. I am not quite sure it achieves what he wants it to achieve as it relates to control. It talks about a variety of controls, managerial supervision, control of livestock, to such an extent the producer is no longer materially participating in the management of the operation ''with respect to, and the following.''

I received a report in the last few days from the Purdue University Department of Agricultural Economics. I ask unanimous consent to have that report printed in the RECORD.

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

IMPLICATIONS OF BANNING PACKER OWNERSHIP OF LIVESTOCK

(By Allan Gray, Ken Foster, and Michael Boehlje)

The goal of this paper is to address some of the issues surrounding Senator Johnson's (D–SD) amendment to the Senate Farm Bill (S. 1731, The Agricultural, Conservation, and Rural Enhancement Act of 2001) that would make it illegal for meat packers to own, feed, or control livestock more than 14 days before slaughter. There has been much debate of this amendment in the press, and much of the debate centers on the word ''control'' and its likely interpretation in a court of law. These comments address the underlying issues for the motivation and the likely impacts of this proposed amendment for the structure of the livestock industries.

Is defining control important?

The word ''control'' regardless of its interpretation in a court of law, generates serious concerns. While Fuez, et. al. make arguments that this word could eliminate marketing contracts, Harl, et. al. argue that, in a court of law, control would be interpreted as ownership and would not ban marketing contracts. The issue at hand seems to be that the concept of ''control'' is, in fact, subject to interpretation. The degree of uncertainty surrounding the interpretation of the word ''control'' will lead to increased uncertainty about legal business structures and likely increased litigation. These factors will increase transactions costs in livestock industries making them less competitive against other protein sources in both domestic and export markets. If the natural economic tendency is toward tighter alignment of the livestock value/supply chain, as will be argued later in this paper, then packers will move toward tighter vertical linkages without actual ownership if the amendment is enacted. This tendency to push for tighter alignment may be interpreted as control without a more explicit definition and will most assuredly lead to litigation. Thus, the word ''control'' should be defined more explicitly in the legislation or eliminated to avoid the uncertainty and the increased litigation that would follow if it is not defined.

Having addressed the issue of defining control, there are three other factors that should be explored regarding the impacts of this amendment and whether it can be expected to achieve its intended goals. First, the motivation of packer ownership of livestock should be explored to determine whether it is a demand driven issue or a market power issue. Second, whether this amendment would result in producers maintaining their independence or if some other, more tightly aligned interdependent, governance structure would result needs to be examined. Finally, the impacts of this bill on producers and packers that are located in isolated or ''fringe'' regions should be considered.

Is packer ownership of livestock (vertical integration) driven by packers trying to respond to market demand and economic forces, or is it driven by packers exercising market power?

The U.S. livestock industry is a mature industry that delivers products to a set of customers with rising incomes who demand a more differentiated, higher-value set of choices in their proteins. In addition, the marketplace is increasingly concerned about food safety and the ability to trace any contamination to the root source. This argument suggests that the market pressures placed on the industry to deliver more differentiated, higher-value, traceable protein products is a key driver in the development of tighter vertical linkages in the livestock industry.

A more tightly aligned livestock supply chain allows the industry to be more responsive to consumer needs, providing growth for its products in mature markets and increasing efficiency. By increasing vertical coordination (whether through vertical ownership or contracting), the industry increases the ability of information to flow quickly and unambiguously along the supply chain (in essence through quantity and quality purchase orders), allowing for quick responses to changes in consumer preferences through new requirements and specifications rather than trying to attract change through price incentives alone. In addition, the packing industry has large investments in fixed assets that are most economical when operated at full capacity. The best way to assure full capacity and better flow scheduling, and better match consumer or retailer quantity and quality requirements, is to develop tighter vertical coordination. Thus, the industry can improve its competitive position through better inventory management that arises from vertical control. Finally, the shared information, learning capacity, and financial gains from vertical coordination may lead to more rapid technological adoption and enhanced efficiencies for the industry, which leads to more affordable and/or desirable products for consumers over time.

Risk in the livestock industry is another important driver of increased vertical coordination. When markets are less coordinated, the market signals and production activities may be less aligned. This misalignment can lead to wide savings in inventories and prices creating a higher degree of variability in income for farmers and packers. Increasing vertical coordination can reduce misalignments that lead to higher variability. In addition, the sharing of risks and rewards in coordinated systems may be different than in an ''open'' market. Research has shown that producers producing under production contracts (a form of packer ownership) receive lower returns on average than their ''open'' market counterparts. However, this same research indicates that the variability of returns for producers in production contracts is substantially lower than the variability of their counterpart's returns. This reduction in risk could be a substantial benefit to some producers—these risk reduction benefits would be reduced by the proposed amendment if it prohibits production (not marketing) contracts, which is likely.

An alternative argument for the increase in vertical coordination is that packers are exercising their ability to control the price of live animals. This argument contends that packers have market power in the industry and thus can squeeze producer's margins when they are more vertically aligned. Most studies have found little evidence that packers are exercising pure market power in the live animal markets. However, there is some research suggesting that packers might strategically use captured supplies (company owned or contract produced animals) to reduce the number of animals that they purchase from the open market without risking capacity utilization shortfalls; the result of this behavior is lower live animal prices, than would have otherwise prevailed, on the open market. However, if packers have this so-called monopsony power, it is unlikely to disappear under the terms of the proposed amendment. If there exists substantial market power, then packers will likely find ways to exercise it via exploitative marketing contracts that fit within the bounds of the proposed amendment. If the problem in the livestock industry is one of market power, and it can be documented, then it is an issue of anti-trust and not one of industry structure. Furthermore, the market power of packers is unlikely to be significantly impacted by banning packer ownership of cattle.

In summary, there is a sound argument that vertical coordination in the livestock industries is driven by changes in consumer demand to deliver high-quality, differentiated products to the market place, and to improve the risk/reward sharing between producers and packers in the industry. This amendment would simply eliminate one form of vertical coordination for delivering products to consumers and would be unlikely to impact the market power of packers. In fact, the amendment could, at the margin, increase the packers market power since it would likely lead to an increase in contracting, placing more of the ownership of specific assets in the hands of producers where they are more likely to be exploited by packers. The new market would be one for contracts rather than for live animals, and with more producers seeking those contracts the potential for packers to extract price discriminating rents from the producers is not likely to decrease.

Would this amendment have an open access market with production through independent producers, or would it lead to some other form of supply/value chain governance structure?

The argument above is that tighter vertical alignment through ownership and/or contractual arrangements is primarily driven by the need to meet consumer demands and lower cost. If this is the case, it is unlikely that this (assuming control is not defined as amendment eliminating detailed quality and quantity specified procurement/marketing contracts) would curtail the industry's move towards tighter vertical alignment. That is, this amendment is unlikely to preserve the ''independence'' of the livestock producers.

The benefits of tighter vertical alignment can be obtained through two forms of supply/value chain governance. The first form would be through vertical integration or ownership. This has been the primary choice of the poultry industry, which is widely credited with being more responsive to customer's needs that has led to increases in the demand for poultry products at the expense of beef and pork. Packer vertical integration in the pork and beef industries is relatively small when compared to the broiler industry. The latest statistics show packer ownership in beef to be between 5 and 7 percent while pork is closer to 20 to 25 percent. However, more than 74 percent of hogs were marketed through some form of vertical coordination in 2000. Thus, while this amendment would eliminate vertical integration in its purest form (i.e., ownership of livestock raw materials), it is unlikely to reverse the trend toward tighter alignment in the livestock supply chain and re-establish the dominance of independent producers of livestock and open access market coordination between producers and packers.

Since this amendment would eliminate the possibility of vertical integration (at least, backward integration by packers), the other choice of governance structure to obtain some of the benefits of vertical alignment is through contracts. However, the economic pressure will likely be to create very tightly controlled contracts with a limited set of ''preferred suppliers.'' This limited set of preferred suppliers would consist of producers with the ability to deliver the quality and quantity of livestock needed by the packer to take advantage of the economic forces in the market place. This set of ''preferred'' suppliers would have an extremely close relationship with the packer and would, in effect, act as an agent or franchisee for the packer, more or less imitating the vertical integration structure.

This change in the structure of the livestock industry is at best a marginal change from the currently emerging structure. While it is likely that this amendment would shift some of the margins in the industry towards producers, it is likely that these margins would be collected by relatively few select producers ''hand chosen'' by packers. This leaves most other producers in an unchanged situation with limited access to markets and the necessity to sign contracts (albeit with production companies rather than packers) that more or less specify their production practices and who may own the livestock.

Would packers and producers in areas with limited livestock production and only one or two packing facilities suffer?

It seems likely that livestock production in fringe areas could suffer under this amendment. As stated previously, the fixed cost nature of the packing industry requires a high degree of capacity utilization to achieve profitability. In ''fringe'' areas where livestock production is limited, packers may need to own a portion of the livestock production to maintain an economically feasible throughput in their plants. By eliminating ownership, these plants may have no alternative but to shut down or be sold at a loss. Because of the limited production and packing capacity in these regions, farmers would likely have to cease operations as well. Thus, it would appear that this bill might favor the regions where production is most concentrated, at the expense of less concentrated areas of production.

Mr. CRAIG. They say the definition of control is in the eye of the beholder and ultimately in the eye of the court, and that is where I believe this relationship will go if it is a mandate of Federal law. We must know where we are going. Is it only an updating of the Packers and Stockyards Act? I think not. I think it is an entirely different relationship of which we need to be clearly aware. When we are talking competitiveness, I want ranchers of Idaho to be as competitive as possible.

What I am frustrated about, and the Purdue University study says it, what about the fringe area where there is only one packinghouse? If this goes through, are we assuming packers are going to go out and build new plants around the West? The West is a fringe area.

We have heard from my colleagues from Idaho. Idaho and Wyoming fit that definition. Our livestock must move elsewhere, or at least to the edge of our borders, to be processed and ultimately to be marketed. That is why capacity, throughput, all of those kinds of things, through contract relationships and owner relationships, has built stability within that market—and competition, and I hope pricing. If I am wrong, the study will prove it.

This is the first time we have directed USDA to look straight at this issue, not around the issue, not about market manipulation but the reality of the current market and changing those relationships, and the impact those changes would have on the profitability of the livestock industry, primarily the beef and the pork industry. The poultry industry is already fully integrated, and we compete, if one is a beef producer or a pork producer, directly with that industry. Therefore, efficiencies must be such to create the profitabilities for a kind of effective competition. That is the reality of the issue we face.

I hope my colleagues vote down the Grassley amendment and recognize that my amendment is not ad infinitum. It is 270 days directed specifically at USDA, with specifics for that study, and then we come back to Congress and the next year the Senators from Idaho, Wyoming, and South Dakota can stand in this Chamber and say here are the facts; here is what we know we are doing; here is a designer amendment to fit the reality of the marketplace, instead of what we believe might be true based on what we think exists today.

I do not want to collapse the livestock industry built on maybes and

mights and possibilities. That is the value of the study.

I move to table the second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2533

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate equally divided on the Crapo amendment No. 2533.

The Senator from Idaho.

Mr. CRAPO. Madam President, I will take a moment and then yield the remainder of my time to Senator THOMAS from Wyoming.

This amendment is simple. It strikes section 215 from the farm bill. Section 215 contains provisions that would require a landowner who seeks to participate in a portion of the acreage of the CRP to give up his or her water rights either temporarily or permanently. Those kinds of efforts to increase Federal intrusion and Federal control over water management are simply unnecessary and inappropriate. Under the law as we now have it, this very successful conservation program would be hooked not only to the Endangered Species Act, which is something that has never been done before under the farm bill, but also to a requirement that landowners must yield their water rights to the Federal Government in return for the right to participate in this very popular and successful conservation program.

This is an unnecessary intrusion of Federal law into the arena of inserting the Endangered Species Act into the farm bill and is an unnecessary intrusion of Federal law into management of State water rights. For that reason, I encourage the support for this amendment.

I yield the remainder of our time to Senator THOMAS from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I thank the Senator from Idaho for the work he has done in this area. His background—as a matter of fact his legal background—much of it is in the water rights area. So he certainly brings to this Chamber a good deal of not only interest but also knowledge and insight, and I thank him for that.

I rise to support the Crapo amendment in this instance. I think it has a great deal to do with the West, a great deal to do with our traditional use of water. There are, I believe, major concerns behind this idea of the water conservation program. It could result in permanent acquisition of water rights. It preempts State water rights. It extends authority over endangered species to USDA which, of course, is a different operation than we have had.

Endangered species is a very interesting and important aspect to land and water management in the West. It proposes a radical change to the CRP, the conservation reserve, without addressing reforms to ESA, the Endangered Species Act. Interestingly enough, the concept was never discussed in our committee, and I think it makes it more difficult and less practical to bring it up for debate that way.

I am a member of the Agriculture Committee and can attest to the fact it was never debated there. I am quite sure had it been, there are several members of the committee who represent States that experience real problems with how this would impact our lands, and we would have vigorously fought to keep it out.

The allocation of water in the West is done by the States. This is a real tradition and an important States rights issue to us. This is a precious commodity a producer has, and the States vigorously defend any effort that would reduce their rights to make the water allocation. This new water conservation idea is another example of the Federal Government treading on State water rights. For my constituents, the compromise reached allowing the Governors to opt in is certainly not enough.

One of the real difficulties is the possibility that it could result in permanent acquisition of water rights. Program enrollment language does not mention what happens to water upon termination. That is very important.

A provision claims it is not intended to preempt State water. However, if that is the intention, safeguards need to be made. They are not there.

The involvement with the Endangered Species Act, without addressing reform of ESA is very important to those in the West. The jurisdiction over endangered species is under the Department of the Interior. Changing this, then, places a new provision under the Secretary of Agriculture. Obviously that is a conflict.

Certainly those in the West—and I just returned from home over the weekend—have strong points of view about it. Many say if this Reid amendment is included, they do not want a farm bill. That would be a shame.

I yield to my friend from Montana.

Mr. BURNS. I thank my friend. Madam President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. BURNS. How much on the other side?

The PRESIDING OFFICER. Seven and a half minutes.

Mr. BURNS. Madam President, I raise two points. Members on this side of the issue spend a lot of time talking about ''shadows.''

Senators have to ask themselves, why is this in this bill, No. 1; and, No. 2, why is it important? What is the reason for it? Have we been given a reason why this was in this legislation when it was offered as a stand-alone bill? It did not even gain enough recognition to have a hearing in committee and now we are going to put it into law. I want the other side to defend why they want this piece of legislation. Why do they want this section? I don't want Members to go back to the cloakroom or offices and turn off the TV and not listen to this. I have not heard one reason why it is important to anything that has to do with the production of food and fiber.

It is in there to leave us to fight it. What are we fighting? We don't know. I have not heard anybody come down here and do that. I was gone yesterday and they probably did discuss it and I probably missed it, but nonetheless these ears and these eyes have not heard or seen the reason for this legislation or this section to be in this piece of legislation and what it has to do with food and fiber production and the security of the American people to have their grocery stores full.

That does not make a lot of sense to me. We are going to vote on it.

The PRESIDING OFFICER. Time controlled by the Senator has expired.

The Senator from Nevada.

AMENDMENT NO. 2842, AS MODIFIED

(Purpose: To promote water conservation on agricultural land)

Mr. REID. Under the agreement from last night, I send a modification to the desk.

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

The amendment will be so modified.

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. REID. Madam President, I have spent a great deal of time in the last several days speaking to my friend from the State of Idaho, Senator CRAPO, who is a water expert. He was a water attorney before he came here. We have had some fruitful discussions. I have spoken to many other people in an effort to try to alleviate some of the fears people have. They are fears.

I have come to this Chamber on several occasions to explain to people we have a new West. Nevada is an example. Seventy percent of the people live in Las Vegas, 20 percent live in the metropolitan Reno area, with only 10 percent of the people living outside those two metropolitan areas. The land is no longer controlled by the miners and ranchers. I have great respect for them. My father was a miner. I know how much the ranchers have contributed to the welfare reform of the State of Nevada. I am doing everything I can to help them, but there is a new reality out there.

When we start talking about changing grazing—I have been here before and talked about doing that—as I discussed on Friday, people have serious fears. But they are hearing and talking about things that do not exist. This is an effort to alleviate some of the fears people have. That is what the modification is about. It applies to the States of California, New Mexico, Oregon, Washington, Nevada, Maine, and New Hampshire. It is too bad it does not apply to everybody else, but there are fears people have. By the time it comes around

next time, they will see that the other States will be fighting to get in it.

With all due respect to the Farm Bureau, they are the ones in opposition. Every environmental group in America supports this legislation. It is legislation that explicitly prohibits the Federal Government from holding or buying or leasing water rights. A farmer doesn't have to sell water in order to participate. This amendment is not only supported by the environmental community but the International Association of Fish and Wildlife Agencies. For those Members who are in favor of shooting, hunting, and fishing, this association represents all State fish and game departments across the country. They support this effort.

The League of Conservation Voters will score this amendment. Everyone should understand they score very few amendments, very few votes during the year. They are scoring this one. Everyone be aware of that. They support this amendment because it helps States and farmers ease water conflicts by getting farmers income support in drought years and water to endangered fish in other years.

A colleague last week said my water program reminded him of Mark Twain. Mark Twain once said of the West: Whiskey is for drinking and water is for fighting. If they succeed in striking my language, they will be responsible for making sure that is the way things remain. It should not be. A vote to support my motion to table Crapo is a vote to relieve conflict, not create it.

The modified amendment replaces the existing program with pilots. The pilot programs use conservation money and it puts this money into the hands of States and gives them discretion in how to spend it to solve their water conservation problems. It takes nothing away from the States as far as water. The first pilot expands a successful partnership with the Department of Agriculture's Conservation Reserve Program and the State of Oregon to restore habitat and to lease water to help the fish. Under the Conservation Reserve Enhancement Program, States can submit plans to the Department of Agriculture to target resources for restoration.

The Department of Agriculture brings CRP funds to the table and States or nonprofits bring additional funds to get the work done. Today, 17 States have the programs to better target Department of Agriculture funds to resources of State concern. This amendment codifies a plan in existence in the State of Oregon. Under that plan, USDA can pay farmers irrigated rental rates if they transfer water to the State under the plan. But farmers can enroll in the plan even if they do not want to transfer water. This provision reserves 500,000 acres of land for this purpose.

The second provision creates a new water benefits program under this program. The State could help farmers and ranchers fund irrigation efficiency measures, willing farmers could convert from water-intensive crops to less water-intensive crops—I repeat, willingly; no one forces them to do anything—and to lease/sell options or sell water.

Most Western States already have programs similar to this but this Federal money will bolster these programs. We have included language to make certain Eastern States are eligible for these programs as well.

There was concern by my friend from Wyoming that the Endangered Species Act would raise its ugly head. The Federal Government has never confiscated CRP land from endangered species. There is no reason to think they would do so now.

But, if a farmer is concerned about it, he has two choices: A farmer could say I am not going to participate or he can get a safe harbor agreement from the State and the Interior Department. It has been done before. These assurances tell landowners who enter into agreements if they help us restore habitat, whether by dedicating land for a time period or transferring water, at the end of that period they get the land or the water back. It is an established program that has existed for almost 3 years. It gives the good-guy participants in programs such as these the assurance that they will not be penalized under the Endangered Species Act for helping fish and wildlife for a time.

Remember, my amendment prohibits the Federal Government in any way from holding, buying, or leasing water rights. How many times do I need to say that? People keep coming in and saying the Federal Government is going to steal water thus. I repeat, my amendment says the Federal Government will not hold, buy, or lease water rights; No. 2, farmers who want to participate in these program do not have to sell their water to do so; No. 3, States are given the lead role in deciding what water conservation options they want help funding, and this farmer participation is voluntary.

Finally, these programs provide a substantial amount of funding to help support farmer income in drought years and get water to the fish in those years.

Has my time expired?

The PRESIDING OFFICER. The Senator has 17 seconds.

Mr. REID. It has expired. When all time has expired, I want to move to table.

Mr. CRAIG. Parliamentary inquiry: The author of the amendment has just modified his amendment. Is it my understanding the Crapo amendment to strike still pertains to the modified amendment or is it to the original? What will be the circumstance of this vote?

The PRESIDING OFFICER. The Crapo motion to strike still applies to the underlying section of the substitute, which is now subject, as well, to the modification.

Mr. CRAIG. So the amendment to strike covers all action including the substitute language the Senator from Nevada has just offered?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. I thank the Chair.

Mr. REID. I say to my friend from Idaho, it is my understanding—I am going to move to table Senator CRAPO's striking amendment—how that is decided will determine what language remains.

I think all time has expired. I move to table the Crapo motion to strike. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I rise today to express my full support for the amendment by Senator CRAPO, which I have cosponsored. The purpose of this amendment is to strike section 215 of the farm bill, which we are considering today in the Senate. This section would create a program allowing the Federal Government to purchase the water rights of farmers and others for the purpose of protecting the habitat of certain endangered or threatened species.

While protecting the habitat of threatened species is a worthy goal, one which I have supported, this amendment has the unacceptable consequence of putting in jeopardy our system of State water rights. Let me elaborate. Under this program, private landowners, tribal groups, farmers and other organizations who participate would be required to sell or lease their water rights to the Federal Government. I strongly oppose using federal dollars to establish an incentive for private entities to give up their water rights. The Federal Government has tremendous financial resources and, given free reign, could buy up unlimited acre-feet of precious water in the West. As some of my colleagues already know, Utah is the second driest State in the Union. Water is the lifeblood of Utah, and it is in short supply.

It was only a matter of hours after the first pioneers entered the Salt Lake Valley that they began to break up the dry desert, plant seeds, and dig irrigation canals, bringing the precious water from Utah's snowy mountains to their thirsty lands. It was these farmers—my ancestors—who made Utah blossom like a rose. The families of those original pioneers and their limited water resources have continued to keep Utah's agricultural industry strong. But it has not been easy. This program will create an incentive to strip Utah's farmers of the very thing that makes their livelihood possible.

Although the program is said to be voluntary, even farmers who choose not to participate in it could experience a number of adverse effects because of the participation of a neighbor. Erosion or additional weeds and dust resulting from the disuse of adjoining land—because of this program—or the introduction of species listed

under the Endangered Species Act to these program lands could have a negative impact on the livelihood of neighboring farmers.

I am also concerned that section 215 makes considerable changes to existing programs without a proper discussion of those changes in the relevant committees. For example, it creates an unprecedented link between the Endangered Species Act and farm programs. From what I have seen, when the goals of the Endangered Species Act and the needs of farmers come into conflict, the species wins and the farmer loses. I am also concerned with the language of this provision that appears to create a new ''sensitive species'' category for protecting wildlife. Finally, I am concerned that this language gives powers to the Secretary of Agriculture that have previously only been held by the Secretary of the Interior. This is yet another major policy shift. Changes of this magnitude should not be acted on by the full Senate without the benefit of committee hearings. I urge my colleagues to support Senator CRAPO's amendment to strike this section 215 from the Farm Bill until such time that further light can be shed on its implication for farmers. And I remind my colleagues that the Farm Bill is meant to help our farmers, not hurt them.

AMENDMENT NO. 2839

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate equally divided on the Baucus amendment No. 2839. Who yields time?

Mr. LUGAR. Madam President, I suggest the absence of a quorum with time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. BAUCUS. Madam President, I rise today to again discuss an amendment that would provide desperately needed disaster assistance for America's farmers and ranchers.

I would like to begin by thanking my colleagues, Senators ENZI, REID, BURNS, LANDRIEU, DORGAN, JOHNSON, CONRAD, CARNAHAN, DAYTON, STABENOW, LINCOLN, LEVIN, MURRAY, and CANTWELL, for cosponsoring this measure.

This amendment extends to the 2001 crop the same agricultural disaster programs that have proven crucial to American farmers in recent years.

The amendment provides $1.8 billion for the Crop Disaster Program and is intended to cover quality loss due to army worms, $500 million to the Livestock Assistance Program, with $12 million directed to the Native American Livestock Feed Program and $100 million toward the apple market loss assistance program.

Agricultural producers desperately need these disaster programs. Adverse weather conditions have pushed farmers, ranchers, and rural communities to the brink of economic disaster.

These adverse weather conditions came on the heels of sharply escalating operating costs due to higher energy and fertilizer prices.

With weather problems continuing, costs rising, and no time to recover from the drop in farm operating income, it is incumbent on us to take action today.

President Bush understands the crucial role that agriculture plays in America's economy. In a speech delivered to the National Cattlemen's Beef Association's Annual Convention and Trade Show in Denver, He said:

> Our farm economy, our ranchers and farmers provide an incredible part of the nation's economic vitality. If the agricultural economy is not vital, the nation's economy will suffer.''

We must give rural America the chance to have a vital economy.

Closer to home, farmers in my State of Montana have compared current drought conditions to the dust bowl years of the 1930s. Many have not taken out their combine in over a year. When there is no harvest, there is no income. And the strain on these rural communities is beginning to mount.

According to Dale Schuler, past president of Montana Grain Growers and a farmer in Choteau County, Montana, nearly 2,000 square miles of crop in his area of central Montana have gone unharvested. That is an area the size of Delaware. And the impact has been horrendous.

To quote Mr. Schuler:

> Farmers and our families haven't had the means to repay our operating loans, let alone buy inputs to plant the crop for the coming year. I believe that we're set to see a mass exodus from Montana not seen since the Great Depression of the 1930s.

Chouteau County, the largest farming county in Montana, the last farm equipment dealer had no choice but to close his doors, the local co-op closed its tire shop, one farm fuel supplier quit, and the fertilizer dealers and grain elevators are laying off workers.

Another farmer from the area, Darin Arganbright, told me that enrollment in local schools has decreased by 50 percent in the past few years. So we are not only losing our current farmers but our future farmers.

A final point. We need to act now—on the farm bill. Producers are making their planting decisions for next year right now. But, without these disaster payments, many banks will refuse to provide operating loans to producers for this upcoming crop year.

In Montana, it is anticipated that 40 percent of producers seeking operating loans this year will be denied if we fail to provide this assistance. Without these loans, many farmers will simply be unable to plant, giving up any hope of economic recovery in the near future.

This would devastate my State's economy and that of the West. Rural America needs a boost. And I believe our amendment does just that.

This measure will provide stimulus our rural communities need to survive by extending the disaster relief programs that have been critical to shoring up farm income over the last 3 years. This relief will allow farmers—and the rural communities that depend upon them—to get back on their feet.

In conclusion, I would like to note that the letters of support for this amendment continue to pour in. These include: The National Association of Wheat Growers; the National Cattlemen's Beef Association; the National Farmers Union; the National Cotton Council; the American Farm Bureau; the United Stockgrowers of America; the National Barley Growers Association; the U.S. Canola Association; the American Soybean Association; the National Sunflower Association; and the Northwest Farm Credit Services.

Our Nation depends on agricultural producers for an abundant, affordable, safe food supply.

Today our Nation's producers depend on us to provide them with much needed and overdue assistance. Let's get the job done.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that the order that is now in effect be modified to allow 2 minutes equally divided between each vote and that the latter two votes of the three votes that will take place be 10-minute votes.

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

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LUGAR. Madam President, I yield myself 2 minutes in opposition.

I bring to the attention of Senators that, whatever the merits of this emergency legislation, the cost of these provisions is approximately $2.4 billion. That $2.4 billion would be in addition to the $73.5 billion over a 10-year period of time, which is already the approximate cost of the bill to say nothing about the so-called baseline expenditures—namely, the farm programs which continue, to which in the event this legislation passes $73.5 billion would be added.

I think Senators must weigh the fact that the Senate and the House voted approximately $5.5 billion last year for emergencies. This is in addition to that.

Members must at some point weigh the consequences of the spending of

which we are involved. This Senator has suggested ways in which this bill ought to come in for less than $73.5 billion.

I simply note that if the passage of the amendment occurs, we will be adding approximately $2.4 billion to the tab.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum and ask unanimous consent the time be charged to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. LUGAR. Madam President, I yield time to the distinguished Senator for whatever he may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. I thank the Senator.

Madam President, I wish to ask when this body is going to exercise some restraint and some discipline. I hear a lot about the deficit and how we have to be careful to not spend so much that we go into deficit this year. Every time I come to the Chamber, we are voting on yet another amendment to spend more money. This amendment would authorize $2.4 billion in addition to the $73 billion that already is in the farm bill. That is in addition to the $23 billion in emergency ad hoc spending that we have spent during the last 4 years. Last year alone we authorized $5.5 billion in emergency spending.

It doesn't seem to me that we have any restraint or any discipline, or that we are willing to set any kind of priorities. We seem to be out of control with respect to spending. I just ask when we are going to say no.

I want to give my colleagues notice. I am going to tally up all the spending that they propose, and when they come to the floor and talk about the deficit, I am going to confront them with the spending that they proposed.

Obviously, some things have to be voted on. We, obviously, have to support the war on terrorism, and there are a lot of other issues, but when we keep adding emergency upon emergency upon emergency spending to a farm bill that is already $73 billion, clearly we are not exercising restraint.

I want my colleagues to know what I am going to be doing. If they talk about deficit, I am going to talk about the spending they proposed above and beyond what is already in this appropriations bill and the authorizing legislation.

I hope my colleagues will vote not to support this amendment for $2.4 billion in additional spending.

Mr. ENZI. Mr. President, I rise in support of an amendment that would allocate $500 million in emergency spending for the Livestock Assistance Program.

The Livestock Assistance Program, LAP, is an ad hoc program administered by the U.S. Department of Agriculture, USDA, through the Farm Service Agency. It is available to livestock producers in counties that have been declared disaster areas by the President or Secretary of Agriculture. It provides financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters. Livestock producers in my State of Wyoming have been hard hit by drought and the drought outlook for this year isn't optimistic.

Recently, Wyoming's State climatologist reported that a third year of drought is possible. After Wyoming's warmest summer in 107 years, a normal year would be a relief, but it wouldn't be enough. Unless rains of 125 to 175 percent of normal fall on my State, my ranchers will be facing a third year of drought.

You may not know that in drought, producers usually suffer the loss of grazing sources. The Livestock Assistance Program commonly provides the means to buy supplemental feed for their livestock. Livestock usually require supplemental feeding in the winter.

The program was not funded in fiscal year 2002 in either the emergency agriculture supplemental fiscal year 2002 or the Agricultural appropriations fiscal year 2002 bill. This program should be funded every year that disaster occurs. For 2001, the funding is long overdue. This is a situation where there is no light, just an endless tunnel.

I believe this program funding is critical to the continuing viability of ranches in Wyoming. This amendment would provide short-term, immediate economic stimulus to Wyoming's agricultural population. The program is appropriate for this bill because it upholds the basic purpose of the Farm bill: to support American agriculture. This money will be spent immediately to support purchases of winter feed for livestock.

In my own State, 2002 is shaping up to be the third year of continuous drought. In these conditions, the State's natural resources have been unable to recover. In order to conserve these resources, the State and Federal Government have evicted ranchers from State and Federal leased lands. Producers have been forced to find alternative grazing arrangements where pastureland is limited. Many producers grazed hay fields last summer and fall that had been slotted to provide winter feed. Virtually every indicator, precipitation, snow pack, and reservoir levels, show the drought may get worse.

The Secretary of Agriculture designated counties in my State as drought disaster areas months ago, but my producers still haven't seen the assistance that should accompany that designation. This amendment provides assistance. I urge my colleagues to pass this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Madam President, I would like to say a couple of words with respect to my friend from Arizona saying that he is not going to vote for $2.4 billion because $5 billion was already spent for emergencies.

A couple of points: Implied in his remarks was that we should support emergencies. He mentioned terrorism. He didn't mention al-Qaida, but he implied it. That is correct. We have an emergency. We need additional national security dollars to confront that emergency.

I say to my good friend that we have another emergency. The emergency is the drought. It is crop losses due to weather conditions. It is an emergency. You can't predict it. It happens. The $5 billion my good friend referred to is in every category. That was added on because farmers are losing their shirts under ''freedom to fail.'' That had nothing to do with disaster or weather conditions. It had nothing to do with an emergency, a national security emergency, or a weather-related agricultural emergency.

We need to take care of and support people who are adversely affected by emergencies.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I yield myself time in opposition.

Let me respond to the Senator from Montana. To equate the national emergency this country faces in its war against terrorism and al-Qaida and an agricultural emergency is to stretch things quite a bit. I understand the desire of colleagues to send money to farmers and ranchers around the country. I would simply point out that in this particular calendar year agricultural income is a positive $59 billion in this country. It was, in fact, higher than it has been for several years. The net worth of farms in this country increased this year as it has at least for the last 3 or 4 years as land values increased substantially.

Let me point out that there may be reasons for specific tailoring of various projects in various areas, but agriculture in America does not face an emergency. Agriculture in America faces at least a point in which our legislation might create problems. I have suggested the problems that will be created are incentives for overproduction, almost a guarantee of lower prices, and almost a guarantee that Members of the Senate will come here reflecting on the lower prices and wonder why that happened but suggest that we spend more money in order to counteract our own policies.

I appreciate that Senators vote generally on the merits of all the elements of the bill, but the particular area in

which we are dealing—that of agricultural payments—leaves us very vulnerable, I believe, to fiscal mismanagement, to lower prices, and to a trust that has been betrayed with regard to good judgment in farm policy.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, we have a little time, so we can have a little more debate.

Farmers across America strongly support additional aid to our military to protect our national security. That is a given. It is absolute, automatic. But there are also farmers who have suffered tremendous losses.

I ask my good friend from Indiana to visit, at least Montana and he will see thousands of square miles of dust. That is a disaster. There are no combines, nothing. I have walked through those fields. It happens in other parts of the country, too, whether it is from storms or floods or pest diseases.

The Senator's problem is with the farm bill; it is not with disaster assistance payments. We are now focused and voting on a disaster assistance payment. That is entirely separate from the farm bill.

So I urge my colleagues to step up and do what is right and support the farmers who are facing these emergencies. I tell you, they are in dire circumstances. We are losing people in our State of Montana. We are a special State, granted. We do not have a lot of other industries. But other farmers in other States are also facing the same problems, but sometimes from different kinds of disasters, not necessarily always from a drought.

I must say to my good friend, 50, 75, 80 percent of the States in this country are suffering from a drought, let alone other disasters.

I urge my colleagues to just give farmers a chance. If they have a problem with the farm bill, then they should offer amendments to the farm bill, not the disaster assistance program.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Will the Senator from Indiana yield me another 2 minutes?

The PRESIDING OFFICER. The Senator has 50 seconds remaining.

Mr. LUGAR. Madam President, I yield the Senator the 50 seconds.

Mr. KYL. I thank the Senator.

Later on I am going to offer an amendment—a sense-of-the-Senate amendment—to express ourselves on the question of the permanent repeal of the death tax. I daresay most farmers and ranchers in this country would rather see the absolute permanent end of the death tax than they would another handout from the U.S. Government.

So I ask my colleagues to stop and think for a minute about whom they are really helping. If they are willing to support their constituents, their ranchers and farmers, then I think they will want to support me in the repeal of the death tax far more than to vote for yet one more annual subsidy for emergency relief.

The PRESIDING OFFICER. Time has expired.

VOTE ON AMENDMENT NO. 2837

Under the previous order, the question is on agreeing to the motion to table the Grassley amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—46

Akaka	Fitzgerald	Miller
Allard	Frist	Murkowski
Allen	Gramm	Nickles
Bayh	Gregg	Roberts
Bennett	Hatch	Santorum
Bond	Helms	Schumer
Boxer	Hutchinson	Smith (OR)
Brownback	Hutchison	Snowe
Bunning	Inhofe	Specter
Cleland	Inouye	Stevens
Craig	Kyl	Thompson
Crapo	Lincoln	Thurmond
DeWine	Lott	Voinovich
Edwards	Lugar	Warner
Ensign	McCain	
Feinstein	McConnell	

NAYS—53

Baucus	Domenici	Lieberman
Biden	Dorgan	Mikulski
Bingaman	Durbin	Murray
Breaux	Enzi	Nelson (FL)
Burns	Feingold	Nelson (NE)
Campbell	Graham	Reed
Cantwell	Grassley	Reid
Carnahan	Hagel	Rockefeller
Carper	Harkin	Sarbanes
Chafee	Hollings	Sessions
Clinton	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Stabenow
Conrad	Kerry	Thomas
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Levin	

NOT VOTING—1

Byrd

The motion was rejected.

Mr. HARKIN. I move to reconsider the vote.

Mr. GRASSLEY. 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 Nevada.

Mr. REID. Mr. President, I ask that the Senate adopt the Grassley amendment. It is my understanding that would be the next thing in order.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2837.

The amendment (No. 2837) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2835, as amended.

The amendment (No. 2835), as amended, was agreed to.

AMENDMENT NO. 2842, AS FURTHER MODIFIED

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the manager of this legislation, Senator LUGAR. I have spoken to Senator CRAPO. I want to add the word ''only,'' to make clear eligible States under this program shall include only—and then it lists the States. The word ''only'' is added.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I ask the Senator from Nevada to restate his request. I could not hear him.

Mr. DOMENICI. Reserving the right to object, I note I was not here yesterday, nor was I in the Senate this morning. So I did not get to work on the amendment that my good friend from Nevada is offering in which he wants to change one word. I note all States similar to New Mexico have been exempt. I do not understand why Senator BINGAMAN went along with the amendment. States in similar water situations—New Mexico, Idaho, California, Oregon, and Washington—are all excluded. Senator Bingaman has concurred that we be in it and that is why he is going to be for the amendment. I think that is a mistake for New Mexico. I wish I had more time to try to convince him and the Senate, but we are now going to vote to include New Mexico while the other Rocky Mountain States made a deal to be excluded, and our Senator is going along with them, without my understanding because I just arrived this morning.

I have no further reservation.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. So that Senator HELMS could understand, I am adding the word ''only'' so it is very specific. Senator KYL and others wanted me to add that language, and I have done that.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The modification is as follows:

Eligible States under this program shall include only Nevada, California, New Mexico, Washington, Oregon, Maine, and New Hampshire.

AMENDMENT NO. 2533

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided for debate prior to the vote on the motion to table the Crapo amendment. Who yields time?

The Senator from Idaho.

Mr. CRAPO. Mr. President, this amendment seeks to strike section 215 from the bill. I encourage all Senators not to support the motion to table. The issue is very simple. We have very important and strong conservation programs that have been historic parts of the farm bill. They are critical to our environment and to the conservation in our country. This amendment seeks to attach to that an effort to manage water under the Endangered Species Act in a way which would give further

Federal control over what has traditionally been a State prerogative: The management, allocation, and use of water. It is critical we not start mixing our domestic farm policy with issues of Endangered Species Act management and with issues of States water rights management, allocation and use.

I encourage all Senators to oppose the motion to table.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The motion to table is something that is wanted by the conservation communities throughout America. Every environmental group supports this effort. The organization that represents all of the State fish and game departments across the country, the International Association of Fish and Wildlife Agencies, supports this effort. It is good legislation. It takes nothing, I repeat nothing, away from the States.

My State is supportive of my effort here. Nevada's former water engineer and now the head of our conservation agency helped me write this language; he is one of the most conservative people in the State of Nevada. This is something that is good for the States. It is good for the farm communities. It will allow them to do things they have never been able to do before, and the States have programs they could afford. This will allow them to do that. This is good legislation. The motion to table the Crapo amendment would be for a better farm program, and I believe it will lead to passage of this legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Crapo amendment. This is a 10-minute vote. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—55

Akaka	Edwards	Mikulski
Bayh	Feingold	Miller
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Boxer	Graham	Reed
Breaux	Gregg	Reid
Byrd	Harkin	Rockefeller
Cantwell	Hollings	Sarbanes
Carnahan	Inouye	Schumer
Carper	Jeffords	Smith (NH)
Chafee	Johnson	Snowe
Cleland	Kennedy	Specter
Clinton	Kerry	Stabenow
Collins	Kohl	Torricelli
Corzine	Landrieu	Warner
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden
Dodd	Lieberman	
Durbin	Lincoln	

NAYS—45

Allard	Burns	Domenici
Allen	Campbell	Dorgan
Baucus	Cochran	Ensign
Bennett	Conrad	Enzi
Bond	Craig	Frist
Brownback	Crapo	Gramm
Bunning	DeWine	Grassley
Hagel	Lugar	Sessions
Hatch	McCain	Shelby
Helms	McConnell	Smith (OR)
Hutchinson	Murkowski	Stevens
Hutchison	Nelson (NE)	Thomas
Inhofe	Nickles	Thompson
Kyl	Roberts	Thurmond
Lott	Santorum	Voinovich

The motion was agreed to.

Mrs. BOXER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2533), as further modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2839

The PRESIDING OFFICER. On the next question——

Mr. BYRD. Mr. President, I urge the Chair to insist on order in the Senate.

The PRESIDING OFFICER. The Senate will be order.

Senators will clear the well.

Mr. BYRD. Mr. President, I hope this is not being charged against the 2 minutes.

The PRESIDING OFFICER. The time is not charged.

There are 2 minutes equally divided prior to the vote in relation to the Baucus amendment.

Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I would mention that emergency programs are not new to agriculture. From 1989, that fiscal year, to the present time, over $40 billion has been expended in this way.

During the last 3 years, we have had expenditures of $26.62 billion, $14.99 billion, and $11.17 billion. There appears to be a very strong trend to try to get outside the so-called baseline, plus whatever else occurs in the farm bill for additional expenditures.

The Baucus amendment calls for $2.4 billion outside the $73.5 billion for the 10 years of additional spending in the farm bill or the baseline. For that reason, I oppose it. At the proper time I will raise a point of order under section 205, but I will wait until we have had the 2 minutes expire.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, people can always use figures. It is true that over the entire period of the farm bill that number of dollars has been spent. It is also true that some disaster assistance has been provided to farmers in the past. But it is not true that we spent $11 billion this prior year on disasters. Frankly, the last payment was only $5 billion, and it was not disaster payments; it was supplemental payments because Freedom to Farm was failing.

This is the first time it applies only to 2001. It would be disaster assistance to farmers who suffered disasters in 2001. It is only fair. It is only appropriate.

I might add, there is an $80,000 payment limitation—you can't get disaster payments of more than $80,000—which is very low, I might add, compared to a lot of disasters that occurred across our country. It is only disasters, and very small in comparison to the problems we have been facing.

I urge Senators to support the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LUGAR. Mr. President, has all time expired?

The PRESIDING OFFICER (Mr. EDWARDS). All time has expired.

Mr. LUGAR. Mr. President, the Baucus amendment contains an emergency designation. Under section 2035 of H. Con. Res. 290, the fiscal year 2000 budget resolution, I raise a point of order against the amendment.

Mr. BAUCUS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and 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.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

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

The yeas and nays resulted—yeas 69, nays 30, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—69

Akaka	Daschle	Leahy
Allard	Dayton	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	Lincoln
Bennett	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Enzi	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Grassley	Reed
Burns	Hagel	Reid
Byrd	Harkin	Rockefeller
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Smith (OR)
Cleland	Inhofe	Snowe
Clinton	Inouye	Stabenow
Cochran	Jeffords	Thomas
Collins	Johnson	Torricelli
Conrad	Kennedy	Voinovich
Corzine	Kerry	Warner
Craig	Kohl	Wellstone
Crapo	Landrieu	Wyden

NAYS—30

Allen	Feingold	Kyl
Brownback	Fitzgerald	Lott
Bunning	Frist	Lugar
Carper	Gramm	McCain
Chafee	Gregg	McConnell
DeWine	Helms	Murkowski
Ensign	Hutchison	Nickles

Roberts	Shelby	Stevens
Santorum	Smith (NH)	Thompson
Sessions	Specter	Thurmond

NOT VOTING—1

Domenici

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order falls.

Mr. LUGAR. Mr. President, I move to reconsider.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2839.

The amendment (No. 2839) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are on the farm bill now. Having completed our votes on all these amendments, the Senator from Kentucky, Mr. MCCONNELL, is here to offer an amendment. He said he would take 5 or 10 minutes. There is work being done by the managers to see whether or not that amendment would be acceptable. They will work on that during the party recesses. When Senator MCCONNELL finishes his remarks, I ask unanimous consent that the Senator from New Mexico, Mr. BINGAMAN, be recognized for up to 10 minutes to speak as in morning business, and then following that we would stand in recess for the party conferences.

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

The Senator from Kentucky.

AMENDMENT NO. 2845 TO AMENDMENT NO. 2471

Mr. MCCONNELL. Mr. President, I have an amendment at the desk, No. 2845. I call it up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2845 to amendment No. 2471.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce certain commodity benefits and use the resulting savings to improve nutrition assistance)

On page 128, after line 8, add the following:

SEC. 1___. REDUCTION OF COMMODITY BENEFITS TO IMPROVE NUTRITION ASSISTANCE.

(a) INCOME PROTECTION PRICES FOR COUNTER-CYCLICAL PAYMENTS.—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (2) and inserting the following:

''(2) INCOME PROTECTION PRICES.—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

''(A) Wheat, $3.4460 per bushel.

''(B) Corn, $2.3472 per bushel.

''(C) Grain sorghum, $2.3472 per bushel.

''(D) Barley, $2.1973 per bushel.

''(E) Oats, $1.5480 per bushel.

''(F) Upland cotton, $0.6793 per pound.

''(G) Rice, $9.2914 per hundredweight.

''(H) Soybeans, $5.7431 per bushel.

''(I) Oilseeds (other than soybeans), $0.1049 per pound.''.

(b) LOAN RATES FOR MARKETING ASSISTANCE LOANS.—

(1) IN GENERAL.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 123(a)) is amended to read as follows:

''SEC. 132. LOAN RATES.

''The loan rate for a marketing assistance loan under section 131 for a loan commodity shall be—

''(1) in the case of wheat, $2.9960 per bushel;

''(2) in the case of corn, $2.0772 per bushel;

''(3) in the case of grain sorghum, $2.0772 per bushel;

''(4) in the case of barley, $1.9973 per bushel;

''(5) in the case of oats, $1.4980 per bushel;

''(6) in the case of upland cotton, $0.5493 per pound;

''(7) in the case of extra long staple cotton, $0.7965 per pound;

''(8) in the case of rice, $6.4914 per hundredweight;

''(9) in the case of soybeans, $5.1931 per bushel;

''(10) in the case of oilseeds (other than soybeans), $0.0949 per pound;

''(11) in the case of graded wool, $1.00 per pound;

''(12) in the case of nongraded wool, $.40 per pound;

''(13) in the case of mohair, $2.00 per pound;

''(14) in the case of honey, $.60 per pound;

''(15) in the case of dry peas, $6.78 per hundredweight;

''(16) in the case of lentils, $12.79 per hundredweight;

''(17) in the case of large chickpeas, $17.44 per hundredweight; and

''(18) in the case of small chickpeas, $8.10 per hundredweight.''.

(2) ADJUSTMENT OF LOANS.—

(A) IN GENERAL.—The amendment made by section 123(b) is repealed.

(B) APPLICABILITY.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) shall be applied and administered as if the amendment made by section 123(b) had not been enacted.

(c) FOOD STAMP PROGRAM.—

(1) SIMPLIFIED RESOURCE ELIGIBILITY LIMIT.—Section 5(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(1)) is amended by striking ''a member who is 60 years of age or older'' and inserting ''an elderly or disabled member''.

(2) INCREASE IN BENEFITS TO HOUSEHOLDS WITH CHILDREN.—Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARD DEDUCTION.—

''(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Secretary shall allow a standard deduction for each household that is—

''(i) equal to the applicable percentage specified in subparagraph (D) of the income standard of eligibility established under subsection (c)(1); but

''(ii) not less than the minimum deduction specified in subparagraph (E).

''(B) GUAM.—The Secretary shall allow a standard deduction for each household in Guam that is—

''(i) equal to the applicable percentage specified in subparagraph (D) of twice the income standard of eligibility established under subsection (c)(1) for the 48 contiguous States and the District of Columbia; but

''(ii) not less than the minimum deduction for Guam specified in subparagraph (E).

''(C) HOUSEHOLDS OF 6 OR MORE MEMBERS.—The income standard of eligibility established under subsection (c)(1) for a household of 6 members shall be used to calculate the standard deduction for each household of 6 or more members.

''(D) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (A), the applicable percentage shall be—

''(i) 8 percent for each of fiscal years 2002 through 2004;

''(ii) 8.5 percent for each of fiscal years 2005 through 2007;

''(iii) 9 percent for each of fiscal years 2008 through 2010; and

''(iv) 10 percent for each fiscal year thereafter.

''(E) MINIMUM DEDUCTION.—The minimum deduction shall be $134, $229, $189, $269, and $118 for the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States, respectively.''.

(3) EFFECTIVENESS OF CERTAIN PROVISIONS.—Sections 413 and 165(c)(1) shall have no effect.

Mr. MCCONNELL. Mr. President, this amendment is being looked at on the other side, and I am optimistic it will be agreed to and thereby hopefully not require a rollcall vote.

Mr. President, we have made progress in the Food Stamp Program during this debate and I rise today to propose two further improvements to that worthwhile program.

President Bush has called for the standard deduction in the Food Stamp Program to reach 10 percent of the poverty level in his new budget proposal. In other words, if the 10-percent deduction were in effect for 2002 a family of four would receive an additional $16 a month.

The present language in the Senate bill does not meet the goal set forth in President Bush's 2003 budget.

I am not asking for increased overall spending levels in the farm bill. The offset to my proposed increase in the Food Stamp Program would come out of a small cut in price supports and loan rates.

I am asking that we consider reductions of less than one cent—less than one cent per bushel—to the price support payments and marketing loan rates in this bill, so that we can continue to address the needs of our Nation's poor and disabled.

We need to complete the task of overhauling the Food Stamp Program's standard income deduction.

The standard income deduction policy affects the eligibility and benefit determination of every food stamp applicant. For the last several years, the standard deduction has been fixed at $134 for every family, regardless of size and regardless of inflation and the fluctuating levels of the national poverty level.

As I mentioned at the outset, we've made some progress on this issue during the farm bill debate. The nutrition title as it now stands adopts the basic policy model recommended by President Bush in his budget and introduced in committee by my colleague Senator LUGAR—that is, it links the income deduction for basic family living expenses to annual poverty levels. By doing so, the amount is indexed by family size and reflects annual economic changes.

As the provision is implemented, food stamp benefits increase modestly. The Dorgan-Grassley amendment took the important step of phasing in the proposal more quickly, and I applaud them for that.

I ask, however, that we finish the job and achieve the goal set forth by President Bush to raise the standard deduction to 10 percent of the poverty level in this farm bill. That is precisely what my amendment will do.

Under my amendment, over the next 10 years, there will be an additional $500 million in the hands of needy families with children. That's $50 million more per year.

Let us remember that half the gains from this change would go to low-wage working families. In addition, over 99 percent of the gains would go to families with children.

The second Food Stamp Program change in my amendment would remedy an inconsistency in the rules that apply to the elderly and disabled. It would apply the same assert rule to both populations.

Given the special needs of our elderly and disabled citizens, Program eligibility rules are somewhat more generous in this area. For example, these families are allowed to deduct excess medical expenses in the calculation of net income.

With respect to food stamp asset rules, however, the elderly and disabled are subject to different policies. Food stamp eligibility for households with an elderly member allows assets equal to $3,000, but asseets for the disabled can't exceed $2,000.

There seems no good reason for such an inconsistency. Both kinds of families face special needs. Further, the distinction for only this policy creates confusion for low-income families and increases the risk of errors for States.

I ask our colleagues to support these improvements to the Food Stamp Program. The total cost of both provisions is $500 million over 10 years. This is a small price to pay to help the neediest families in our Nation.

My amendment is supported by leading nutrition groups such as the Kentucky Task Force on Hunger, the Center on Budget and Policy Priorities, the Food Reseaerch and Action Center, and Second Harvest.

The farm bill is an important safety net for our farmers. Likewise, the Food Stamp Program is an important safety net for our country.

I hope the amendment will be subsequently cleared on both sides.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

AMENDMENT NO. 2842

Mr. BINGAMAN. Mr. President, I thank the assistant majority leader for his help in providing me time to explain a vote we cast fairly recently.

Senator REID proposed a second-degree amendment to the farm bill which I supported. The amendment would be a substitute to the water conservation provision contained in section 215 of the underlying bill. I have reviewed the amendment that Senator REID offered and that the Senate adopted. I believe it is good law, it is good policy, and it is a substantial improvement over the original proposal. So I did support it. I think it is a constructive proposal.

Section 215, as originally conceived, sought to provide direct Federal assistance to farmers by allowing the Federal Government to lease or acquire water rights on a willing seller basis to use as part of a plan to protect and recover certain species and certain habitat. That is a worthy goal, but as in all water-related issues—and we know this in New Mexico perhaps better than in most parts of the country—the devil is in the details.

On close review, valid concerns were raised. No. 1 was whether the program would be conducted pursuant to all applicable State law; No. 2, what would be the implications of Federal ownership of Federal water rights; No. 3, what was the correct linkage between the Conservation Reserve Program and the Endangered Species Act.

So to address these problems, we agreed—this was before Christmas, before the end of the session last year—to prohibit the application of the section 215 water conservation program in any State in which the Governor had not formally agreed to the program being used.

This change, however, although it was a substantial step forward—I thought, again, it was a constructive way to proceed—it was considered insufficient to address the needs of some States, such as my State—States that wanted to make use of the program but were still concerned about the issues I have mentioned—these concerns about Federal ownership of water, in particular. Fortunately, Senator REID was agreeable to making changes in that language and we were able to adopt a much-improved version of the amendment just in the last few minutes.

The amendment that has now been adopted addresses many of the same conservation goals by utilizing two State-based water conservation programs. The first program, which is a water conservation reserve program, would fund States that submit proposals seeking to enroll land in a conservation reserve or to acquire water rights to advance the goals of Federal, State, tribal, or local plans to conserve and protect fish and wildlife.

The second of the two programs that are provided for in Senator REID's new amendment is a water benefits program under which participating States can develop a plan where willing water users are offered assistance or compensation for several different water savings options, such as irrigation efficiency improvements, converting from water-intensive to less water-intensive crops, leasing or selling water rights—again, not to the Federal Government, but to the State. Quite simply, the original concept has been converted into two programs that are State based and State controlled.

Under the new amendment, there is no possibility of the Federal Government buying or leasing water rights. That is prohibited. The remaining Federal role is to review the State proposal to ensure that they fulfill certain general purposes and to prioritize funding between competing proposals in order to get a State plan implemented.

I think it is appropriate that the Federal Government try to provide some assistance to States and to the agricultural community to address these difficult needs that arise when the water needs of farmers compete with the needs of fish and wildlife. This is particularly true where the conflict is exacerbated by Federal laws, such as the Endangered Species Act. There are situations all over the West—in the Rio Grande Valley in my State, in the Colorado River, all the way to the Columbia River—where States, local water users, Indian tribes, and other interested parties are sitting down together and jointly working out water allocation issues for the benefit of all involved.

There is no easy solution. In all of those cases where solutions are developed, they cost money. Let me mention a specific situation we have in New Mexico. The Pecos River flows southeast through New Mexico to the Texas border. That major river basin is, unfortunately, close to a number of issues that include endangered species needs, drought, and the interstate compact with Texas that is the subject of existing U.S. Supreme Court orders.

For all these reasons, our State has had in place a limited program to conserve and protect river flows, similar to that contemplated in the amendment Senator REID offered. The situation now, however, is so severe that local water users, with the help of the State, with the State facilitation, have agreed to new measures, including retiring water rights to ensure compliance with existing legal obligations, and to avoid having water cut off that is being used for municipal and agricultural needs.

Let me emphasize that this is a locally driven process. The Federal Government has not even participated in the discussions. But the reality of the new plan, which has been developed locally, is that it is going to cost an estimated $68 million. It is unclear and unlikely that our State can put together that level of funding. It is quite possible that, through the programs we

have included in this amendment, we could provide a very useful tool to New Mexico and to the Pecos River Basin. Stakeholders in the basin have shown they are willing to make tough decisions to avoid even tougher times in the future. The least we can do is try to provide creative ways to bring real resources to the table in support of those efforts. That is a reason I supported Senator REID's amendment.

I know my colleague expressed his dismay that I would agree to provide the option for New Mexico to participate in these programs. In my view, it would be foolhardy for our State not to have that option to participate. There is no mandate that we participate. There is no mandate in any of this legislation that any farmer or water user participate. But having the option to access these resources, in my view, makes a great deal of sense.

In sum, the amendment Senator REID proposed, and the Senate adopted, may prove to be a very effective tool in helping our constituents to deal with the serious water issues they now face. Moreover, the amendment addresses the problems identified by the Farm Bureau and other entities regarding the existing section 215.

First and foremost, there will be no Federal ownership of State-based water rights as part of the program. Second, the amendment is absolutely clear that the program will be implemented as a State program, and only implemented if the State chooses for it to be implemented. There will have to be complete compliance with the substantive and procedural requirements of State water law. Finally, although the State may choose to use its program to help alleviate endangered species conflicts, this is not the sole basis or the application of the program.

Other wildlife and habitat improvement programs are also allowable, and because any water acquisition will be done by the State, Federal actions are limited—something that should alleviate a significant number of the concerns I mentioned before.

I believe the statutory language protects the State's laws and prerogatives. I believe it protects the prerogatives and rights of individual water users. I believe it can be a very useful tool for my State of New Mexico. And if there are still problems with specific aspects of the language, I am certainly willing to consider working on modifications. But it is my strong impression that this is a program that could be of great benefit to many States in the West, and we should have the option to participate if the State so chooses.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the prior order be amended to allow Senator LUGAR to speak on the McConnell amendment, and when he finishes, we would go into recess for the party conferences.

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

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise in support of the McConnell amendment. For a very small reduction in the planned increases to price support and loan guarantee rates, two meaningful improvements to the Food Stamp Program become possible. A savings, of about $500 million over 10 years, is created by reducing rates less than a cent per bushel or pound across all crops.

The application of this savings to the Food Stamp Program fulfills a bipartisan goal to further expand the standard deduction provision in the current Senate farm bill. In determining the amount of family income available for food purchases, all applicant households get the same standard deduction for basic living expenses. As my colleague, Senator MCCONNELL points out, the amount, $134 per month, doesn't vary by family size and hasn't changed in value for a number of years. Since the size of the standard deduction affects eligibility and benefit decisions, current policy has resulted in an erosion of benefits.

There is both widespread and bipartisan support for making improvements in this policy area. The administration's new budget, the Senate Agriculture Committee bill, the House nutrition title, my own farm bill proposal, as well as legislation introduced last year by Senators KENNEDY, SPECTER, LEAHY, JEFFORDS, GRAHAM, CLINTON, DASCHLE, CHAFEE, and CORZINE all propose to tie the standard deduction to a percentage of the Federal poverty line.

Under the Senate farm bill, the standard deduction only reaches 9 percent of the poverty line, even when fully phased in. The Bush, Lugar and Kennedy-Specter proposals, in contrast, take the standard deduction to 10 percent of the poverty line over 10 years. The result is a small benefit increase. A food stamp family of four would get an additional $6 per month compared to the current Senate bill.

The second food stamp improvement the McConnell amendment makes is to modestly expand benefit access among low-income disabled persons. Specifically, the amendment would raise the asset ceiling for low-income families with a disabled member from $2,000 to $3,000.

Three thousand dollars is the asset limit for families with an elderly member. Since both the elderly and disabled face limited opportunities to replace assets, it is reasonable to have the same ceiling apply. This provision reduces the need for low-income disabled persons to spend down savings before becoming eligible for food stamp benefits.

Voting for this amendment is a small gesture that makes a positive difference for many and takes a modest step toward repairing the impact of substantial budget cuts sustained by the Food Stamp Program in the mid-1990s.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m. today.

There being no objection, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, at 2:50 we will provide an opportunity for Members to offer amendments. Members have until 3 p.m. to offer their amendments or there will be no more amendments than those offered. I ask unanimous consent, regardless of what we are involved in, there be a period from 2:50 until 3 p.m. that Members have the opportunity to offer amendments if they so choose and we would lay amendments aside to allow Senators to offer their amendments.

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

The Senator from Wyoming.

AMENDMENT NO. 2846 TO AMENDMENT NO. 2471

Mr. ENZI. I ask unanimous consent to lay aside the current amendment and I send an amendment to the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 2846 to amendment numbered 2471.

Mr. ENZI. 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 authorize the President to establish a pilot emergency relief program under the Agricultural Trade Development and Assistance Act of 1954 to provide live lamb to Afghanistan)

On page 337, strike line 11 and insert the following:

SEC. 309. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

"SEC. 209. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

''(a) IN GENERAL.—The President may establish a pilot emergency relief program under this title to provide live lamb to Afghanistan on behalf of the people of the United States.

''(b) REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report that—

''(1)(A) evaluates the success of the program under subsection (a); or

''(B) if the program has not succeeded or has not been implemented, explains in detail why the program has not succeeded or has not been implemented; and

''(2) discusses the feasibility and desirability of providing assistance in the form of live animals.''.

Mr. ENZI. Mr. President, I will refrain from most of my debate until

later. I will give a brief explanation of what the bill does.

It is a pilot project to provide lamb to Afghanistan. Wyoming has the Air National Guard that has the capability of moving livestock from the United States to Afghanistan, and there are several other units in the United States. It provides the USDA, from among current funds, to purchase a pilot project in lamb and ship it by way of military transport to Afghanistan.

We have heard the story, give a person a fish, it will feed them for a day; teach a person to fish, it will feed them for a lifetime. This is in that category. This is the opportunity to build up their herds. They do not have much refrigeration. They can use the herd, grow the herd, and the production from the herd can be used for food, and it can be butchered at the time they need it, so there is no refrigeration problem.

We think it will solve a lot of problems. The amendment is wide open for how extensive the pilot project could be. It does call for a report in January of 2004 to explain whether it worked or did not work, whether it was implemented or not, and if it was not implemented, to explain why it was not implemented.

The idea is very simple. We should ship live lamb to Afghanistan not only to assist the numerous tribes in rebuilding their flocks of sheep, but to provide immediate protein to their diets.

My amendment would authorize the President to study the feasibility of sending live lamb to Afghanistan. My amendment requires the President to report to Congress on the feasibility of a pilot live lamb program. The report would include information on the cost and the logistics of the program. A favorable report could begin a series of shipments to Afghanistan, while an unfavorable report would lead us to reevaluate how the program could succeed. Because this program only mandates a report, it is budget neutral.

The continued need for food in Afghanistan is great. We are all well-acquainted with the unique problems facing food aid to Afghanistan. The country's northern terrain is mountainous. Few roads traverse the area. The number of roads is even smaller when you consider that food, typically grain, is hauled in large trucks. These trucks require passable roads. Lastly, we have to consider the high altitude of Afghanistan. Much like my own State, winter in Afghanistan shuts down passage on all mountain roads. The only option is to consider moving food aid through the gentler southern landscape. After a brief glance at the countries on Afghanistan's southern border, we know that we couldn't depend on them as ports of entry to ship food aid to Afghanistan.

The idea to ship live lamb to Afghanistan originated when I was considering the great obstacles that prevented trucks from delivering food aid to the interior of Afghanistan. But, if we couldn't move the food, why couldn't the food move itself? Live lamb was the natural answer.

Lamb has been a traditional part of the diet for the people of the region for many years and has no religious prohibitions. Once the lamb arrives at the edge or in the region, it can easily be distributed to the needy area on foot or by truck. Sheep are well known for their agility and ability to adapt to mountainous regions. Once the lambs are distributed, the families, themselves, can decide how and when to slaughter the lambs or even use the lambs to build up their family stock.

Now here in America, most parents wouldn't be comfortable slaughtering a lamb in the back yard. Most families in Afghanistan don't receive their meat on a styrofoam platter in Saran wrap from the grocery store. They are very comfortable slaughtering their own livestock for sustenance in very traditional ways.

In an effort to ensure this program would be handled correctly, I did give USAID, United States Agency for International Development, an opportunity to view an earlier version of the amendment that mandated the program. USAID raised a few concerns to the amendment. One concern is that lamb would not provide the same caloric value per dollar as grain. In response to this and other concerns, I scaled the amendment back to a study. I realize the importance of getting as many calories as possible across the ocean and to the Afghan people today, but my amendment looks ahead to the future. While we address the immediate needs of the Afghan people, we cannot ignore the fact that the people need long-term assistance.

Mr. President, this is a simple idea with a great possibility of benefits for the Afghan people. Congress, and all Americans, are working to assist the Afghan people in the development of a stronger and long-lasting stable government.

As we are all too aware, the people of Afghanistan have suffered over two decades of turmoil, nearly 4 years of drought, and the oppressive rule of the Taliban regime. Even before 2001, Afghanistan had the worst nutrition situation in the world and the highest maternal mortality rate. Nearly one-fifth of Afghans depend on humanitarian aid for survival. In the last year, the situation has gotten even worse.

I am pleased that the United States has been a staunch supporter of the Afghan people and a large contributor of humanitarian aid. In fact, since 1979 the United States has contributed more than $1 billion in humanitarian assistance to the Afghan people. The United States has represented about two-thirds of the total contribution of the international community. I believe this amendment continues our history of providing aid where it is needed.

The uniqueness of sending live lamb could open the doors for other areas of aid as well. My amendment does not require the program to be carried out, nor does it put additional burdens on the budget, it simply calls for a study. The study of a program that could have an impact on so many people should be supported.

I know my colleagues are aware of the amounts of aid we are already sending to Afghanistan. I am aware that there remain some concerns about how we can send live lamb half-way around the world. I hope my colleagues will support this amendment in order to explore new strategies of providing a long-term aid to the people of Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2847 TO AMENDMENT NO. 2471

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2847 to amendment No. 2471.

Mr. WELLSTONE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose. To insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and insert a payment limitation)

Beginning on page 217, strike line 12 and all that follows through page 235, line 6 and insert the following:

(iii) REQUIREMENT.—A comprehensive nutrient management plan shall meet all Federal, State, and local water quality and public health goals and regulations, and in the case of a large confined livestock operation (as defined by the Secretary), shall include all necessary and essential land treatment practices and determined by the Secretary.

(3) ELIGIBLE LAND.—The term ''eligible land'' means agriculture land (including cropland, grassland, rangeland, pasture, private nonindustrial forest land and other land on which crops or livestock are produced), including agricultural land that the Secretary determines poses a serious threat to soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

(4) INNOVATIVE TECHNOLOGY.—The term ''innovative technology'' means a new conservation technology that, as determined by the Secretary—

(A) maximizes environmental benefits;

(B) complements agricultural production; and

(C) may be adopted in a practical manner.

(5) LAND MANAGEMENT PRACTICE.—The term ''land management practice'' means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resource.

(6) LIVESTOCK.—The term ''livestock'' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and other such animals as are determined by the Secretary.

(7) MANAGED GRAZING.—The term ''managed grazing'' means the application of 1 or more practices that involve the frequent rotation of animals on grazing land to—

(A) enhance plant health;

(B) limit soil erosion;

(C) protect ground and surface water quality; or

(D) benefit wildlife.

(8) MAXIMIZE ENVIRONMENTAL BENEFITS PER DOLLAR EXPENDED.—

(A) IN GENERAL.—The term ''maximize environmental benefits per dollar expended'' means to maximize environmental benefits to the extent the Secretary determines is practicable and appropriate, taking into account the amount of funding made available to carry out this chapter.

(B) LIMITATION.—The term ''maximize environmental benefits per dollar expended'' does not require the Secretary—

(i) to require the adoption of the least cost practice or technical assistance; or

(ii) to require the development of a plan under section 1240E as part of an application for payments or technical assistance.

(9) PRACTICE.—The term ''practice'' means 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices.

(10) PRODUCER.—

(A) IN GENERAL.—The term ''producer'' means an owner, operator, landlord, tenant, or sharecropper that—

(i) shares in the risk of producing any crop or livestock; and

(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

(B) HYBRID SEED GROWERS.—In determining whether a grower of hybrid seed is producer, the Secretary shall not take into consideration the existence of hybrid seed contract.

(11) PROGRAM.—The term ''program'' means the environmental quality incentives program comprised of sections 1240 through 1240J.

(12) STRUCTURAL PRACTICE.—The term ''structural practice'' means—

(A) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, tailwater pit, permanent wildlife habitat, constructed wetland, or other structural practice that the Secretary determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation; and

(B) the capping of abandoned wells on eligible land.

SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—During each of the 2002 through 2006 fiscal years, the Secretary shall provide technical assistance, cost-share payments, and incentive payments to producers that enter into contracts with the Secretary under the program.

(2) ELIGIBLE PRACTICES.—

(A) STRUCTURAL PRACTICES.—A producer that implements a structural practice shall be eligible for any combination of technical assistance, cost-share payments, and education.

(B) LANDS MANAGEMENT PRACTICES.—A producer that performs a land management practice shall be eligible for any combination of technical assistance, incentive payments, and education.

(C) COMPREHENSIVE NUTRIENT MANAGEMENT PLANNING.—A producer that develops a comprehensive nutrient management plan shall be eligible for any combination of technical assistance, incentive payments, and education.

(3) EDUCATION.—The Secretary may provide conservation education at national, State, and local levels consistent with the purposes of the program to—

(A) any producer that is eligible for assistance under the program; or

(B) any producer that is engaged in the production of an agricultural commodity.

(b) APPLICATION AND TERM.—With respect to practices implemented under this program—

(1) a contract between a producer and the Secretary may—

(A) apply to 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices; and

(B) have a term of not less than 3, or more than 10 years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract;

(2) a producer may not enter into more than 1 contract for structural practices involving livestock nutrient management during the period of fiscal years 2002 through 2006; and

(3) a producer that has an interest in more than 1 large confined livestock operation, as defined by the Secretary, may not enter into more than 1 contract for cost-share payments for a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by the large confined livestock feeding operation.

(c) APPLICATION AND EVALUATION.—

(1) IN GENERAL.—The Secretary shall establish an application and evaluation process for awarding technical assistance, cost share payments and incentive payments to a producer in exchange for the performance of 1 or more practices that maximize environmental benefits per dollar expended.

(2) COMPARABLE ENVIRONMENTAL VALUE.—

(A) IN GENERAL.—The Secretary shall establish a process for selecting applications for technical assistance, cost share payments, and incentive payments in any case in which there are numerous applications for assistance for practices that would provide substantially the same level of environmental benefits.

(B) CRITERIA.—The process under subparagraph (A) shall be based on—

(i) a reasonable estimate of the projected cost of the proposals described in the applications; and

(ii) the priorities established under the program, and other factors, that maximize environmental benefits per dollar expended.

(3) CONSENT OF OWNER.—If the producer making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the producer shall obtain the consent of the owner of the land with respect to the offer.

(4) BIDDING DOWN.—If the Secretary determines that the environmental values of 2 or more applications for technical assistance, cost-share payments, or incentive payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program established under the program.

(d) COST-SHARE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the cost-share payments provided to a producer proposing to implement 1 or more practices under the program shall be not more than 75 percent of the cost of the practice, as determined by the Secretary.

(2) EXCEPTIONS.—

(A) LIMITED RESOURCE AND BEGINNING FARMERS.—The Secretary may increase the amount provided to a producer under paragraph (1) to not more than 90 percent if the producer is a limited resource or beginning farmer or rancher, as determined by the Secretary.

(B) COST-SHARE ASSISTANCE FROM OTHER SOURCES.—Except as provided in paragraph (3), any cost-share payments received by a producer from a State or private organization or person for the implementation of 1 or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under paragraph (1).

(3) OTHER PAYMENTS.—A producer shall not be eligible for cost-share payments for practices on eligible land under the program if the producer receives cost-share payments or other benefits for the same practice on the same land under chapter 1 and the program.

(e) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform 1 or more practices.

(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall allocate funding under the program for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year.

(2) AMOUNT.—The allocated amount may vary according to—

(A) the type of expertise required;

(B) the quantity of time involved; and

(C) other factors as determined appropriate by the Secretary.

(3) LIMITATION.—Funding for technical assistance under the program shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

(4) OTHER AUTHORITIES.—The receipt of technical assistance under the program shall not affect the eligibility of the producer to receive technical assistance under other authorities of law available to the Secretary.

(5) INCENTIVE PAYMENTS FOR TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A producer that is eligible to receive technical assistance for a practice involving the development of a comprehensive nutrient management plan may obtain an incentive payment that can be used to obtain technical assistance associated with the development of any component of the comprehensive nutrient management plan.

(B) PURPOSE.—The purpose of the payment shall be to provide a producer the option of obtaining technical assistance for developing any component of a comprehensive nutrient management plan from a certified provider.

(C) PAYMENT.—The incentive payment shall be—

(i) in addition to cost-share or incentive payments that a producer would otherwise receive for structural practices and land management practices;

(ii) used only to procure technical assistance from a certified provider that is necessary to develop any component of a comprehensive nutrient management plan; and

(iii) in an amount determined appropriate by the Secretary, taking into account—

(I) the extent and complexity of the technical assistance provided;

(II) the costs that the Secretary would have incurred in providing the technical assistance; and

(III) the costs incurred by the private provider in providing the technical assistance.

(D) ELIGIBLE PRACTICES.—The Secretary may determine, on a case by case basis, whether the development of a comprehensive nutrient management plan is eligible for an incentive payment under this paragraph.

(E) CERTIFICATION BY SECRETARY.—

(i) IN GENERAL.—Only persons that have been certified by the Secretary under section 1244(f)(3) shall be eligible to provide technical assistance under this subsection.

(ii) QUALITY ASSURANCE.—The Secretary shall ensure that certified providers are capable of providing technical assistance regarding comprehensive nutrient management in a manner that meets the specifications and guidelines of the Secretary and that meets the needs of producers under the program.

(F) ADVANCE PAYMENT.—On the determination of the Secretary that the proposed comprehensive nutrient management of a producer is eligible for an incentive payment, the producer may receive a partial advance of the incentive payment in order to procure the services of a certified provider.

(G) FINAL PAYMENT.—The final installment of the incentive payment shall be payable to a producer on presentation to the Secretary of documentation that is satisfactory to the Secretary and that demonstrates—

(i) completion of the technical assistance; and

(ii) the actual cost of the technical assistance.

(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—

(A) the producer agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination is in the public interest.

(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

(a) IN GENERAL.—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to assistance and payments that—

(1) maximize environmental benefits per dollar expended; and

(2)(A) address national conservation priorities, including—

(i) meeting Federal, State, and local environmental purposes focused on protecting air and water quality, including assistance to production systems and practices that avoid subjecting an operation to Federal, State, or local environmental regulatory systems;

(ii) applications from livestock producers using managed grazing systems and other pasture and forage based systems;

(iii) comprehensive nutrient management;

(iv) water quality, particularly in impaired watersheds;

(v) soil erosion;

(vi) air quality; or

(vii) pesticide and herbicide management or reduction;

(B) are provided in conservation priority areas established under section 1230(c);

(C) are provided in special projects under section 1243(f)(4) with respect to which State or local governments have provided, or will provide, financial or technical assistance to producers for the same conservation or environmental purposes; or

(D) an innovative technology in connection with a structural practice or land management practice.

SEC. 1240D. DUTIES OF PRODUCERS.

(a) To receive technical assistance, cost-share payments, or incentive payments under the program, a producer shall agree—

(1) to implement an environmental quality incentives program plan that describes conservation and environmental purposes to be achieved through 1 or more practices that are approved by the Secretary;

(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;

(3) on the violation of a term or condition of the contract at any time the producer has control of the land—

(A) if the Secretary determines that the violation warrants termination of the contract—

(i) to forfeit all rights to receive payments under the contract; and

(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments, as determined by the Secretary; or

(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;

(4) on the transfer of the right and interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-share payments and incentive payments received under the program, as determined by the Secretary;

(5) to supply information as required by the Secretary to determine compliance with the program plan and requirements of the program;

(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan; and

(7) to submit a list of all confined livestock feeding operations wholly or partially owned or operated by the applicant.

SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(a) IN GENERAL.—To be eligible to receive technical assistance, cost-share payments, or incentive payments under the program, a producer of a livestock or agricultural operation shall submit to the Secretary for approval a plan of operations that specifies practices covered under the program, and is based on such terms and conditions, as the Secretary considers necessary to carry out the program, including a description of the practices to be implemented and the purposes to be met by the implementation of the plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan.

(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1240F. DUTIES OF THE SECRETARY.

(a) To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

(1) providing technical assistance in developing and implementing the plan;

(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;

(3) providing the producer with information, education, and training to aid in implementation of the plan; and

(4) encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private sources.

SEC. 1240G. LIMITATION ON PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the total amount of cost-share and incentive payments paid to a producer under this chapter shall not exceed—

(1) $30,000 for any fiscal year, regardless of whether the producer has more than 1 contract under this chapter for the fiscal year;

(2) $90,000 for a contract with a term of 3 years;

(3) $120,000 for a contract with a term of 4 years; or

(4) $150,000 for a contract with a term of more than 4 years.

(b) ATTRIBUTION.—An individual or entity shall not receive, directly or indirectly, total payments from a single or multiple contracts this chapter that exceed $30,000 for any fiscal year.

(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment to a producer under subsection (a)(1) if the Secretary determines that a larger payment is—

(1) essential to accomplish the land management practice or structural practice for which the payment is made to the producer; and

(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.

(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible for a payment under the program using social security numbers and taxpayer identification numbers, respectively.

Mr. WELLSTONE. This amendment is a modified version of the amendment I offered last week to reform the EQIP program. The central argument against my amendment last week had to do with a size limitation. What this amendment does is speak to some of the concerns of my colleagues, but it still is very much a reform amendment.

No. 1, it would lower the payment limits from $50,000 per year to $30,000 per year with the EQIP program. Right now, it is only $10,000 a year. This is very consistent with the vote last week on payment limitations.

No. 2, it would prevent producers with an interest in more than one large CAFO from receiving more than one EQIP contract. This is the whole idea of conglomerates owning many of these CAFOs and receiving multiple subsidies. Again, we want to try to get support to our midsize producers, our family farmers.

No. 3, it would require producers receiving the EQIP funds to have a comprehensive nutrient management plan, environmental plan.

These are simple measures that I think make the EQIP program have more, if you will, policy integrity. I think it is very consistent with what we have been doing with the farm bill. The last amendment I introduced was a close vote. I think there are now Senators who will support this amendment.

We have the support of, among different organizations, the National Farmers Union, the Environmental Working Group, the Land Stewardship Project, Center for Rural Affairs, the Natural Resources Defense Council, Sustainable Agriculture Coalition, U.S. PIRG, and Campaign for Family Farms and the Environment.

I think this is a good reform amendment, and I will wait for further debate on the amendment, but I wanted to lay it down now. I ask unanimous consent the amendment be temporarily laid aside.

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

AMENDMENT NO. 2848 TO AMENDMENT NO. 2471

Mr. LUGAR. Mr. President, I send an amendment to the desk on behalf of Senator PHIL GRAMM of Texas. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. GRAMM, proposes an amendment numbered 2848 to amendment No. 2471.

The amendment is as follows:

(Purpose: To repeal the Hass Avocado Promotion, Research, and Information Act of 2000)

At the appropriate place insert the following:

(1) Title XII of H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106–387 is hereby repealed.

Mr. LUGAR. The purpose of this amendment is to repeal the Hass Avocado Promotion Research and Information Act of 2000.

I ask unanimous consent that this amendment be set aside so I may offer another amendment on behalf of Senator PHIL GRAMM of Texas.

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

AMENDMENT NO. 2849 TO AMENDMENT NO. 2471

Mr. LUGAR. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. GRAMM, proposes amendment numbered 2849 to amendment No. 2471.

Mr. LUGAR. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide equity and fairness for the promotion of imported Hass avocados)

At the appropriate place insert the following:

Section 1205 of the Hass Avocado Promotion, Research, and Information Act (contained in H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106–387) is amended—

(1) in paragraph (b)(2) by striking subparagraph (A) and inserting in lieu thereof—

''(A) IN GENERAL.—The order shall provide that the Secretary shall appoint the members of the Board, and any alternates, from among domestic producers and importers of Hass avocados subject to assessments under the order to reflect the proportion of domestic production and imports supplying the United States market, which shall be based on the Secretary's determination of the average volume of domestic production of Hass avocados proportionate to the average volume of imports of Hass avocados in the United States over the previous three years.'';

(2) in paragraph (b)(2)(B) by striking ''under subparagraph (A)(iii) on the basis of the amount of assessments collected from producers and importers over the immediately preceding three-year period'' and inserting ''under subparagraph (A)'';

(3) in paragraph (h)(1)(C)(iii) by striking everything in the first sentence following ''by the importer'' and inserting in lieu thereof ''to the respective importers association, or if there is no such association to the Board, within such time period after the retail sale of such avocados in the United States (not to exceed 60 days after the end of the month in which the sale took place) as is specified for domestically produced avocados.''; and

(4) in paragraph (9) by inserting at the end the following:

''(D) All importers of avocados from a country associated with an importers association based on country-of-origin activities shall be required to be members of such importers association, and membership in such importers association shall be open to any foreign avocado exporter or grower who elects to voluntarily join.''

Mr. LUGAR. Mr. President, the purpose of this amendment is to provide equity and fairness for the promotion of imported Hass avocados.

I am introducing the amendments at this time in recognition of the fact that we have a deadline of 3 p.m. for introduction of all amendments. At some point, it is certainly possible that Senator GRAMM will come to the floor and argue in behalf of his amendments, and others may do so also.

For the moment, I ask the amendment be laid aside, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 2850 TO AMENDMENT NO. 2471

Mr. LUGAR. Mr. President, on behalf of Senator KYL and Senator NICKLES, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Indiana [Mr. LUGAR], for Mr. KYL, for himself and Mr. NICKLES, proposes an amendment numbered 2850 to amendment No. 2471.

Mr. LUGAR. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON PERMANENT REPEAL OF ESTATE TAXES.

(a) FINDINGS.—

(1) The Economic Growth and Tax Relief Reconciliation Act of 2001 provided substantial relief from federal estate and gift taxes beginning this year and repealed the federal estate tax for one year beginning on January 1, 2010, and

(2) The Economic Growth and Tax Relief Reconciliation Act of 2001 contains a ''sunset'' provision that reinstates the federal estate tax at its 2001 level beginning on January 1, 2011.

(3) SENSE OF THE SENATE.—Therefore, it is the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax.

Mr. LUGAR. Mr. President, I ask the amendment be laid aside, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I further ask unanimous consent that it be in order for me to make my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2822 TO AMENDMENT NO. 2471

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2822 to amendment No. 2471.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To exclude birds, rats of the genus Rattus, and mice of the genus Mus from the definition of animal under the Animal Welfare Act)

On page 945, strike lines 6 and 7 and insert the following:

SEC. 1024. DEFINITION OF ANIMAL UNDER THE ANIMAL WELFARE ACT.

Section 2(g) of the Animal Welfare Act (7 U.S.C. 2132(g)) is amended by striking ''excludes horses not used for research purposes and'' and inserting the following: ''excludes birds, rats of the genus Rattus, and mice of the genus Mus bred for use in research, horses not used for research purposes, and''.

SEC. 1025. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.

Mr. HELMS. Mr. President, my amendment will clarify once and for all any question about rats, mice and birds used for medical research under the Animal Welfare Act. Approval of this amendment will make sure that none of the important work taking place in the medical research community will be delayed, made more expensive, or be otherwise compromised by regulatory shenanigans on the part of the U.S. Department of Agriculture.

Specifically, this amendment will follow Congressional intent by excluding rats, mice and birds from the definition of ''animal'' under the Animal

Welfare Act. This has been the established practice of USDA during the more than 30 years that the Animal Welfare Act has been the law of the land during which time scientists and researchers have developed extensive protocols based on current regulatory procedures based on that Act.

So, the medical research community was astonished the U.S. Department of Agriculture, weary and browbeat into submission by numerous lawsuits and petitions by the so-called ''animal rights'' crowd, gave notice of its intent to add rats, mice, and birds under the regulatory umbrella. I hasten to add that 90 percent of the mice, rats, and birds used in animal research are already being regulated by the NIH Office of Laboratory Animal Welfare and the Food and Drug Administration.

But that is not enough for the professional activists who delight in creating mischievous controversies like this. The problem, however, is that their mischief-making in this case has serious real-life complications for the life-saving research in laboratories all over America. The paperwork burden alone is extraordinary: If USDA is allowed to move forward with their new rules, it is estimated that the additional reporting requirements and paperwork will cost the researchers up to $280 million annually.

So instead of searching for cures for breast cancer, cystic fibrosis, heart disease, and diabetes, USDA will force researchers out of the laboratory to spend their time filling out countless forms for yet another federal regulator. This unnecessary paperwork will simply demonstrate what the federal government already knows: that animal researchers already treat research animals in a professional and humane manner.

A rodent could do a lot worse than live out its life span in research facilities. I was surprised to learn from the Wall Street Journal that more than 10 times as many rodents are raised and sold as food for reptiles than are used by the medical research community. But nobody raises a point about that. I wonder if anyone in the Chamber has ever seen a hungry python eat a mouse. If you have, then you know it is not a pretty picture for the mouse. Isn't it far better for the mouse to be fed and watered in a clean laboratory than to end up as a tiny bulge being digested inside an enormous snake?

I suspect Mrs. Helms would have a word or two for me if I forgot to phone the exterminator upon finding evidence that a mouse has taken up residence in our basement. Alas, extermination remains the fate every year of hundreds of thousands of rodents that have not found the relative safety of a research laboratory.

It is anything but a joking matter when regulatory heavy-handedness prevents researchers who are working diligently to find cures for deadly diseases. Consider the following recent medical discoveries in which humane animal research has played a role:

Breast cancer researchers learned recently that laboratory rats that are fed high-fiber diets develop significantly fewer breast tumors than rats receiving little or no fiber.

Asthma researchers recently used transgenic mice to isolate a specific gene that plays a key role in causing human asthma, and have now developed an animal model to test new asthma treatments.

Scientists are aggressively studying rats to learn more about recovery of motor skills after spinal cord injuries, and are already reporting advances in knowledge about the relationship between motor functions and the nerve cells that send signals to motor neurons.

There are dozens of other such examples of the medical advances made as a result of animal research, and I feel a sense of outrage, personally, that a Federal agency would now try to make it more difficult to accomplish this important work that will benefit humanity.

So, Mr. President, I hope the Senate will resist the extremism of activists and deliver a richly deserved rebuke to the methods of these people who are protesting so mightily. It is time to definitively settle this matter, to end the debate, and to approve the pending amendment, thereby allowing scientists to return to the laboratory without the specter of burdensome new Federal regulations to hamstring their research.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

Mr. HELMS. Mr. President, thank you very much. I understand that the request for the yeas and nays will be made in my absence by the managers of the bill and others. I have been assured, I assume, we will have a rollcall vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2851 TO AMENDMENT NO. 2471

Mr. LUGAR. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. DOMENICI, proposes an amendment numbered 2851 to amendment No. 2471.

Mr. LUGAR. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to make payments to producers)

Strike section 132 and insert the following:

SEC. 132. NATIONAL DAIRY PROGRAM.

The Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 772(b) of Public Law 107–76) is amended by inserting after section 141 (7 U.S.C. 7251) the following:

''SEC. 142. NATIONAL DAIRY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DAIRY FARM.—

''(A) IN GENERAL.—The term 'dairy farm' means a dairy farm that is—

''(i) located within the United States;

''(ii) permitted under a license issued by State or local agency or the Secretary—

''(I) to market milk for human consumption; or

''(II) to process milk into products for human consumption; and

''(iii) operated by producers that commercially market milk during the payment period.

''(B) EXCLUSION.—The term 'dairy farm' does not include a farm that is operated by a successor to a producer.

''(2) ELIGIBLE PRODUCTION.—The term 'eligible production' means the quantity of milk that is produced and marketed on a dairy farm.

''(3) PAYMENT PERIOD.—The term 'payment period' means—

''(A) the period beginning on December 1, 2001, and ending on September 30, 2002; and

''(B) each of fiscal years 2003 through 2005.

''(4) PRODUCER.—The term 'producer' means the individual or entity that is the holder of the license described in paragraph (1)(A)(ii) for the dairy farm.

''(b) PROGRAM.—The Secretary shall make payments to producers.

''(c) AMOUNT.—Subject to subsection (h), payments to producers on a dairy farm under this section shall be calculated by multiplying—

''(1) the eligible production during the payment period; by

''(2) the payment rate.

''(d) PAYMENT RATE.—

''(1) IN GENERAL.—Subject to paragraph (2), the payment rate for a payment under this subsection shall be equal to $0.315 per hundredweight.

''(2) ADJUSTMENT.—The Secretary may adjust the payment rate under paragraph (1) with respect to the last fiscal year of the payment period if the Secretary determines that there are insufficient funds made available under subsection (h) to carry out this section for that fiscal year.

''(e) APPLICATION FOR PAYMENT.—To be eligible for a payment for a payment period under this section, the producers on a dairy farm shall submit an application to the Secretary in such manner as is prescribed by the Secretary.

''(f) TIMING OF PAYMENTS.—Payments under this section shall be made on an annual basis.

''(g) ADJUSTMENTS.—The Secretary may provide for the adjustment of eligible production of a dairy farm under this section if the production of milk on the dairy farm has been adversely affected by (as determined by the Secretary)—

''(1) damaging weather or a related condition;

''(2) a criminal act of a person other than the producers on the dairy farm; or

''(3) any other act or event beyond the control of the producers on the dairy farm.

''(h) FUNDING.—The Secretary shall use not more than $2,000,000,000 of funds of the Commodity Credit Corporation to carry out this section.''.

Mr. LUGAR. Mr. President, Senator DOMENICI proposes a different formula for dairy payments. I will discuss the issue for a few minutes before laying the amendment aside for further debate.

Some in the Senate have decided to provide $2 billion in payments to dairy farmers over the next 5 years. However, there is considerable disparity in the way these payments will be distributed under the Daschle substitute.

The Daschle substitute establishes different payment rates, different target prices, and different payments for a handful of States.

The Daschle substitute would provide 25 percent of the producer payments to producers in States that account for only 18 percent of our Nation's milk.

There is no sound policy reason for this disparity.

Senator DOMENICI has asked that we look specifically at New Mexico. Under the current proposal, New Mexico would average about 6 cents per hundredweight on milk, while producers in Maine would average almost 90 cents.

A 1,000-cow herd in New Mexico would receive from zero, in a low market scenario, to $22,000. If this same farm were located in New York, for example, these numbers could be far higher.

Dairy farmers work in a national market. Dairy farmers not only sell products nationally, but they buy supplies and services nationally.

Dairy farmers from all over the country go to an auction in Indiana to buy heifers for their herds. Under the pending bill, a farmer from Pennsylvania will be able to pay more for heifers than a farmer from Indiana because of the Federal Government has given the Pennsylvania farmer a financial advantage in this transaction.

Senator DOMENICI proposes that we distribute this $2 billion in an equitable manner under a program that is national in scope. Under his amendment, every dairy producer, regardless of where they milk, is treated the same.

Under his proposal, producers in 36 States will receive more than what they would receive under the Daschle substitute.

The amendment is relatively simple. It would provide producers with one annual payment over the next 5 years.

Defining a target price and payment rate would also be difficult under the Daschle procedures. Prices are announced for different classes for different regions using different tests.

To simplify payments, the Domenici amendment proposes to level out the payment with one rate, paid annually on all of a producer's milk. Estimates show 31.5 cents would cover all of the milk nationwide. The $2 billion cap would force the Secretary to adjust in the final year to make sure the amount is not exceeded.

A fixed payment is not only more cost effective to administer, but it will provide predictability in a volatile price market. Producers will be able to plan. If it is already a ''good year,'' producers can set the payment aside for future years that may not be so good or pay down debt to better weather future economic storms.

On behalf of Senator DOMENICI, I urge my colleagues to carefully consider the ramifications for dairy farmers in their States and to vote in favor of the Domenici amendment.

Mr. President, I yield the floor and 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. MILLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 2832, AS MODIFIED, TO AMENDMENT NO. 2471

Mr. MILLER. Mr. President, I lay an amendment on the desk with modification.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. MILLER], for himself and Mr. CLELAND, proposes an amendment numbered 2832, as modified, to amendment No. 2471.

The amendment, as modified, is as follows:

(Purpose: To modify the sections providing marketing assistance loans and quality improvement for peanuts)

On page 112, after line 25, insert the following:

''(6) LOAN SERVICING AGENT.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, as a condition of the Secretary's approval of an entity to serve as a loan servicing agent or to handle or store peanuts for producers that receive any marketing loan benefits in the State, the entity shall agree to provide adequate storage (if available) and handling of peanuts at the commercial rate to other approved loan servicing agents and marketing associations.

On page 116, strike lines 6 through 15 and insert the following:

''(h) AREA MARKETING ASSOCIATION COSTS.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, the Secretary shall include in a marketing assistance loan made to an area marketing association in a marketing area in the State, at the option of the marketing association, such costs as the area marketing association may reasonably incur in carrying out the responsibilities, operations, and activities of the association and Commodity Credit Corporation under this section.

''(i) DEFINITION OF COMMINGLE.—In this section and section 158H, the term 'commingle', with respect to peanuts, means—

''(1) the mixing of peanuts produced on different farms by the same or different producers; or

''(2) the mixing of peanuts pledged for marketing assistance loans with peanuts that are not pledged for marketing assistance loans, to facilitate storage.

''SEC. 158H. QUALITY IMPROVEMENT.

''(a) OFFICIAL INSPECTION.—

''(1) IN GENERAL.—All peanuts placed under a marketing assistance loan under section 158G or otherwise sold or marketed shall be officially inspected and graded by a Federal or State inspector.

''(2) ACCOUNTING FOR COMMINGLED PEANUTS.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, all peanuts stored commingled with peanuts covered by a marketing assistance loan in the State shall be graded and exchanged on a dollar value basis, unless the Secretary determines that the beneficial interest in the peanuts covered by the marketing assistance loan have been transferred to other parties prior to demand for delivery.

Mr. MILLER. Mr. President, I ask unanimous consent that Senator HELMS be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, the cosponsor will be added.

Mr. MILLER. Thank you, Mr. President.

Mr. President, this is an amendment that we believe will help ease the transition from the peanut quota system to the new market-oriented program.

This amendment would increase the compensation for quota holders from 10 cents per pound to 11 cents per pound.

This amendment that we offer today—the Cleland-Miller-Helms amendment—will go a long way to help citizens in more than 15 States make the transition to the new peanut program.

I may be back later, Mr. President, if further debate is needed on this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I applaud the Senators from Georgia for their advocacy on behalf of some of the people who sent them here: those who are growers of peanuts. I tell you, the two Senators from Georgia—Senator CLELAND and Senator MILLER—have been very determined advocates on behalf of the farmers they represent.

I just hope the people back home realize how much energy and effort the two Senators have expended to secure what is needed to help their people.

Senator MILLER, who is a very respected member of the Senate Agriculture Committee, and Senator CLELAND, who had a distinguished record of service in Washington before he ever came to the Senate and is respected on both sides of the aisle, have made very clear how important this is to their constituents.

I salute them for their vigorous efforts.

Mr. President, I rose to speak on another matter, and that is the fundamental challenge we face with this farm bill.

I see in the press repeated indications that farm assistance is no longer needed. Nothing could be further from the truth.

What these media critics seem to fail to realize is that our people are faced with major competition in the world.

Our major competitors are the Europeans. They are providing over $300 an acre of support per year to their producers. We provide $38. We are being outgunned nearly 10 to 1. On export support, the Europeans account for 84 percent of all the world's export subsidy; we account for 3 percent. They are outgunning us nearly 30 to 1.

The fundamental question before this country is whether or not we are going to fight for our people, whether or not we are going to give them a fair, fighting chance.

I thank the Chair.

The PRESIDING OFFICER. The hour of 2:50 having arrived, debate on the current amendment is suspended to allow other amendments to be called up.

The Senator from Vermont.

AMENDMENT NO. 2834 TO AMENDMENT NO. 2471

Mr. LEAHY. Mr. President, I ask that it be in order to offer amendment No. 2834 which I believe is at the desk.

The PRESIDING OFFICER (Mr. MILLER). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2834 to amendment No. 2471.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Mr. President, I rise today to offer an amendment to authorize the establishment of a new voluntary organic research and promotion program. Just over a year ago we finalized the National Organic Program Rule. As this rule is implemented, it will provide assurance to the American public that the organic food they buy is subject to strict and consistent regulation. In addition, this rule will assist organic producers who want to export their products and will ensure that imported organic agricultural commodities meet standards on par with those of the United States.

In the decade that this rule was under development, the organic industry has experienced tremendous growth rates of more than 20 percent annually—it was estimated that in 2001 sales topped $9 billion.

As this industry continues to develop, it is important to adapt existing programs to support and enhance organic agriculture, as well as provide equitable benefits to organic producers. Currently, organic farmers are required to pay into existing mandatory research and promotion programs for various commodities. Many organic farmers object to this because they believe insufficient checkoff program funds are devoted to promoting or assisting in the development of organic agriculture. While they would prefer to be exempt from those assessments entirely, my amendment offers a viable and fair alternative.

My amendment authorizes a new voluntary organic research and promotion checkoff program, which will only be established if it is proposed and approved by a majority of certified organic producers and handlers.

What distinguishes this from existing checkoff programs is that any assessments under the order would be voluntary, not mandatory—individual farmers will have the flexibility to opt-in or opt-out of this research and promotion program.

To avoid double taxation, producers who choose to contribute to the organic order would be entitled to a credit against assessments under another order—which is similar to the credit producers are entitled to under existing checkoff programs if they contribute to a state or regional order covering the same commodity.

Additional provisions in the amendment address concerns raised about existing checkoff programs—representatives on the board must reflect both the regional distribution and differing scales of organic production and, at least once every four years, a referendum on the continuance of the order must be held.

I urge my colleagues to vote in favor of this amendment, which simply gives organic farmers the opportunity to choose how their research and promotion dollars are spent.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Leahy amendment.

AMENDMENT NO. 2852 TO AMENDMENT NO. 2471

Mr. HARKIN. Mr. President, I ask unanimous consent that that amendment be set aside so I may offer two other amendments. The first amendment I send to the desk on behalf of Senator KERRY and Senator SNOWE.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. KERRY, for himself and Ms. SNOWE, proposes an amendment numbered 2852 to amendment No. 2471.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide emergency disaster assistance for the commercial fishery failure with respect to Northeast multispecies fisheries)

At the appropriate place, insert the following:

SEC. . COMMERCIAL FISHERIES FAILURE.

(a) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there are appropriated to the Department of Agriculture $10,000,000 for fiscal year 2002, which shall be transferred to the Commodity Credit Corporation to provide, in consultation with the Secretary of Commerce, emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1) with respect to Northeast multispecies fisheries.

(b) PROGRAM REQUIREMENTS.—Amounts made available under this section shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that—

(1) is certified by the Secretary of Commerce to be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)); and

(2) permanently revokes multispecies limited access fishing permits so as to obtain the maximum sustained reduction in fishing capability at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program.

(c) APPLICATION OF INTERIM FINAL RULE.—The program shall be carried out in accordance with the Interim Final Rule under part 648 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereunder.

(d) SUNSET.—The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

AMENDMENT NO. 2853 TO AMENDMENT NO. 2471

Mr. HARKIN. Mr. President, I send to the desk an amendment to S. 1731 on my own behalf.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2853 to amendment No. 2471.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the limits on the types of communities in which Rural Business Investment Companies may invest)

At the appropriate place, add the following:

Amend Section 602 by adding after the word ''concern'' at the end of subsection 384I(c)(3)(C) the words ''and not more than 10 percent of the investments shall be made in an area containing a city of over 100,000 in the last decennial Census and the Census Bureau defined urbanized area containing or adjacent to that city''.

Mr. HARKIN. As I understand the floor situation—I will consult with my ranking member—with the hour of 3 rapidly approaching, under the unanimous consent agreement previously entered into, all amendments to the pending S. 1731 have to be offered prior to 3 o'clock this afternoon.

Mr. LEAHY. I respond to my colleague that that is our understanding. Hopefully, this colloquy will serve as an announcement to all of our colleagues who may be listening to the debate, wherever they may be, that they should proceed rapidly to the floor. Three o'clock is the cutoff time for the introduction of amendments. On our side of the aisle, we have attempted to make that known in many ways. I am hopeful that at least no one will be under any other illusion. At 3, we will have an opportunity to survey the amendments that have in fact been placed before us to try to determine, as I understand, either time agreements or the ability to accept on both sides of the aisle some of these amendments.

I see, having said that, the distinguished Senator from Oklahoma has arrived just in time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLELAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Mr. President, will the Senator yield for a moment?

Mr. CLELAND. I am glad to yield.

Mr. INHOFE. I only have 3 minutes to get under the deadline to offer an amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2825 TO AMENDMENT NO. 2471

Mr. INHOFE. Mr. President, I call up amendment No. 2825 to S. 1731 and ask for its immediate consideration.

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

Mr. INHOFE. Mr. President, let me explain the amendment very briefly. I apologize to the Senator from Georgia.

All this does is take the peanut program, which is a dramatically changed program, and delay its implementation for a period of 1 year. Here is the problem we have. If we don't do that, we will have the farmers not knowing, when they go to the bank, what kind of program is going to be adopted right in the middle of their planting season. By doing this, I am sure you will be accommodating the farmers as well as saving some money in this particular year on this bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2825 to amendment No. 2471.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to provide marketing assistance loans and loan deficiency payments for each of the 2003 through 2007 crop of peanuts)

On page 111, lines 14 and 15, strike ''2002 through 2006'' and insert ''2003 through 2007''.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. If I may continue, I would like to recognize the hard work of my colleague, Senator MILLER, for his amazing transition to an agriculture policy wizard in less than 2 years. His hard work in the Agriculture Committee on this farm bill is a testament to his dedication to Georgia.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I have need to interrupt the distinguished Senator. We are under this limit in this final 10 minutes to offer amendments. If I may have his forbearance, I would like to offer an amendment at this point.

Mr. CLELAND. Very well.

AMENDMENT NO. 2854 TO AMENDMENT NO. 2471

Mr. LUGAR. Mr. President, on behalf of Senator MCCONNELL, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. MCCONNELL, proposes an amendment numbered 2854 to amendment No. 2471.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes)

On page 984, line 2, strike the period at the end and insert a period and the following:

SEC. 10___. BEAR PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Bear Protection Act of 2002''.

(b) FINDINGS.—Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(2)(A) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species listed on Appendix I or II; and

(B) the Parties to CITES adopted a resolution in 1997 (Conf. 10.8) urging the Parties to take immediate action to demonstrably reduce the illegal trade in bear parts;

(3)(A) thousands of bears in Asia are cruelly confined in small cages to be milked for their bile; and

(B) the wild Asian bear population has declined significantly in recent years as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

(c) PURPOSE.—The purpose of this section is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting interstate and international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

(d) DEFINITIONS.—In this section:

(1) BEAR VISCERA.—The term ''bear viscera'' means the body fluids or internal organs, including the gallbladder and its contents but not including the blood or brains, of a species of bear.

(2) CITES.—The term ''CITES'' means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(3) IMPORT.—The term ''import'' means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, regardless of whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) PERSON.—The term ''person'' means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State or political subdivision of a State; or

(iii) any foreign government; and

(C) any other entity subject to the jurisdiction of the United States.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(7) TRANSPORT.—The term ''transport'' means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

(e) PROHIBITED ACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person shall not—

(A) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(B) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(2) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subsection (d)(4)(B) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(A) is solely for the purpose of enforcing laws relating to the protection of wildlife; and

(B) is authorized by a valid permit issued under Appendix I or II of CITES, in any case in which such a permit is required under CITES.

(f) PENALTIES AND ENFORCEMENT.—

(1) CRIMINAL PENALTIES.—A person that knowingly violates subsection (e) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) CIVIL PENALTIES.—

(A) AMOUNT.—A person that knowingly violates subsection (e) may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be

assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(3) SEIZURE AND FORFEITURE.—Any bear viscera or any product, item, or substance imported, exported, sold, bartered, attempted to be imported, exported, sold, or bartered, offered for sale or barter, purchased, possessed, transported, delivered, or received in violation of this subsection (including any regulation issued under this subsection) shall be seized and forfeited to the United States.

(4) REGULATIONS.—After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this subsection.

(5) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this subsection in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(6) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this subsection shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

(g) DISCUSSIONS CONCERNING BEAR CONSERVATION AND THE BEAR PARTS TRADE.—In order to seek to establish coordinated efforts with other countries to protect bears, the Secretary shall continue discussions concerning trade in bear viscera with—

(1) the appropriate representatives of Parties to CITES; and

(2) the appropriate representatives of countries that are not parties to CITES and that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera.

(h) CERTAIN RIGHTS NOT AFFECTED.—Except as provided in subsection (e), nothing in this section affects—

(1) the regulation by any State of the bear population of the State; or

(2) any hunting of bears that is lawful under applicable State law (including regulations).

Mr. LEAHY. Mr. President, I ask unanimous consent the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is ordered.

The Senator from Georgia.

AMENDMENT NO. 2832

Mr. CLELAND. Mr. President, I am fortunate to hold the seat of one of this Chamber's giants, Senator Richard B. Russell. Senator Russell understood the importance of strong agriculture policy and he once observed: ''when we strengthen American agriculture, we strengthen America.'' The failure of the Senate to complete a farm bill in 2001 was very disappointment to me. But the good news is that I believe we will pass a strong farm bill this week.

One of the hottest issues in the farm bill for Georgia is the change in the current peanut program. Because there are not enough votes to sustain the quota program in Congress and because trade agreements have weakened quotas, I reluctantly agree with my colleagues that the system will be changed.

I visited south Georgia this past weekend where the debate over the ending the quota program is big news. The proposed peanut program that originated in the House, bases the new program on acres determined by peanut producers, rather than by the landowning quota-holders. This shift in the peanut program, from the landowner to the producer, has caused a split among neighbors in south Georgia not seen in many years. Despite this split, I think we should make note of a fact that Senator MILLER has mentioned more than once on this floor: The anti-peanut program forces have not been out in force this year. You may know that in 1996, the peanut program survived in the Senate by only three votes.

I have concerns about small quota-owners, such as widows, veterans, and minority farmers who depend on quotas for their income. They should not be forgotten in the rush for a new farm bill. For that reason, I offer this amendment with Senator MILLER to increase the quota buyout to 12 cents a pound, each year, for 5 years. This is up from the House buyout of 10 cents per pound and will help ease the transition for thousands of retired peanut farmers who invested in peanut quota as, in effect, their pension plan.

I will work to keep the Senate level of support for producers which is $400 million over the House bill for marketing loan rates and countercyclical payments. Also, the Senate farm bill contains language that I have sponsored for years to label the country-of-origin for peanuts. Because consumers should know where their peanuts are grown.

All in all I believe we will pass a strong farm bill that makes sense and substantial progress in meeting the needs of family farmers and our rural communities.

I yield the floor.

Mr. REID. Mr. President, I have spoken to both Senator LUGAR and Senator HARKIN, the two managers of the bill. It has been cleared. I ask unanimous consent that at 3:05 p.m. today, the Senate resume consideration of the Feinstein amendment No. 2829; that the time until 3:35, a half hour, be equally divided and controlled by Senators FEINSTEIN and BREAUX, or their designees; that at 3:35, Senator BREAUX be recognized to offer a motion to table, and that no second-degree amendment be in order prior to the vote in relation to the amendment.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

AMENDMENT NO. 2855 TO AMENDMENT NO. 2842

Mr. LUGAR. Mr. President, on behalf of Senator KYL, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. KYL, proposes an amendment numbered 2855.

The amendment is as follows:

(Purpose: To ensure that the water conservation program is implemented in accordance with all applicable laws)

On page 8, line 19, insert the following:

''(12) IMPLEMENTATION.—In carrying out the program, the Secretary shall—

''(A) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

''(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

''(C) comply with—

''(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

''(ii) all procedural and substantive State water law.

On page 8, line 19, strike ''(12)'' and insert ''(13)''.

On page 9, line 16, strike ''(13)'' and insert ''(14)''.

On page 17, line 20, insert the following:

''(1) IN GENERAL.—Nothing in this section—

On page 17, line 21, strike ''(1)'' and insert ''(A)''.

On page 17, line 22, strike ''(2)'' and insert ''(B)''.

On page 18, line 1, strike ''(3)'' and insert ''(C)''.

On page 18, line 5, strike ''(4)'' and insert ''(D)''.

On page 18, line 7, insert the following:

''(2) IMPLEMENTATION.—In carrying out the program, the Secretary shall—

''(A) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

''(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

''(C) comply with—

''(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

''(ii) all procedural and substantive State water law.

Mr. HARKIN. Reserving the right to object, Mr. President, I will not object, but there comes a point where we say 3 p.m.—well, is it 3 p.m. or 3:02 or 3:05? I hope we don't have a rush of amendments on either side coming in.

Mr. LUGAR. Mr. President, I appreciate the comment of my colleague. He is correct, obviously. I hope there may be some dispensation in that this request arrived a few seconds after the 3 p.m. time. We have been attempting to accommodate Senators.

I ask unanimous consent that the Kyl amendment be laid aside.

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

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, because of some confusion, I ask unanimous consent that Senator FEINSTEIN's time start at 3:10 instead of 3:05.

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

Mr. REID. It will go until 3:40. She gets 15 minutes and Senator BREAUX gets 15 minutes.

AMENDMENT NO. 2829

Mrs. FEINSTEIN. I thank Senator REID, and I thank Senators HARKIN and LUGAR as well.

On Friday, I offered an amendment to the sugar program, which really is a minor amendment, with one exception. It seems anything that has anything to do with the sugar program is frozen and can't be changed. As I noted 6 years ago when I came here, the sugar program works to the great detriment of America's domestic sugar refineries.

The largest of those domestic sugar refineries happens to be in California. It is C&H Sugar. C&H got most of its sugar from Hawaii, and they used to have ads as I grew up: C&H pure cane sugar from Hawaii. It is a plant that can employ about 1,300 people. It can refine about 800,000 pounds of sugar. It is a union plant. It is the only source of employment, the major source of employment, in a small town in the East Bay known as Crockett. You drive over the Carquinez Bridge and you see this big old plant, and that is from where this wonderful sugar comes.

The problem has been, year after year, C&H cannot buy enough sugar to refine. Why? Because the allotments in the sugar program were more than two decades ago. They do not adequately reflect who is buying and who is selling sugar at the time.

The amendment I have offered would simply reallocate the unfilled portion of a country's quota when that country does not fulfill its quota. That is all it does. This is less than 3 percent of the sugar. About 3 percent of the sugar on the world market that is provided for in the allocation quota does not get allocated. So on a first-come-first-served basis, a company that wanted to buy sugar would be able to because the unused allocation of one country would go to another country that is exporting sugar, and on a first-come-first-served basis the refineries of our country would have an opportunity to buy their sugar.

This amendment is supported by C&H Sugar; Colonial Sugar Gramercy, LA; Savannah Foods in Port Wentworth, GA; and Imperial Sugar in Sugar Land, TX.

I ask unanimous consent that two letters be printed in the RECORD in support of the amendment, one from the Coalition for Sugar Reform and the other from Citizens Against Government Waste.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COALITION FOR SUGAR REFORM,
Washington, DC, February 6, 2002.

DEAR SENATOR: On behalf of the Coalition for Sugar Reform, I urge you to vote for an amendment that Sen. Dianne Feinstein will offer to ensure that when the United States announces an import quota for sugar, we actually import all that quota.

Each year, a few countries fail to fully utilize, or fill, their quotas to sell sugar to the United States. Generally, these amounts go unused: Because of the highly restrictive import policy that the United States maintains for sugar, other sugar-producing countries have no opportunity to satisfy the unmet market need represented by the unfilled quota. The Feinstein amendment will require that by June 1 each year, any unused quota be reallocated among qualified supplying countries on a first-come, first-served basis.

This amendment does not increase import quotas. It merely says that when we announce an import quota, we will allow the full amount of that quota to be imported.

This amendment honors our multilateral trade commitments by allowing the full import quota to enter the United States. By setting an example of more efficient and transparent TRQ administration, the amendment advances explicit trade policy goals of the United States. Please support and vote for the Feinstein amendment.

Sincerely,

LAWRENCE T. GRAHAM,
Steering Committee Coordinator.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, February 11, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC

DEAR SENATOR FEINSTEIN: On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I am writing to inform you of our support for your amendment to S. 1731, the Farm Bill, which would ensure that when the United States announces an import quota for sugar, all of that quota will actually be imported.

When countries fail to fully utilize their quotas to sell sugar to the United States, those quotas usually end up being unused. Other sugar-producing countries have no opportunity to satisfy the unmet market need represented by the unfilled quota, as a result of the highly restricted import policy that the United States maintains for sugar.

It is our understanding that your amendment will require that by June 1 of each year, any unused quota be reallocated among qualified supplying countries on a first-come first-served basis. While we also understand that your amendment does not increase import quotas, it will at least ensure that the full amount of the quota be imported.

Athough CCAGW would still prefer the complete elimination of the archaic sugar program, we believe your amendment will at least provide for modest improvement of one of its glaring deficiencies. Thus, CCAGW will consider a vote on your amendment in the 2002 Congressional Ratings.

Sincerely,

TOM SCHATZ,
President.

Mrs. FEINSTEIN. The fact of the matter is, this has been done. The Secretary can do this. As a matter of fact, in 1995 I implored Secretary Glickman to do just this, and he did it. The problem, I say to those opposed to this amendment, is that every year you have to go and lobby; every year you have to try to see that this company and others similar to it are able to get enough sugar. That is not right. Sugar programs should not operate this way.

Awhile ago, we asked GAO to take a look at the sugar program. The GAO came up with exactly what we are proposing today. Let me read a couple of things. Some of the 40 designated countries have been provided an export allocation when they no longer export sugar. According to the GAO, on average, from 1993 to 1998, 10 out of the 40 countries were net importers of sugar. These countries are not exporting sugar because clearly they are importing sugar.

Some countries have similar allocations under the quota despite dramatically different levels of sugar exports. For example, Brazil and the Philippines are both allowed to export around 14 percent of the total quota, but Brazil exports 21 times more sugar than the Philippines worldwide.

In my view, it is unacceptable that sugar quota allocations have not been revised for two decades, despite dramatic changes in the ability of many countries to produce and export sugar.

Is there a way to update the sugar export amounts allowed into the United States without adversely impacting domestic growers? I believe there is, and the amendment I have offered would provide this change.

Incidentally, I would like the RECORD to reflect that Senator GREGG is a cosponsor of this amendment, if I may.

The United States has imported on average, as I said, about 3 percent less sugar than the quota allowed from 1996 through 1998 because some countries did not fill their allocations.

Now the question was asked in the caucus today by the distinguished Senator from Louisiana, What would happen to price if this amendment were passed?

Let me again quote the GAO:

> USTR's current process for allocating the sugar tariff-rate quota does not ensure that all of the sugar allowed under the quota reaches the U.S. market.
>
> The current allocation has resulted in fewer sugar imports than allowed under the tariff-rate quota. From 1996 through 1998, US raw sugar imports averaged about 75,000 tons less annually than the amount USDA allowed USTR to allocate under the tariff-rate quota.

The final quote from the GAO is this:

> Because the shortfalls in the tariff-rate quota reduced US sugar supplies by less than 1 percent, they had a minimal effect on the domestic price of sugar.

So what I am saying is you can have a system that allows domestic refineries to buy sugar that they need from countries that are not using their allocated quota, and this will have a very slight, if any, mark on the domestic price of sugar. What is dreadfully unfair is to have a situation where domestic refineries, hiring men and women who live in this country, that want to refine sugar are prevented from doing so by a bill where the allocations and the quotas have not been revised in two decades.

So I am asking the Senate to please permit this small change in the sugar program.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana for 5 minutes.

Mr. BREAUX. Mr. President, let me assure my colleagues who might be listening to this rather arcane and complicated debate, I have the utmost respect for the Senator from California to the point of disagreeing with her on the fact that this is a minor amendment. I think that nothing my colleague from California does is minor. It is always a major effort, and she is to be commended for what she is attempting to do for one refinery in California.

I point out that over the last 10 years, in my own State of Louisiana, we have lost 24 sugar mills. We did not try to change the sugar program to accommodate each one of those mills but, rather, tried to work in a cooperative fashion to have a national program.

The Senator is absolutely correct that about 40 countries around the world have allocations to be able to export approximately 1.25 million tons of sugar into the United States to make sure we have enough sugar for domestic consumption. If a country does not use all of their allocation, it can be reallocated by the Secretary. It does not have to be. The Secretary makes a determination on what amount of sugar we need to fulfill the mandates of the program. If we do need more sugar, and countries have not used their allocation, the Secretary can give to a country an additional allocation.

The difference at this point between what the Senator from California wants to do and the existing program is that they have to reallocate it and bring it into the United States under the terms of the program. It cannot be said to one country that they are going to be the only country in the world that is going to be able to bring sugar in to the United States with an allocation that does not comply with the terms of the sugar program. All of the 40 countries that send sugar to the United States have to come in under the terms of the program, and that is at a price that equals about 18 cents a pound. If there is 50 pounds of unallocated sugar and it is said to any country in the world, come in and bid for the right to send that sugar to the United States, they can bid the price down to a point that would have a substantial effect on the market.

This amendment, if it went into effect, and large amounts of sugar were brought in outside of the program, could ultimately result in a large cost to the taxpayer. If it drives down the average price of sugar below the market loan rate, sugar will be forfeited to the Federal Government and taxpayers will be picking up sugar—because the price has gone below the marketing loan—at about 18 cents a pound.

I don't think I have any problem giving the Secretary the right to reallocate sugar, which they now have when there is a shortfall, but not to do it outside of the program. Not to say to all of the countries that participate, you have to do it one way, but other countries, when we reallocate, you can do it without having to meet the terms of the loan itself. The Department does not have to reallocate; they do it if there is a need for the sugar.

The amendment of the Senator from California mandates they reallocate, although it is not required in order to meet our domestic needs. In addition, she would mandate they allow it come in outside the program.

We cannot design a national program for one refinery. I point out the refineries that make sugar are very divided on this issue. For those who do support our amendment, there is an equal number or more who do not. The Domino Sugar refinery in New York opposes it; the Domino refinery in Brooklyn, NY, opposes it; the Domino refinery in Baltimore, MD, opposes it, as well as the refinery in Chalmette, LA.

The problem is there is a national program. The reason one refinery in one State does not have enough sugar is because their principal market has been Hawaii. As the Senator has correctly said, Hawaii is moving out of the sugar program. They have reduced their production of sugar, and that refinery does not find itself with a sufficient amount of sugar. But you cannot redesign the entire national program for one particular refinery and say we are going to let sugar come in to this one refinery outside of the program, with no price protection whatever, and put the entire program in jeopardy, with potential costs to the U.S. taxpayers. If it has the effect of driving the price below the loan level, sugar will be forfeited.

It is very important to note that the program is operated at no cost to the taxpayer. We have no forfeited sugar. We do not want to be in a position of forfeiting sugar. If this amendment were to pass and we mandated that the Secretary reallocate sugar imported into this country outside the program, which is what it does, on a first-come-first-served basis, would not have to meet the terms of the program. So a company could bid and bring in sugar at 5 cents a pound if they wanted to dump in this market. That is what the amendment allows.

I don't mind having it come in under the terms of the program, but to allow sugar to come in and be reallocated outside the terms of the program with regard to price potentially destroys the program and would be at a cost to the American taxpayer.

At the appropriate time, I will offer a motion to table the amendment. I am happy to yield to the Senator.

Mrs. FEINSTEIN. I thank the Senator. Our intent in drafting the amendment was that the sugar that comes in is within the program, not outside the program. But only 40 countries now covered by the program are eligible to participate. If there is an inadvertent error, we will be happy to correct it.

The intent is that it be within the program. Then, from a country that is in the program but is not using its allocation, and sold on a first-come-first-served basis, so if the price is going to be changed, there will not be a buyer for the sugar.

Mr. BREAUX. Let me respond to the Senator. When she uses the term ''comes in on a first-come-first-served basis,'' that is a legal term, a term of art that clearly indicates that it can come in out of the program at a price below the market loan level of 18 cents a pound.

That is the No. 2 problem with the amendment. It would come in outside the terms of the program. It can come in at a price much lower than the 18-cent loan level, which runs the risk of reducing the price of sugar throughout the United States. That is the No. 1 problem.

The second problem is that it mandates it be done. In the past it has always been at the discretion of the Secretary. As the Senator has said, the Secretaries in the past, when they saw a need, have, in fact, allowed it to be reallocated. They can still continue to do that, but it can only be done within the terms of the program.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask the distinguished Senator a question. Would the Senator support the amendment if we amended it to make it clear, in simple English, that the proposal is within the confines of the existing sugar program?

Mr. BREAUX. I respond to the Senator's question by saying that the two things I have a problem with, and I think most of the people who support the program have a problem with, are, No. 1, it is mandatory. The second point is that it would allow on a first-come-first-served basis the sugar to come to the country outside of the program at a price below the loan level.

If that part were corrected, I am fine, but I cannot support it being mandatory. We ought to have the flexibility to allow it, and it has to be brought in under the terms of the program.

Mrs. FEINSTEIN. Provided we could produce those amendments, would the Senator then support that?

Mr. BREAUX. I think more work certainly needs to be done. I think certainly an appropriate and proper discussion—and I have had this discussion with the distinguished chairman—could be during the conference.

I make very clear the two problems I have: No. 1, it is mandatory on the reallocation; and No. 2, that allocation could allow the sugar to come in outside the program, the sugar program at below the marketing loan level which I think would destroy the program. Those are the two concerns that I think most Members have.

Mrs. FEINSTEIN. Mr. President, is it appropriate to set aside this amendment to see if we cannot work out some language with Senator BREAUX?

The PRESIDING OFFICER. It will take unanimous consent to vitiate the current agreement.

Mrs. FEINSTEIN. Senator BREAUX mentioned two things which were our intent, in any event, that would cause him to withdraw his disapproval of the language. I ask it be set aside for a few moments or we suggest the absence of a quorum to work out the differences and add the necessary words.

Mr. BREAUX. I cannot control this, but I am certainly willing to work with the Senator from California. I have stated the two problems.

I am always willing to talk to see if we can work something out.

Mr. REID. The vote is not scheduled for 12 minutes. How about 12 minutes?

Mrs. FEINSTEIN. I take it.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, for the information of Senators, Senators FEINSTEIN and BREAUX are in the process of working on their amendment. It will not, at a later time, require a vote. It will be worked out in some other manner. So Members should be notified there will not be a vote on this amendment. It was scheduled, as you know, for 3:40 this afternoon. We have been in a quorum call since then, anticipating there would be a vote. There will not be a vote on the Breaux motion to table the Feinstein amendment.

I also announce that I have spoken to the two managers, Senator LUGAR and Senator HARKIN.

The PRESIDING OFFICER. Is the Senator asking for unanimous consent to vitiate that agreement?

Mr. REID. You took the words right out of my mouth.

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

Mr. REID. Mr. President, I also indicate that Senators HARKIN and LUGAR are in the process, with their staffs, of working through these amendments. We have, I think, 18 amendments. There are a number of them, I have been told, that will be accepted. We expect to have a unanimous consent agreement in the immediate future to handle about six of these amendments.

Mr. President, I ask unanimous consent that the Senate consider the amendments proposed to S. 1731 in the order in which they were offered, beginning with the Santorum amendment No. 2542, as modified, and ending with the Wellstone amendment No. 2847; that there be a time limitation of 20 minutes for debate with respect to each amendment, with the time equally divided and controlled in the usual form; that any second-degree amendments be accorded the same time limitations as the first-degree amendment—Mr. President, first of all, I ask unanimous consent that the unanimous consent proposal I just made be withdrawn. I will offer another one.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider the amendments proposed to S. 1731 in the order in which they were offered, beginning with the Santorum amendment No. 2542, as modified, and ending with the Wellstone amendment No. 2847; that there be a time limitation of 20 minutes for debate with respect to each amendment, with the time equally divided and controlled in the usual form; that if there is a second-degree amendment offered, the first-degree amendment be laid aside.

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

Mr. REID. Mr. President, I further ask unanimous consent that it be in order for the managers to have a stacked sequence of votes beginning at a time agreed upon by the managers and the leaders or their designees.

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

Mr. REID. I state, Mr. President, as I did earlier, we are trying to work out an agreement to work through the rest of these amendments so that there will be definite times on them. We are in the process of doing that now.

Mr. President, I ask unanimous consent—Senator ENZI is not in the Chamber—that Senator WELLSTONE, who is in the Chamber, be allowed to begin his 20 minutes at this time.

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

The Senator from Minnesota.

AMENDMENT NO. 2847

Mr. WELLSTONE. Mr. President, I am going to start speaking on the amendment. We may or may not make one change.

This amendment is a modified version of an amendment I offered last week. It is a reform amendment to the EQIP program.

The argument against the amendment I offered last week—which I think was an important amendment for our independent producers and an important amendment for the environment—was that the size limitation meant that midsized farmers could not expand. I actually thought that an operation with over 5,000 hogs was a pretty large operation in the first place.

But what I am going to do this time is make some changes, which will, hopefully, give us the vote to go over the top.

What this amendment does is comparable to what we have done with crop assistance in the commodity program. Now we have a reasonable payment limit. What we have is a payment limit with the commodity program and, in addition, restrictions on multiple payments and compliance with environmental laws. This amendment would have a reasonable payment limit on EQIP funds. It would restrict producers from receiving multiple EQIP payments. In other words, right now these conglomerates own multiple CAFOs and then get government money for each one of them. It becomes a subsidy in inverse relation to need. And this amendment would require that producers who receive EQIP funds have an environmental plan.

At the moment, the direction in which this amendment goes is as follows: It would lower the payment limits from $50,000 per year to $30,000 per year. Right now, the limit is $10,000. Some farmers don't do multiple-year contracts.

My point is, just as we had payment limits on an earlier vote with the Dorgan amendment, it seems to me we ought to also have payment limits with the EQIP program, if this environmental program is to have the policy integrity, and if we are not to be giving these payments to some of the largest operations that don't need them.

Secondly, it prevents producers with an interest in more than one large CAFO from receiving more than one EQIP contract, which makes all the sense in the world from the point of view of reform. And, again, we are talking about an amendment that has some payment limitation.

Finally, it requires the producers receiving the EQIP funds to have a comprehensive nutrient management plan which is an environmental plan.

It is a reform amendment. I think we have done a lot of good work on this bill. The vote earlier today on the packer ownership amendment was extremely important. We passed the crop payment limitation by a 66-to-31 vote, which was an historic vote.

If my colleagues are in support of payment limitations, they should support this amendment. This amendment puts some reasonable payment limitations back into the Environmental Quality Incentive Program. Current law caps it at $10,000 per year. The underlying legislation increases the cap to $50,000 a year. That is a fivefold increase.

This amendment recognizes the problem we have with the environmental pollution that comes from these large livestock operations, but it places a reasonable payment limit on the program: $30,000 per year up to $150,000 over 5 years.

If we don't put some reasonable payment limits on the program, the flow of benefits is going to be just as we have seen with the commodities: huge payments to huge producers; in this case large livestock conglomerates that over the years have been squeezing independent producers out of existence.

That is what this amendment is all about. Again, let me be crystal clear. This amendment now deals with the argument that some colleagues made

that it is not going to let the midsize operations expand. This amendment is consistent with what we have done on payment limits. It is a reform amendment. This amendment plugs a big loophole with multiple CAFOs which is a huge problem when these conglomerates buy up a lot of these confinement operations and then get a subsidy for each one of them.

Finally, this amendment calls for a sound environmental plan, which makes all the sense in world, a comprehensive nutrient management plan. It is a modest amendment. It is a good reform amendment. It is a good environmental amendment. Frankly, it is a good amendment for our independent producers.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. JOHNSON). Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I don't know who controls any time on the opposite side. We have examined the amendment on this side and, quite frankly, I think the Senator from Minnesota has made constructive changes to the EQIP program, which I think will inure to the benefit of our livestock producers all over America. On this side, we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me respond to the distinguished Senator. I personally favor the amendment. I will ask for 3 more minutes for the hotline on our side to ascertain whether all of us are in agreement. I am hopeful that is the case. If I may have the indulgence of Senators, I will ask for a quorum call for about 3 minutes of time. It would be my hope we could accept the amendment at that point.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I wonder if I could say a couple of words while we are waiting. That moves us right along.

Before the Senator from Iowa leaves, let me say this for the record: I hope there will be support. I certainly would be pleased to not have a recorded vote. I know we are trying to move things along. I ask the Senator from Iowa in a bit of a colloquy here for his support in conference committee to keep this in because my experience has been all too often, when there is not a recorded vote and there is a voice vote, then the amendments get tossed aside. I know my colleague supports this amendment. I certainly ask for his support as the chair in the conference committee.

I assume when he nods his head, it means yes.

Mr. HARKIN. I say to my friend from Minnesota, my neighbor to the north, he is a very valuable member of our committee. When this bill is done and I go on to conference, it is my intention as chair to fight for all of the amendments that we in the Senate have adopted on this bill because it will be the Senate's position.

Certainly in this area on the EQIP program, I believe the Senator's amendment improves what we have done in the underlying bill, and certainly I will do everything I can to make sure we keep those provisions.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. WELLSTONE. Mr. President, I will stay here and wait patiently for our 3-minute limit, and my colleagues can let me know.

Mr. HARKIN. Mr. President, how much time remains on the Wellstone amendment?

The PRESIDING OFFICER. There are 2½ minutes that remain to the proponents; 8 minutes remain in opposition.

Mr. HARKIN. Mr. President, I ask unanimous consent to reserve the remainder of the time, the 2 minutes and the 8 minutes, and now proceed to recognize Senator ENZI who had two amendments offered which are going to be accepted on this side. I don't know if the Senator wanted any time at all, but to move the process along, I see the Senator from Wyoming is on the floor.

I ask unanimous consent that the remainder of the time be reserved and that we now go to the two Enzi amendments. I ask unanimous consent if we could just take 5 minutes on the Enzi amendment and then return to the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming.

AMENDMENT NO. 2843

Mr. ENZI. Mr. President, I thank everybody who has been working with me on these two very important issues. One of them is an accounting issue. That is to do with an authorization to have some drought assistance for livestock. We have had a livestock assistance program. It has been kind of a last-minute, put-it-on-the-budget effort every year. But the amount of money that gets spent on it every year is a very consistent amount, a good amount. It calls for us to recognize that upfront, provide for it upfront, and give our ranchers some assurance that they are going to have some help.

This morning we passed a very important measure, and that actually provides for last year's drought assistance for livestock payments. People have been through last year's drought. They know they were already heard. One of the fascinating things about this is, it doesn't pay them for their losses. It pays them so they can buy a little feed so they can keep their base stock alive until they can produce again and have a crop. I know that Wyoming's portion of that turns out to be about $15 million. That comes to about $8,000 per rancher, and $8,000 doesn't even buy much feed. But it will get some people through the winter. So I appreciate the concern of everybody and their willingness to accept it.

AMENDMENT NO. 2846

Mr. President, the other amendment, of course, is a pet pilot project which will put lamb in Afghanistan and will solve a problem there. It is so small a project that it can be nonexistent. I know the Department of Agriculture will look at it, and I think it will be one of the things that will solve some problems for people who grow lambs in the West and will build up a herd in Afghanistan so they can be self-sufficient. It is the old story—and I have heard a variation—give a man a fish and feed him for a day; teach a man to fish and he will buy an ugly hat.

I yield the floor.

Mr. HARKIN. Mr. President, we have examined both amendments on this side. They are valuable additions to the farm bill. I think they both have tremendous merit to them. We are pleased to accept them on this side.

AMENDMENT NO. 2847

Mr. LUGAR. Mr. President, let me, first of all, make an announcement before I comment on the amendments of the Senator. There has been an objection on our side to having a voice vote on the Wellstone amendment. Therefore, we will need to have a rollcall vote. Because of the thoughtfulness of the Senator from Iowa, there will be some further time to debate the amendment. I believe there are 8 minutes for the opposition. For all those listening to the debate, if there is opposition to the Wellstone amendment, that time remains. At the end of that time, the Wellstone amendment will be in the stack for votes and disposition after the unanimous consent on the other amendments has been run through, which is to simply say we are going to have a vote, a rollcall, and it will come at the end of the stack that the Senator from Nevada offered a while back.

Mr. WELLSTONE. Will the Senator yield for a question? I missed the first part. There is now a call for a rollcall vote?

Mr. LUGAR. That is correct.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NOS. 2846 AND 2843

Mr. LUGAR. Mr. President, I will return now to the amendments of the Senator from Wyoming. I had an opportunity to visit with the Senator and to appreciate the depth of his understanding and research with regard to both of these amendments. On our side,

we are pleased to accept them and, hopefully, we will have a unanimous vote.

The PRESIDING OFFICER. Without objection, amendment No. 2843 is pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2843) was agreed to.

Mr. HARKIN. I move to reconsider that vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2846

The PRESIDING OFFICER. Without objection, amendment No. 2846 is now pending.

The question is on agreeing to the amendment.

The amendment (No. 2846) was agreed to.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of the Senator from Indiana, there be no amendments in order prior to the vote on the Wellstone amendment No. 2847.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum, with the time being charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, if other Senators are coming down with amendments, I will stop speaking. Otherwise, I will take about 5 minutes now if we have the time.

Mr. REID. We are on the Senator's time anyway.

Mr. WELLSTONE. I ask unanimous consent for 5 minutes as in morning business.

Mr. LUGAR. Reserving the right to object, the Senator from Wyoming has arrived and may wish to speak on the Wellstone amendment. How much time remains?

The PRESIDING OFFICER. Six minutes in opposition.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me be very clear that we made a modification from the original amendment to deal with some of the problems my colleagues had about expansion. We are doing two things: Lowering the payment limits from $50,000 per year to $30,000 per year, though it can be $30,000 per year over 5 years. This is consistent with the vote we have made on payment limitations. There is no reason for Government subsidies going to the largest of the largest. Second is to prevent producers with an interest in more than one large CAFO to receive multiple EQIP contracts. This is consistent as a reform amendment. Why should conglomerates get payments for multiple CAFOs?

Finally, making sure there is a comprehensive management plan which goes to the producers, which is good, sound environmental practice. As I said, this has the support of a lot of farm organizations and many environmental organizations. It is a good reform vote. I hope we will get a majority vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, let me make a couple of comments. I have been very involved in this program over time. The Senator brought it up before. It seems to me there are some issues here about which we ought to talk. We didn't talk about it at all in committee. EQIP, in my view, and I think pretty much under the law, is designed to give technical assistance to do good for the environment. They are not tied to nutrients particularly or to any particular kind of action. They ought to be available to people who want take some action, whether it is changing a ditch to make it more workable for the environment, or whatever.

Constantly we keep trying to limit it to certain sizes and you have to report the number of animals that you own. That is not part of the proposition. This idea of nuance was an idea that came up in the Clinton administration. It was never put in as a rule, and now we are going to put it into law. It seems to me that it is an unnecessary amount of detail and is singly trying to target certain areas when really the opportunity is broad.

I was out in my home this weekend and was talking about this—in fact, I guess it was in Denver at the Cattlemen's—and people said: We need more money for EQIP, but we do not want to have more and more rules where every time we try to do something we invite EPA to be here on top of us, and all these other things.

I feel fairly strongly about it. However, I do recognize we need to move forward, and I withdraw my objection.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator for his cooperation. I am saying that when you put up a facility there has to be a plan of what you are going to do with the waste. That is all I am really saying.

If I heard the Senator from Wyoming correctly, he is not objecting. Are we still going to go forward with a recorded vote or not? I will do it either way, but it sounds as if we could move forward.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. My understanding is that a recorded vote would occur at the expiration of the time of this amendment and the expiration of the time of whatever amendments that were in the original unanimous consent request. In other words, a list of, I think, four amendments needed to be disposed of. So after we have completed work on all of those, there would then be rollcall votes therefore required, and this would be one of those instances.

Mr. THOMAS. Mr. President, is it possible to ask unanimous consent that the rollcall vote on this issue be vitiated?

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

Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2847.

The amendment (No. 2847) was agreed to.

Mr. WELLSTONE. 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.

AMENDMENT NO. 2845

The PRESIDING OFFICER. Under the previous order, the McConnell amendment No. 2845 is now pending.

Mr. LUGAR. I suggest the absence of a quorum, with the time being charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, it is my understanding that we are now on the McConnell amendment, No. 2845. Is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask unanimous consent that Senator HARKIN be allowed to offer a second-degree amendment to amendment No. 2845; that the time between now and 5 o'clock be equally divided between Senator HARKIN and Senator MCCONNELL or their designees, and that at 5:45 we vote on the Harkin second-degree amendment and that at 5 o'clock this matter be set aside.

I would say for the information of all Senators, there is a leadership meeting at 5 o'clock. I think it is bicameral. I don't know what it is; I am not attending. We will stay here on the floor and try to work out some other things during that 45-minute period.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARKIN. To make it clear, we are going to debate now for about 20

minutes on my substitute and the underlying McConnell amendment. That will be set aside. The vote will then occur on my second-degree amendment at 5:45.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. There may be intervening business between now and then, but there will be no votes until 5:45; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2856 TO AMENDMENT NO. 2845

Mr. HARKIN. Mr. President, I have a second-degree amendment. I send it to the desk and ask for its immediate consideration.

The senior assistant bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2856 to amendment No. 2845.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

[The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'']

Mr. HARKIN. Mr. President, please clarify, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. HARKIN. Mr. President, what we have in front of us is the McConnell amendment, which reduces loan rates by less than a quarter of a percent. He takes that money and basically puts it into nutrition programs.

Frankly, my history in both the House and Senate in the Agriculture Committee for 27 years is one of very strong support for nutrition programs.

Let's look at the record. The House of Representatives, in their farm bill, has $3.6 billion over baseline for nutrition programs for 10 years—$3.6 billion. The Senate bill, as we reported it from committee, had $6.2 billion, almost twice as much for nutrition programs over the same period of time.

Due to certain amendments that have been offered and agreed to already on the Senate floor, the amount of money for nutrition now in the pending farm bill is $8.4 billion. That is well over twice what the House has. Could it be more? Yes. We could always do more, of course. But we have tried to keep a well-balanced bill. I submit we have done a lot to address the underlying concerns of accessibility, of assets—of a lot of things—for people who need food stamps and other nutrition programs.

The McConnell amendment, if you divide it all up, would put about $49 million a year additional into a program that already is spending $20 billion a year. Now, $49 million is a lot of money, but compared to $20 billion? I submit this will have almost no effect on the underlying nutrition programs. Really, the way I see this amendment, it is an attempt to take some more money out of commodity programs by reducing the loan rate, which is important as an income support for farmers in my part of the country and, in fact, all over America.

What my amendment does is it says: OK, if you are going to nick the loan rates by a quarter of a percent, let's then leave it as an income support for farmers—one way or the other.

Last Saturday in Denver, CO, President Bush said one of the things he wanted to see in a farm bill was farm savings accounts. He said that. I think the distinguished ranking member has proposed this in the past. Senator GRASSLEY, my colleague from Iowa, has supported this proposal in the past. Others have supported farm savings accounts. We plan to propose a pilot program in the underlying manager's amendment. It provides $36 million for a pilot program. It is not very much, but at least it was there to try to test the idea to see if it was acceptable and see if it would work. Some said that is not enough money.

My second-degree amendment basically says we will take the less than quarter percent cut out of loan rates, but we will take that money, which is about $510 million, and we will put that into the farm savings account as a pilot program in 10 States. With that much money, perhaps we could really find out whether or not this program would work.

The President said he has wanted it. Other people have been supporting it. I have some reservations about the idea, but there are plenty of people on the other side of the aisle, and the President, who have supported this idea. So in the spirit of bipartisanship I would like to include this pilot program so we can all find out exactly how it works and give the USDA some time to work out the details.

Again, the President has requested this program. The pilot program will include 10 States. It will run from 2003 to 2006. To make the program viable, we will ramp up funding to $200 million by 2006.

The pilot program allows the farmer to set up a savings account. The Secretary of Agriculture will then match the producer's contribution. A producer's contribution is limited to $5,000 a year. The farmer can then withdraw from the account when his farm income from that year is less than 90 percent of his farm income averaged over the last 5 years.

Again, we have a strong nutrition title here. We have gone from $3.6 billion in the House to $8.4 billion here. But if we want to have the farm savings accounts, then Senators will have a choice. We have already done a lot for nutrition. I take a back seat to no one in my support for strong nutrition programs. But if the will is to nick the loan rates a little bit—and I guess this is what this is all about—at least let's leave it with some income support for farmers. I am willing to give the benefit of the doubt to my friends on the other side of the aisle. Let's try this farm savings account. Let's see how it works. Maybe I will be proven wrong. I don't know that it will work, but it is probably worth a try. And I know the President wants it.

The President keeps saying he wants bipartisanship. This is bipartisanship. I reach out a hand to those on the other side of the aisle and say fine, let's try the farm savings accounts.

Let me point out one other thing. I mentioned the House had $3.6 billion in nutrition. We are at $8.4 billion. President Bush, in the budget he sent down, has $4.2 billion increases for nutrition programs over the next 10 years. So, as I said, I think we can be proud of what we have done for nutrition in the Senate bill.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. The underlying McConnell amendment which would be wiped out by the second-degree Harkin amendment is for the benefit of disabled people and working families with children. It would simply allocate $50 million over the next 10 years, per year, and pay for it with a thirteen-hundredths-of-1-percent lowering of loan rates, a thirteen-hundredths-of-1-percent reduction in loan rates over 10 years, which is a minuscule reduction in loan rates, to benefit the disabled and working families with children.

That is what the underlying amendment is about. I had hoped the Senator from Iowa, the chairman of the committee, would accept this amendment. It seems to me it is pretty simple. There is not a farmer in America who is going to notice a thirteen-hundredths-of-1-percent reduction in loan rates over 10 years. No farmer is going to recognize that. But a lot of disabled people and working families will recognize the $16-a-month difference that it will make for them.

On this amendment, I speak not only for myself but I speak for the following groups: The Children's Defense Fund, the Kentucky Task Force on Hunger, the Center on Budget and Policy

Priorities, the National Council of La Raza, the Food Research and Action Center, America's Second Harvest, Bread for the World, and the Western Regional Antihunger Coalition, which includes the Food Bank of Alaska, the Association of Arizona Food Banks, the California Food Policy Advocates, the California Association of Food Banks, the Idaho Community Action Network, the Montana Food Network, Montana Hunger Coalition, the Oregon Hunger Relief Tax Force, the Oregon Food Bank, the Utahns Against Hunger, the Children's Alliance of Washington, the Washington Association of Churches, and the Washington Food Coalition.

All of these groups are interested in helping provide sustenance for the disabled and working families with children. And the only sacrifice that the McConnell amendment envisions farmers making is a thirteen-hundredths-of-

1-percent reduction in loan rates over 10 years.

I don't think there is a need to further explain the underlying amendment. I had hoped Senator HARKIN would accept it. Since he has not chosen to do that, I hope the Harkin second-degree amendment will be defeated and that the underlying amendment supported by all of these groups interested in feeding hungry people and disabled people will be agreed to.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 2 minutes in support of the McConnell amendment.

The distinguished Senator from Kentucky has stated the case well. In earlier debates, both of us pointed out that the McConnell amendment is essential to bringing justice to all Americans who are recipients of food stamps—in this case, among those who are most vulnerable in our society. It does so at a minimal change with regard to payments to farmers. I suspect most farmers recognize that and would commend the intent.

In fairness, my distinguished colleague, the chairman of our committee, does not argue about the intent. Indeed, the Senate bill is much more generous than the House bill in regard to nutrition programs and food stamps in particular and is much more generous than administration proposals. At the same time, we have spent the time in committee attempting to explore equity. This seems to me to be an amendment that rounds this out, and that brings completion to our argument in a very satisfying way.

The savings account idea is a good one, but to introduce it at this point seems to me to be inappropriate. I am most hopeful that Senators who support the McConnell amendment will think through, once again, an opportunity that we have in a humane way to help those who are vulnerable in our society through satisfying nutrition programs.

I thank the Chair. I yield the floor.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes twenty-two seconds.

Mr. HARKIN. Mr. President, frankly, I think it is quite appropriate. We plan to propose a pilot program in the manager's amendment. This just expands it.

I am trying to do something that reaches across the aisle in a bipartisan atmosphere, something that friends on the other side of the aisle and the President have called for in doing something about these farm savings accounts. I don't really know whether they will work or not, but I am willing to let them try to put some money in the pilot program.

On the other hand, on nutrition programs, there is $49 million a year. Every dollar helps. When you are spending $20 billion a year and say we are going to put in another $49 million, you could look at it and say that doesn't do much. The Senator from Kentucky says we are not taking much out of farmers. You are not taking much out of farmers but you are not doing much to help poor people, either.

If you are going to do that—if you are going to nick the farmers a little bit—rather than holding out false hopes to poor people that somehow you are really going to boost nutrition programs, which you really aren't with this amendment, then at least try to do something that might be meaningful to help farm income in the future.

Quite frankly, $50 million used in the farm savings accounts could be the underpinnings to help farm income in the future. That could be meaningful. But $49 million, or $50 million, on $20 billion for food stamps is, as I said, holding out false hopes to poor people that somehow you have done something.

I suggest to my friend from Kentucky that perhaps he might want to tell the President not to send the budget down here that has $4.2 billion in increases in nutrition programs when we are already at $8.4 billion. I had hoped the President would have sent down a budget that said, no, we need to put more money in nutrition, and we need $8 billion or $10 billion, as the ranking member was trying to do in committee with $10 billion more for nutrition.

On the other hand, that amount of money going into farm savings accounts could be quite significant to a number of farmers.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. How much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. MCCONNELL. Mr. President, I will not need to use the whole 5 minutes. Let me restate what this is about. This is about working families with children and disabled people who are eligible for food stamps. It has been suggested by my friend and colleague from Iowa that the amount involved for those people would not be noticed. I would respectfully suggest that $16 a month for a family of four will be noticed and that the loss of thirteen-hundredths of 1 percent on the loan rate will not be noticed by the farmers.

This is an amendment that ought to be approved. As I said earlier, it is supported by a vast array of groups led by the Children's Defense Fund that believes it is necessary to bring this program up to the level that it ought to achieve when looking into the future.

I hope that the Harkin second-degree amendment will be defeated and that the underlying McConnell amendment, supported by the Children's Defense Fund and an array of different organizations, which I listed a few moments ago, will be approved.

Again, this is about $16 a month for working families with children and the disabled, paid for by a thirteen-hundredths of 1 percent reduction in loan rates.

I think this is a tradeoff that every farmer in America would understand. I consider myself a friend of farmers as well. I will bet there is not a farmer in Kentucky who wouldn't think this is an appropriate step to take.

Is the Senator from Iowa out of time?

The PRESIDING OFFICER. The Senator from Iowa has 18 seconds remaining.

Mr. MCCONNELL. Mr. President, I am happy to yield back my time if the Senator from Iowa wants to yield back his 18 seconds.

Mr. HARKIN. I yield the remainder of my time.

Mr. MCCONNELL. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2822

Mr. LUGAR. Mr. President, let me ask the distinguished chairman of our committee for his attention to the Helms amendment No. 2822 dealing with animal welfare. I wanted to inquire of the Senator with regard to the Helms amendment No. 2822 on animal welfare. It is my understanding that on both sides of the aisle we are prepared to accept that amendment.

Mr. HARKIN. It is a good amendment.

Mr. LUGAR. Will the Chair turn our attention to the Helms amendment No. 2822 and proceed with the regular order with that amendment?

The PRESIDING OFFICER. The amendment is now pending. The question is on agreeing to the amendment.

The amendment (No. 2822) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Nevada.

AMENDMENT NO. 2829

Mr. REID. Mr. President, I ask unanimous consent the Senate now turn to amendment No. 2829.

The PRESIDING OFFICER. Without objection, the amendment is now the pending question.

Mr. REID. Mr. President, Senators BREAUX and FEINSTEIN have worked on this amendment now for the past hour or thereabouts.

AMENDMENT NO. 2829, AS MODIFIED

On their behalf, I send a modification to the desk and ask unanimous consent the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Strike the period at the end of section 143 and insert a period and the following:

SEC. 144. REALLOCATION OF SUGAR QUOTA.

Subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

"PART VIII—REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS

"SEC. 360. REALLOCATING CERTAIN SUGAR QUOTAS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, on or after June 1 of each year, the United States Trade Representative, in consultation with the Secretary, shall determine the amount of the quota of cane sugar used by each qualified supplying country for that fiscal year, and may reallocate the unused quota for that fiscal year among qualified supplying countries.

''(b) DEFINITIONS.—In this section:

''(1) QUALIFIED SUPPLYING COUNTRY.—The term 'qualified supplying country' means one of the following 40 foreign countries that is allowed to export cane sugar to the United States under an agreement or any other country with which the United States has an agreement relating to the importation of cane sugar:

Argentina
Australia
Barbados
Belize
Bolivia
Brazil
Colombia
Congo
Costa Rica
Dominican Republic
Ecuador
El Salvador
Fiji
Gabon
Guatemala
Guyana
Haiti
Honduras
India
Ivory Coast
Jamaica
Madagascar
Malawi
Mauritius
Mexico
Mozambique
Nicaragua
Panama
Papua New Guinea
Paraguay
Peru
Philippines
St. Kitts and Nevis
South Africa
Swaziland
Taiwan
Thailand
Trinidad-Tobago
Uruguay
Zimbabwe.

''(2) CANE SUGAR.—The term 'cane sugar' has the same meaning as the term has under part VII.''.

The PRESIDING OFFICER. Is there further debate on the amendment, as modified?

If not, the time is yielded back. The question is on agreeing to amendment No. 2829, as modified.

The amendment (No. 2829), as modified, was agreed to.

Mr. REID. 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. The Senator from Indiana.

AMENDMENT NO. 2854

Mr. LUGAR. Mr. President, I ask unanimous consent the Senate now turn to the McConnell amendment No. 2854.

The PRESIDING OFFICER. Without objection, the amendment is now the pending question.

Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2854.

The amendment (No. 2854) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senate is not in a quorum call; is that right?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2855

Mr. REID. Mr. President, I ask unanimous consent the Senate now turn to amendment No. 2855, Senator KYL's amendment.

The PRESIDING OFFICER. Without objection, the amendment is now the pending question.

AMENDMENT NO. 2855, AS MODIFIED

Mr. REID. Mr. President, I send a modification to the desk, which has been signed off on by Senator KYL, Senator LUGAR, and Senator HARKIN. I ask unanimous consent the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 9, between lines 11 and 12, insert the following:

''(12) IMPLEMENTATION.—In carrying out this subsection, the Secretary shall comply with—

''(A) all interstate compacts, court decrees, and Federal and State laws (including regulations) that may affect water or water rights; and

''(B) all procedural and substantive State water law.

On page 10, line 1, strike ''(13)'' and insert ''(14)''.

On page 11, line 9, strike ''(14)'' and insert ''(15)''.

On page 10, line 14, strike ''(15)'' and insert ''(16)''.

On page 10, line 22, strike ''(16)'' and insert ''(17)''.

On page 20, between lines 10 and 11, insert the following:

''(j) IMPLEMENTATION.—In carrying out this section, the Secretary shall comply with—

''(1) all interstate compacts, court decrees, and Federal and State laws (including regulations) that may affect water or water rights; and

''(2) all procedural and substantive State water law.

On page 20, line 11, strike ''(j)'' and insert ''(k)''.

On page 20, line 22, strike ''(k)'' and insert ''(l)''.

On page 21, line 4, strike ''(l)'' and insert ''(m)''.

On page 21, line 9, strike ''(m)'' and insert ''(n)''.

On page 21, line 12, strike ''(n)'' and insert ''(o)''.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2855, as modified.

The amendment (No. 2855), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2542, AS FURTHER MODIFIED

Mr. LUGAR. Mr. President, I ask the that Chair consider an amendment by the Senator from Pennsylvania, Mr. SANTORUM, No. 2542.

The PRESIDING OFFICER. The amendment is now pending. Is there further debate?

Mr. LUGAR. I ask clarification from the Chair. On the copy of the amendment I am looking at, it identifies it as amendment No. 2639. Can the Chair help illuminate?

The PRESIDING OFFICER. As soon as the Chair has been illuminated, the Chair will illuminate.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The pending amendment No. 2542 was modified with the text of the amendment the Senator has just referenced.

Mr. HARKIN. It has been modified.

The PRESIDING OFFICER. The Senator is correct. It has been modified.

Mr. LUGAR. I thank the Chair for that information. I ask that the Chair proceed to consideration of the amendment.

The PRESIDING OFFICER. The Chair is momentarily in doubt.

The pending question is amendment No. 2542 as previously modified and with the proposed modification that is now at the desk.

Is there objection to the second modification?

Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

Beginning on page 2, strike line 11 and all that follows through page 4, line 21, and insert the following:

''(C) for the socialization of dogs intended for sale as pets with other dogs and people, through compliance with a performance standard developed by the Secretary based on the recommendations of veterinarians and animal welfare and behavior experts that—

''(i) identifies actions that dealers and inspectors shall take to ensure adequate socialization; and

''(ii) identifies a set of behavioral measures that inspectors shall use to evaluate adequate socialization; and

''(D) for addressing the initiation and frequency of breeding of female dogs so that a female dog is not—

''(i) bred before the female dog has reached at least 1 year of age; and

''(ii) whelped more frequently than 3 times in any 24-month period.''.

(b) SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.—Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by striking ''SEC. 19. (a) If the Secretary'' and inserting the following:

''SEC. 19. SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.

''(a) SUSPENSION OR REVOCATION OF LICENSE.—

''(1) IN GENERAL.—If the Secretary'';

(2) in subsection (a)—

(A) in paragraph (1) (as designated by paragraph (1)), by striking ''if such violation'' and all that follows and inserting ''if the Secretary determines that 1 or more violations have occurred.''; and

(B) by adding at the end the following:

''(2) LICENSE REVOCATION.—If the Secretary finds that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 12, has committed a serious violation (as determined by the Secretary) of any rule, regulation, or standard governing the humane handling, transportation, veterinary care, housing, breeding, socialization, feeding, watering, or other humane treatment of dogs under section 12 or 13 on 3 or more separate inspections within any 8-year period, the Secretary shall—

''(A) suspend the license of the person for 21 days; and

''(B) after providing notice and a hearing not more than 30 days after the third violation is noted on an inspection report, revoke the license of the person unless the Secretary makes a written finding that revocation is unwarranted because of extraordinary extenuating circumstances.''

Mr. SANTORUM. Mr. President this amendment is a continuation of my interest in the protection and humane treatment of animals, specifically, dogs and puppies. This amendment will crack down on breeders who do not abide by existing requirements for the humane treatment and care of dogs bred for the pet trade. It will also fill some gaps in the law that involve important humane concerns.

There has been extensive coverage of the improper care, abuse, and mistreatment common at ''puppy mills'' across America. Unsuspecting consumers who purchase these puppies find out that they have latent physical and behavioral problems because of the poor care they received in the important early stage of their lives. This can lead to safety concerns, tremendous expense and heartbreak for families. And for the dogs, it often means they end up taken to shelters where they must be euthanized because they're too aggressive or sickly to be adopted.

My amendment enjoys the support of national animal protection organizations, such as the Humane society of the United States and the American Society for the Prevention of Cruelty to Animals, ASPCA, as well as 861 humane organizations, shelters, and animals control associations. I ask unanimous consent that a listing of these organizations, by State, be printed to the RECORD. Also let the RECORD reflect that my own State of Pennsylvania has 14 organizations on this list ranging from the Western Pennsylvania Westie Rescue Committee, the Humane Society of Lackawanna County and the York County SPCA.

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

(See Exhibit 1.)

Mr. SANTORUM. There are at least 3,000 commercial dog breeding facilities licensed to operate by the United States Department of Agriculture. These facilities are required to comply with the rules and regulations of the Animal Welfare Act, AWA, that sets forth minimal standards for humane handling and treatment. Inspections, to oversee compliance with AWA standards, are performed by the USDA.

There are serious inadequacies with the current system that demand our attention and our action. One problem has been insufficient resources for the USDA to perform timely and routine inspections. Second, inspectors have too few tools to make the assessment of proper care that they must. I have worked for several years on strategies to solve these problems through congressional and agency action.

I was very pleased to be joined last year by one-third of my Senate colleagues in seeking an increased appropriation for USDA to enforce the Animal Welfare Act. USDA has approximately 80 inspectors to inspect nearly 10,000 USDA federally-licensed facilities involving millions of animals. Increases in USDA's enforcement budget will certainly help the agency fulfill its responsibility to ensure compliance with the AWA.

Counting Fiscal Year 2002, Congress has appropriated an additional $13 million since 1999 to enable USDA to track down more unlicensed facilities, conduct more inspections, and improve follow-up enforcement efforts.

And while Congress is making progress addressing the AWA budget shortfall, it is also important to address gaps in the law to better protect dogs and consumers.

That is why I introduced the Puppy Protection Act, along with my colleague Senator DURBIN, to address these additional areas requiring our attention.

Today's amendment is based on that bill, S. 1478, which we introduced on October 1, 2001. The Puppy Protection Act, and our amendment today, will make three very important and needed changes to the Animal Welfare Act's oversight of commercial dog breeding operations.

First, legislation addresses the need for breeding females to be given time to recover between litters and to be protected from breeding in their first year of life.

Second, it requires that dogs receive adequate interaction with other dogs and with people to help prevent behavioral problems in the future.

Third, it encourages swift and strong enforcement against repeat offenders by creating a ''three strikes and you're out'' system for chronic violators.

The science is clear that dogs who are raised without adequate contact with other dogs and with people are likely to have behavioral problems throughout their lives.

This amendment recognizes the critical importance of the early weeks of a dog's life. The Animal Welfare Act does currently recognize this need.

Our amendment also addresses the issue of breeding and its correlation to an animals's welfare. Sometimes a life of intensive breeding can begin at 6 months of age, well before a dog is mature enough to mother a litter of puppies and still remain healthy.

Relentless overbreeding can cause severe nutritional deficiencies and impairs a dog's immune system, leading to increased risk of infections, illness and organ failure.

These concerns go to the heart of humane treatment, and are as appropriate for Congress to address as other areas already covered by the AWA, such as adequate veterinary care, food, water, sanitation, ventilation, and shelter from harsh weather.

Finally, our amendment addresses the problem of commercial dog breeders who repeatedly violate the requirements of the Animal Welfare Act, but continue to operate.

This carefully-crafted provision will help USDA take action against the genuinely bad actors while allowing for the rights of all individuals in the breeding business. I am deeply concerned about small business and the protection of private property rights, so I have worked with many interested parties to ensure this provision strikes the right balance.

When families decide to buy or adopt a dog, they are taking in a new family member. When they find, after weeks or months of sharing their home with this dog, that their pet has behavioral problems or some latent disease, they often do everything in their power to help their dog with veterinarian care or behavioral training.

Unfortunately, dogs that are maltreated early in life and that have been denied the early contacts that allow them to form solid bonds with people and other animals, may bite or lash out. Families that face these problems will often go to great lengths, and spare no expense, to find a cure for a problem that could easily have been prevented.

Our legislation should not be controversial. It is about protecting animals from mistreatment. It is about preventing heartbreak and loss to families. And it is about doing what is responsible.

Please support the Santorum-Durbin amendment for puppy protection.

EXHIBIT 1

ENDORSEMENT LIST FOR PUPPY PROTECTION ACT

(861 Endorsements—Updated 11/27/01)

ARKANSAS

Anchorage Animal Control
Gastineau Humane Society (Juneau)
Sitka Animal Shelter (Sitka)

ALABAMA

The Animal Shelter (Anniston)
Barbour County Humane Society Inc. (Eufaula)
BJC Animal Control Services, Inc. (Birmingham)
Central Alabama Animal Shelter (Selma)

Circle of Friends (Montrose)
City of Irondale Animal Control (Irondale)
Dekalb County SPCA (Fort Payne)
Greater Birmingham Humane Society
Humane Society of Elmore County (Wetumpka)
Humane Society of Etowah County (Gadsden)
Humane Society of Chilton County (Clanton)
Humane Society of Pike County (Troy)
Mobile SPCA (Mobile)
Monroe County Humane Society (Monroeville)
Montgomery Humane Society (Montgomery)
St. Clair Animal Shelter (Pell City)
Tuscaloosa Metro Animal Shelter (Tuscaloosa)
Walker County Humane Society (Jasper)

ARIZONA

Berryville Animal Care and Control (Berryville)
Hot Springs Village Animal Welfare League (HPV)
Paragould Animal Welfare Society (Paragould)
Sherwood Animal Services (Sherwood)

ARIZONA

Animal Defense League of Arizona (Tucson)
Arizona Animal Welfare League (Phoenix)
Coconino Humane Association (Flagstaff)
Hacienda De Los Milagros, Inc. (Chino Valley)
Holbrook Police Department (Holbrook)
Humane Society of Sedona (Sedona)
Humane Society of Southern Arizona (Tucson)
Long Lake Animal Shelter/Fort Mojave Ranger Department (Mohave Valley)
Payson Humane Society, Inc. (Payson)

CALIFORNIA

Actors and Others for Animal (North Hollywood)
All for Animals (Santa Barbara)
Animal Friends of the Valley/LEAF (Lake Elsinore)
Animal Protection Institute (Sacramento)
Animal Care Services Division, City of Sacramento (Sacramento)
Animal Place (Vacaville)
Antioch Animal Services (Antioch)
Association of Veterinarians for Animal Rights (Davis)
Benicia/Vallejo Humane Society (Vallejo)
Berkeley Animal Care Services (Berkeley)
California Animal Care (Pam Desert)
California Animal Defense and Anti-Vivisection League, Inc. (Carson)
City of Perris Animal Control (Perris)
City of Sacramento Animal Care Services Division (Sacramento)
City of Santa Barbara Police Department—Animal Control (Santa Barbara)
Contra Costa Humane Society (Pleasant Hill)
Costa Mesa Animal Control (Costa Mesa)
Desert Hot Springs Animal Control (Desert Hot Springs)
Divsiion (Santa Barbara)
Dog Obedience Club of Torrance, CA (Torrance)
Earth Island Institute (San Francisco)
Eileen Hawthorne Fund Inc. (Fort Bragg)
Escondido Humane Society (Escondido)
Friends for Pets Foundation (Sun Valley)
Friends of the Fairmont Animal Shelter (San Leandro)
Friends of Solano County (Fairfield)
Haven Humane Society, Inc. (Redding)
The Healdsburg Animal Shelter (Healdsburg)
Helen Woodward Animal Center (Rancho Santa Fe)
Hollister Animal Shelter (Hollister)
Humane Education Network (Menlo Park)
Humane Society of Imperial County (El Centre)
Humane Society of Tuolumne County (Jamestown)
Kings SPCA (Hanford)
Lake Tahoe Humane Society/SPCA (South Lake Tahoe)
Lawndale Municipal Services, Animal Control Division (Lawndale)
The Marin Humane Society (Novato)
Orange County People for Animals (Irvine)
Orange County SPCA (Huntington Beach)
Pasadena Humane Society and SPCA (Pasadena)
Pet Adoption League (Grass Valley)
Petaluma Animal Services (Petaluma)
Placer County Animal Services (Auburn)
Placer County Animal Services (Kings Beach/Tahoe Vista)
Pleasanton Police Department—Animal Services (Pleasanton)
Rancho Coastal Humane Society (Leucadia)
Reedley Police Department (Reedley)
Retired Greyhound Rescue (Yuba City)
Sacramento County Animal Care and Regulation (Sacramento)
Sacramento SPCA (Sacramento)
Santa Cruz SPCA (Santa Cruz)
Seal Beach Animal Care Center (Seal Beach)
Siskiyou County Animal Control (Yreka)
Solano County Animal Control (Fairfield)
Southeast Area Animal Control Authority (Downey)
Spay Neuter Associates (Ben Lomond)
The SPCA of Monterey County (Monterey)
Stanislaus County Animal Services (Modesto)
State Humane Association of California (Sacramento)
Town and Country Humane Society (Orland)
Town of Truckee Animal Control (Truckee)
Tracy Animal Shelter (Tracy)
Tri-City Animal Shelter (Fremont)
Tulare County Animal Control Shelter (Visalia)
United Animal Nations/Emergency Rescue Service (Santa Barbara)
Valley Humane Society (Pleasanton)
Woods Humane Society (San Luis Obispo)
Yuba Sutter SPCA (Yuba City)
Yucaipa Animal Placement Society (Yucaipa)

COLORADO

Adams County Animal Control (Commerce City)
Barnwater Cats Rescue Organization (Denver)
Cat Care Society (Lakewood)
Cherry Hills Village Animal Control (Cherry Hills Village)
Delta County Humane Society (Delta)
Denver Animal Control and Shelter (Denver)
The Dreampower Foundation/P.A.A.L.S. (Castle Rock)
Dumb Friends League (Denver)
Good Samaritan Pet Center (Denver)
Humane Society of Boulder Valley (Boulder)
Intermountain Humane Society (Conifer)
Larimer Humane Society (Fort Collins)
Lone Rock Veterinary Clinic (Bailey)
Longmont Humane Society (Longmont)
Montrose Animal Protection Agency (Montrose)
Rangely Animal Shelter (Rangely)
Rocky Mountain Animal Defense (Boulder)
Table Mountain Animal Center (Golden)
Thornton Animal Control (Thornton)

CONNECTICUT

Animal Welfare Associates, Inc. (Stamford)
Connecticut Humane Society (Newington)
Enfield Police Department-Animal Control (Enfield)
Forgotten Felines, Inc. (Clinton)
The Greater New Haven Cat Project, Inc. (New Haven)
Hamilton Sundstrand (West Locks)
Kitty Angels of Connecticut (Coventry)
Meriden Humane Society (Meriden)
Milford Animal Control (Milford)
Per Animal Welfare Society (PAWS) (Norwalk)
Quinebaug Valley Animal Welfare Service (Dayville)
Valley Shore Animal Welfare League (Westbrook)

DELAWARE

Delaware SPCA (Georgetown)
Delaware SPCA (Stanton)

FLORIDA

Alachua County Humane Society (Gainesville)
Animal Rights Foundation of Florida (Pompano Beach)
Animal Welfare League of Charlotte County (Port Charlotte)
Arni Foundation (Daytona Beach)
Baker County Animal Control (Macclenny)
Central Brevard Humane Society-Central (Cocoa)
Central Brevard Humane Society-South (Melbourne)
Citizens for Humane Animal Treatment (Crawfordville)
Clay County Animal Control (Green Cove Springs)
Coral Springs Humane Unit (Coral Springs)
First Coast Humane Society/Nassau County Animal Control (Yulee)
Flayler County Humane Society (Palm Coast)
Halifax Humane Society (Daytona Beach)
Humane Society of Broward County (Fort Lauderdale)
Humane Society of Collier County, Inc. (Naples)
Humane Society of Lake County (Eustis)
Humane Society of Lee County, Inc. (Fort Myers)
Humane Society of Manatee County (Bradenton)
Humane Society of North Pinellas (Clearwater)
Humane Society of St. Lucie County (Fort Pierce)
Humane Society of Tampa Bay (Tampa)
Humane Society of the Treasure Coast, Inc. (Palm City)
Jacksonville Humane Society
Jefferson County Humane Society (Monticello)
Lake City Animal Shelter (Lake City)
Leon County Humane Society (Tallahassee)
Marion County Animal Center (Ocala)
Okaloosa County Animal Services (Fort Walton Beach)
Panhandle Animal Welfare Society (Fort Walton Beach)
Play Acres, Inc. (Wildwood)
Prayer Alliance for Animals (Jupiter)
Putnam County Humane Society (Hollister)
Safe Animal Shelter of Orange Park (Orange Park)
Safe Harbor Animal Rescue and Clinic (Juniper)
South Lake Animal League, Inc. (Clermont)
Southeast Volusia Humane Society (New Smyrna Beach)
SPCA of Hernando County, Inc. (Brooksville)
SPCA of Pinellas County (Largo)
SPCA of West Pasco (New Port Richey)
Suncoast Basset Rescue, Inc. (Gainesville)
Suwannee County Humane Society (Live Oak)

Volusia County Animal Services (Daytona)
Wings of Mercy Animal Rescue (Panama County Beach)

GEORGIA

Animal Rescue Foundation, Inc. (Milledgeville)
Atlanta Humane Society and SPCA, Inc. (Atlanta)
Basset Hound Rescue of Georgia, Inc. (Kennesaw)
Big Canoe Animal Rescue (Big Canoe)
Catoosa County Animal Control (Ringgold)
Charles Smithgall Humane Society, Inc. (Cleveland)
Cherokee County Humane Society (Woodstock)
Clayton County Humane Society (Jonesboro)
Collie Rescue of Metro Atlanta, Inc. (Atlanta)
Coweta County Animal Control Department (Newman)
Crawfordville Shelter (Crawfordville)
Douglas County Humane Society (Douglasville)
Dublin-Laurens Humane Association (Dublin)
Fayette County Animal Shelter (Fayetteville)
Fitzgerald-Ben Hill Humane Society (Fitzgerald)
Forsyth County Humane Society (Cumming)
Georgia Labrador Rescue (Canton)
Glynn County Animal Services (Brunswick)
Golden Retriever Rescue of Atlanta (Peachtree City)
The Good Shepard Humane Society (Sharpsburg)
Homeward Bound Pet Rescue, Inc. (Ellijay)
Humane Services of Middle Georgia (Macon)
Humane Society of Camden County (Kingsland)
Humane Society of Griffin-Spalding County (Experiment)
Humane Society's Mountain Shelter (Blairsville)
Humane Society of Moultrie-Colquitt County (Moultrie)
Humane Society of Northwest Georgia (Dalton)
Lookout Mountain Animal Resources, Inc. (Menlo
Lowndes County Animal Welfare (Valdosta)
Okefenokee Humane Society (Waycross)
Pet Partners of Habersham, Inc. (Cornelia)
Pound Puppies N Kittens (Oxford)
Rescuing Animals in Need, Inc. (Buford)
Rockdale County Animal Care and Control (Conyers)
Small Dog Rescue/Adoption (Cumming)
Society of Human Friends of Georgia, Inc. (Lawrenceville)
Toccoa-Stephens County Animal Shelter (Tocco)
Town of Chester (Chester)
Vidalia Animal Control (Vidalia)
Washington-Wilkes Animal Shelter (Washington)

HAWAII

Hawaii Island Humane Society (Kailua-Kona)
Hawaii Island Humane Society (Keaau)
Hawaiian Humane Society (Honolulu)
Hauai Humane Society (Lihue)
The Maui Humane Society (Puunene)
West Hawaii Humane Society (Kailua-Kona)

IOWA

Animal Control (Creston)
Animal Lifeline of Iowa, Inc. (Carlisle)
Animal Protection Society of Iowa (Des Moines)
Animal Rescue League of Iowa (Des Moines)
Appanoose County Animal Lifeline, Inc. (Centerville)
Boone Area Humane Society (Boone)
Cedar Bend Humane Society (Waterloo)
Cedar Rapids Animal Control (Ely)
Cedar Valley Humane Society (Cedar Rapids)
City of Atlantic Animal Shelter (Atlantic)
Creston Animal Rescue Effort (Creston)
Friends of the Animals of jasper County (Newton)
Humane Society of Northwest Iowa (Milford)
Humane Society of Scott County (Davenport)
Iowa City Animal Car and Control (Iowa City)
Iowa Federation of Humane Societies (Des Moines)
Jasper County Animal Rescue league and Humane Society (Newton)
Keokuk Humane Society (Keokuk)
Montgomery County Animal Rescue (Red Oak)
Muscatine Humane Society (Muscatine)
Northeast Iowa People for Animal Welfare (Decorah)
Raccoon Valley Humane Society (Adel)
Siouxland Humane Society (Sioux City)
Solution to Over-Population of Pets (Burlington)
Spay Neuter Assistance for Pets (SNAP) (Muscatine)
Vinton Animal Shelter (Vinton)

IDAHO

Animal Ark (Grangeville)
Animal Shelter of Wood River Valley (Hailey)
Bannock Humane Society (Pocatello)
Ferret haven Shelter/Rescue of Boise, Inc. (Boise)
Humane Society of the Palouse (Moscow)
Idaho Humane Society (Boise)
Kootenai Humane Society (Hayden)
Pocatello Animal Control (Pocatello)
Second Chance Animal Shelter (Payette)
Twin Falls Humane Society (Twin Falls)

ILLINOIS

Alton Area Animal Aid Associaton (Godfrey)
Anderson Animla Shelter (South Elgin)
The Anti-Cruelty Society (Chicago)
Chicago Animal Care and Controll (Chicago)
Community Animal Rescue Effort (Evanston)
Cook County Department of Animal and Rabies Control (Bridgeview)
Friends Forever Humane Society (Freeport)
Hindsdale Humane Society (Hinsdale)
Homes for Endangered and Lost Pets (St. Charles)
Humane Society of Winnebago County (Rockford)
Illinois Federation of Humane Society (Urbana)
Illinois Humane Political Action Committee (Mahomet)
Kankakee County Humane Society (Kankalee)
Metro East Humane Society (Edwardsville)
Naperville Animal Control (Naperville)
Peoria Animal Welfare Shelter (Peoria)
Peoria Humane Society (Poeria)
PetEd Humane Education (Hinsdale)
Quincy Humane Society (Quincy)
South Suburban Humane Society (Chicago Heights)
Tazewell Animal Protective Society (Pekin)
West Suburban Humane Society (Downers Grove)
Winnebago County Animal Services (Rockford)

INDIANA

Allen County SPCA (Fort Wayne)
Cass County Humane Society (Logansport)
Dubois County Humane Society (Jasper)
Elkhart City Police Department-Animal Control Division (Elkhart)
Fort Wayne Animal Care and Control (Ft. Wayne)
Greene County Humane Society (Linton)
Greenfields, Hancock County Animal Control (Greenfield)
Hammond Animal Control (Hammond)
Hendricks County Humane Society (Brownsburg)
Home for Friendless Animals Inc. (Indianapolis)
Humane Society Calumet Area, Inc. (Munster)
Humane Society of Elkhart County (Elkhart)
Humane Society for Hamilton County (Noblesville)
Humane Society of Hobart (Hobart)
Humane Society of Indianapolis (Indianapolis)
Humane Society of Perry County (Tell City)
Johnson County Animal Shelter (Franklin)
La Porte County Animal Control (La Porte)
Madison County SPCA and Humane Society, Inc. (Anderson)
Martin County Humane Society (Loogootee)
Michiana Humane Society (Michigan City)
Monroe County Humane Association (Bloomington)
Morgan County Humane Society (Martinsville)
New Albany/Floyd County Animal Shelter/Control (New Albany)
Owen County Humane Society (Spencer)
Salem Department of Animal Control (Salem)
Scott County Animal Control and Humane Investigations (Scottsburg)
Sellersburg Animal Control (Sellersburg)
Shelbyville/Shelby County Animal Shelter (Shelbyville)
South Bend Animal Care and Control (South Bend)
St. Joseph County Humane Society (Mishawaka)
Starke County Humane Society (North Judson)
Steuben County Humane Society, Inc. (Angola)
Tippecanoe County Humane Society (Lafayette)
Vanderburgh Humane Society, Inc. (Evansville)
Wells County Humane Society, Inc. (Bluffton)

KANSAS

Animal Heaven (Merriam)
Arma Animal Shelter (Arma)
Caring Hands Humane Society (Newton)
Chanute Animal Control Department (Chanute)
City of Kinsley Animal Shelter (Kinsley)
Finney County Humane Society (Garden City)
Ford County Humane Society (Dodge City)
Heart of America Humane Society (Overland Park)
Hutchinson Humane Society (Hutchinson)
Kansas Humane Society of Wichita (Wichita)
Lawrence Humane Society (Lawrence)
Leavenworth Animal Society (Leavenworth)
Medicine Lodge Animal Shelter (Medicine Lodge)
Neosho County Sheriff's Office (Erie)
Salina Animal Shelter (Salina)
S.E.K. Humane Society (Pittsburg)
Southeast Kansas Humane Society (Pittsburg)

KENTUCKY

Boone County Animal Control (Burlington)
Friends of the Shelter/SPCA Kentucky (Florence)
Humane Society of Nelson County (Bardstown)
Jefferson County Animal Control and Protection (Louisville)
Kentucky Coalition for Animal Protection, Inc. (Lexington)
Lexington Humane Society (Lexington)
Marion County Humane Society Inc. (Lebanon)
McCracken County Humane Society, Inc. (Paducah)
Muhlenberg County Humane Society (Greenville)
Woodford Humane Society (Versailles)

LOUISIANA

Calcasieu Parish Animal Control and Protection Department (Lake Charles)
Cat Haven, Inc. (Baton Rouge)
City of Bossier Animal Control (Bossier City)
Coalition of Louisiana Advocates (Pineville)
Don't Be Cruel Sanctuary (Albany)
East Baton Rouge Parish Animal Control Center (Baton Rouge)
Humane Society Adoption Center (Monroe)
Iberia Humane Society (New Iberia)
Jefferson Parish Animal Shelters (Jefferson)
Jefferson SPCA (Jefferson)
League in Support of Animals (New Orleans)
Louisiana SPCA (New Orleans)
Natchitoches Humane Animal Shelter (Natchitoches)
Spay Mart, Inc. (New Orleans)
St. Bernard Parish Animal Control (Chalmette)
St. Charles Humane Society (Destrehan)
St. Tammany Humane Society (Covington)

MASSACHUSETTS

Alliance for Animals (Boston)
Animal Shelter Inc. (Sterling)
Baypath Humane Society of Hopkinton, Inc. (Hopkinton)
The Buddy Dog Humane Society, Inc. (Sudbury)
CEASE (Somerville)
Faces Inc. Dog Rescue and Adoption (West Springfield)
Faxon Animal Rescue League (Fall River)
Lowell Humane Society (Lowell)
MSPCA (Boston)
New England Animal Action, Inc. (Amherst)
North Attleboro Animal Control/Shelter (N. Attleboro)
North Shore Feline Rescue (Middleton)
South Shore Humane Society, Inc. (Braintree)

MARYLAND

Animal Advocates of Howard County (Ellicott City)
Bethany Centennial Animal Hospital (Ellicott City)
Caroline County Humane Society (Ridgely)
Charles County Animal Control Services (La Plata)
Harford County Animal Control (Bel Air)
Humane Society of Baltimore County (Reistertown)
Humane Society of Carroll County, Inc. (Westminister)
The Humane Society of Charles County (Waldorf)
The Humane Society of Dorchester County, Inc. (Cambridge)
The Humane Society of Harford County (Fallston)
Humane Society of Southern Maryland (Temple Hills)
Humane Society of Washington County (Maugansville)
Labrador Retriever Rescue, Inc. (Clinton)
Prince George's County Animal Welfare League (Forestville)
Shady Spring Kennels and Camp for Dogs (Woodbine)
St. Mary's Animal Welfare League, Inc. (Hollywood)

MAINE

The Ark Animal Shelter (Cherryfield)
Boothbay Region Humane Society (Boothbay Harbor)
Bucksport Animal Shelter (Bucksport)
Greater Androscoggiin Humane Society (Auburn)
Houlton Humane Society (Houlton)
Humane Society-Waterville Area (Waterville)
Kennebec Valley Humane Society (Augusta)
Maine Friends of Animals (Falmouth)
Penobscot Valley Humane Society (Lincoln)

MICHIGAN

Adopt-A-Pet (Allegan)
Animal Placement Bureau (Lansing)
Capital Area Humane Society (Lansing)
The Cat Connection (Berkley)
Concern for Criters (Battle Creek)
Friends for Felines Inc. (Lansing)
Grosse Point Animal Adoption Society (Grosse Pointe Farms)
Humane Society of Bay County, Inc. (Bay City)
Humane Society of Huron Valley (Ann Arbor)
Humane Society of Kent County (Walker)
Humane Society of Southwest Michigan (Benton Harbor)
Inkster Animal Control (Inkster)
Iosco County Animal Control (Taws City)
Kalamazoo Humane Society
Lenawee Humane Society (Adrian)
Menominee Animal Shelter (Menominee)
Michigan Animal Adoption Network (Livonia)
Michigan Animal Rescue League (Pontiac)
Michigan Humane Society (Westland)
Michigan Humane Society (Rochester Hills)
Midland County Animal Control (Midland)
Mid-Michigan Animal Welfare League (Standish)
Ottawa Shores Humane Society (West Olive)
Pet Connection Humane Society (Reed City)
Roscommon County Animal Shelter (Roscommon)
The Safe Harbor Haven Inc./Rottweiler Hope (Grand Ledge)
St. Clair Shores Emergency Dispatchers (St. Clair Shores)
St. Joseph County Animal Control (Centreville)
WAG Animal Rescue (Wyandotte)
Wonderful Humane Society (Cadillac)

MINNESOTA

Almost Home Shelter (Mora)
Animal Allies Humane Society (Duluth)
Beltrami Humane Society (Bemidji)
Bernese Mountain Dog Club of the Greater Twin Cities (St. Paul)
Brown County Humane Society (New Ulm)
Carver-Scott Humane Society (Chaska)
Clearwater County Humane Society (Bagley)
Doberman Rescue Minnesota (Prior Lake)
Friends of Animal Humane Society of Carlton County, Inc. (Cloquet)
Hibbing Animal Shelter (Hibbing)
Humane Society of Otter Tail County (Fergus Falls)
Humane Society of Polk County, Inc. (Crookston)
The Humane Society of Wright County (Buffalo)
Isanti County Humane Society (Cambridge)
Minnesota Valley Humane Society (Burnsville)
Second Chance Animal Rescue (White Bear Lake)
Waseca County Humane Society (Waseca)

MISSOURI

Afton Veterinary Clinic (St. Louis)
The Alliance for the Welfare of Animals (Springfield)
Animal House Veterinary Hospital (Arnold)
Animal Protective Association of Missouri (St. Louis)
Audrain Humane Society (Mexico)
Boonville Animal Control Shelter (Boonville)
Callaway Hills Animal Shelter (New Bloomfield)
Caruthersville Humane Society (Caruthersville)
Columbia Lowndes Humane Society (Columbus)
Dent County Animal Welfare Society (Salem)
Dogwood Animal Shelter (Camdenton)
Humane Society of Missouri (St. Louis)
Humane Society of the Ozarks (Farmington)
Humane Society of Southeast Missouri (Cape Girardeau)
Jefferson County Animal Control (Barnhart)
Lebanon Humane Society (Lebanon)
Lee's Summit Municipal Animal Shelter (Lee's Summit)
Marshall Animal Shelter (Marshall)
Northeast Missouri Humane Society (Hannibal)
Olde Towne Fenton Veterinary Hospital (Fenton)
Open Door Animal Sanctuary (House Springs)
Pound Pals (St. Louis)
Saline Animal League (Marshall)
Sikeston Bootheel Humane Society (Sikeston)
St. Charles Humane Society (St. Charles)
St. Joseph Animal Control and rescue (St. Joseph)
St. Louis Animal Rights Team (St. Louis)
St. Peters Animal Control (St. Peters)
Wayside Waifs (Kansas City)

MISSISSIPPI

Cedarhill Animal Sanctuary, Inc. (Caledonia)
Forest County Humane Society (Hattiesburg)
Humane Society of South Mississippi (Gulfport)
Mississippi Animal Rescue League (Jackson)

MONTANA

Anaconda Police Department-Animal Control
Animal Welfare League of Montana (Billings)
Bitter Root Humane Association (Hamilton)
Bright Eyes Care and Rehab Center, Inc. (Choteau)
Humane Society of Cascade County (Great Falls)
Humane Society of Park County (Livingston)
Mission Valley Animal Shelter (Polson)
Montana Spay/Neuter Taskforce (Victor)
Missoula Humane Society (Missoula)
PAWHS (Deerlodge)

NORTH CAROLINA

Animal Protection Society of Orange County (Chapel Hill)
Carolina Animal Protection Society of Onslow county, Inc. (Jacksonville)
Carteret County Humane Society, Inc. (Morehead City)

Charlotte/Mecklenburg Animal Control Bureau (Charlotte)
Forsyth County Animal Control (Winston-Salem)
Henderson County Humane Society (Hendersonville)
Humane Society of Rowan County (Salisbury)
Justice For Animals, Inc. (Raleigh)
Moore Humane Society (Southern Pines)
North Carolina Animal/Rabies Control Association (Raleigh)
SPCA of Wake County (Garner)
Wake County Animal Control (Raleigh)
Watauga Humane Society (Blowing Rock)

NORTH DAKOTA

Central Dakota Humane Society (Mandan)
James River Humane Society (Jamestown)
Souris Valley Humane Society (Minot)

NEBRASKA

Animal Rescue Society, Inc. (Lincoln)
Capital Humane Society (Lincoln)
Care Seekers (Omaha)
Central Nebraska Humane Society (Grand Island)
Coalition for Animal Protection, Inc. (Omaha)
Dodge County Humane Society (Fremont)
Hearts United for Animals (Auburn)
McCook Humane Society (McCook)
Nebraska Border Collie Rescue (Bellevue)
Nebraska Humane Society (Omaha)
Panhandle Humane Society (Scottsbluff)
White Rose Sanctuary (Gordon)

NEW HAMPSHIRE

Animal Rescue League of New Hampshire (Bedford)
Cocheco Valley Humane Society (Dover)
Collage (Nashua)
Concord-Merrimack County SPCA (Concord)]
Conway Area Humane Society (Center Conway)
Greater Derry Humane Society, Inc. (East Derry)
Humane Society of Greater Nashua (Nashua)
Manchester Animal Shelter (Manchester)
Monadnock Humane Society (W. Swanzey)
New Hampshire Animal Rights League, Inc. (Concord)
The New Hampshire Doberman Rescue League, Inc. (Rochester)
New Hampshire Humane Society (Laconia)
New Hampshire SPCA (Stratham)
Salem Animal Rescue League (North Salem)
Solutions to Overpopulation of Pets, Inc. (Concord)
Sullivan County Humane Society (Claremont)
White Mountain Animal League (Franconia)

NEW JERSEY

Animal Welfare Federation of New Jersey (Montclair)
Associated Humane Societies (Newark)
Cumberland County SPCA (Vineland)
Humane Society of Atlantic County (Atlantic County)
Hunterdon County SPCA (Milford)
Monmouth County SPCA (Eatontown)
Parsippany Animal Shelter (Parsippany)
Paws for a Cause (Brick)

NEW MEXICO

Animal Aid Association of Cibola County (Milan)
Cimarron Police Animal Control (Cimarron)
Deminig/Luna County Humane Society (Derming)
Dona Ana County Humane Society (Las Cruces)
Homeless Animal Rescue Team, Inc. (Los Lunas)
Peoples' Anti-Cruelty Association (Albuquerque)
Rio Grand Animal Humane Association, Inc. (Los Lunas)
Roswell Humane Society (Roswell)
San Juan Animal League (Farmington)
Santa Fe Animal Shelter and Humane Society

NEVADA

Carson/Eagle Valley Humane Society (Carson City)
Nevada Humane Society (Sparks)

NEW YORK

Animal Rights Advocates of Western New York (Amherst)
The Caring Corps, Inc. (New York)
Chautauqua County Humane Society (Jamestown)
Chenango County SPCA (Norwich)
Columbia-Greene Humane Society (Hudson)
Elmore SPCA (Peru)
Finger Lakes SPCA of Central New York (Auburn)
The Fund for Animals (New York)
Humane Society of Rome (Rome)
New York State Animal Control Association (Oswego)
New York State Humane Association (Kingston)
People for Animal Rights, Inc. (Syracuse)
SPCA of Catt County (Olean)
St. Francis Animal Shelter, Inc. (Buffalo)

OHIO

Angles for Animals (Greenford)
Animal Adoption Foundation (Hamilton)
Animal Charity (Youngstown)
Animal Control of Brook Park (Brook Park)
Animal Control-City of Middleburg Heights (Middleburg Heights)
Animal Protection Guild (Canton)
Animal Protective League (Cleveland)
The Animal Shelter Society, Inc. (Zanesville)
Alter Pet Inc. (Sharon Center)
Ashtabula County Humane Society (Jefferson)
Athens County Humane Society (Athens)
Belmont County Animal Shelter (St. Clairsville)
Brown County Animal Shelter (Georgetown)
Canine Therapy Companions (Wooster)
Capital Area Humane Society (Hilliard)
Carroll County Humane Society (Carrollton)
City of Cleveland Dog Kennels (Cleveland)
Crawford County Humane Society (Bucyrus)
Darke County Animal Shelter (Greenville)
Erie County Dog Pound (Sandusky)
Euclid Animal Shelter (Euclid)
Gallia County Animal Welfare League (Gallipolis)
Harrison County Dog Warden (Codiz)
Hearts and Paws (Canal Fulton)
Henry County Humane Society (Napoleon)
Humane Association of Butler County (Trenton)
Humane Association of Warren County (Lebanon)
Humane Society of Delaware County (Delaware)
Humane Society of Erie County (Sandusky)
Humane Society of Greater Dayton (Dayton)
Humane Society of Guernsey County (Cambridge)
Humane Society of the Ohio Valley (Marietta)
The Humane Society of Ottawa County (Port Clinton)
Humane Society of Preble County (Eaton)
Humane Society of Sandusky County (Fremont)
Lake County Dog Shelter (Painesville)
Lake County Humane Society, Inc. (Mentor)
Marion County Humane Society (Marion)
Maumee Valley Save-A-Pet (Waterville)
Medina County Animal Shelter (Medina)
Miami County Animal Shelter (Troy)
Monroe County Humane Society (Woodsfield)
Montgomery County Animal Shelter (Dayton)
Morrow County Humane Society (Mt. Gilead)
North Central Ohio Nature Preservation League (Mansfield)
North Coast Humane Society (Cleveland)
Ohio County Dog Wardens' Association (Delaware)
Ohioans for Animal Rights (Eastlake)
PAWS (Middletown)
Paws and Prayers Per Rescue (Akron)
Pet Birth Control Clinics (Cleveland)
Pet-Guards Shelter (Cuyahoga Falls)
Portage County Animal Protective League (Ravenna)
Portage County Dog Warden (Ravenna)
Rescue, Rehabilitation and Release Wildlife Center (New Philadelphia)
Sandusky County Dog Warden (Fremont)
The Scratching Post (Cincinnati)
Society for the Improvement of Conditions for Stray Animals (Kettering)
SPCA Cincinnati (Cincinnati)
Stark County Humane Society (Louisville)
Their Caretakers (DeGraff)
Toledo Area Humane Society (Maumee)
Tuscarawas County Dog Pound (New Philadelphia)
Wayne County Humane Society (Wooster)
Wester Reserve Humane Society (Euclid)
Wood County Humane Society (Bowling Green)
Wyandot County Humane Society, Inc. (Sandusky)

OKLAHOMA

Animal Aid of Tulsa, Inc. (Tulsa)
Enid SPCA (Enid)
Home at Last Organization (Tulsa)
Humane Society of Cherokee County (Tahlequah)
Oklahoma Humane Federation (Oklahoma City)
Partners for Animal Welfare Society (McAlester)
PAWS (Muskogee)
Petfinders Animal Welfare Society, Inc. (Moore)
Promoting Animal Welfare Society, Inc. (Muskogee)
Stephens County Humane Society (Duncan)
Volunteers for Animal Welfare, Inc. (Oklahoma City)

OREGON

Hood River County Sheriff's Department (Hood River)
Humane Society of Allen County (Lima)
Humane Society of Central Oregon (Bend)
Humane Society of Williamette Valley (Salem)
Jackson County Animal Shelter (Phoenix)
Lakeview Police Department (Lakeview)
Multnomah County Animal Control (Troutdale)
Oregon Humane Society (Portland)
South Coast Humane Society (Brookings)
Wallowa County Humane Society (Enterprise)

PENNSYLVANIA

Antietam Humane Society, Inc. (Waynesboro)
Beaver County Humane Society (Monaca)
Bradford County Humane Society (Ulster)
Chester County SPCA (West Chester)
Cumberland Valley Animal Shelter (Chambersburg)

Humane Society at Lackawanna County (Clarks Summit)
Lehigh Valley Animal Rights Coalition (Allentown)
The Pennsylvania SPCA (Philadelphia)
The Pennsylvania SPCA (Stroudsburg)
Ruth Stein Memorial SPCA (Pottsville)
SPCA of Luzerne County (Wilkes Barre)
Western Pennsylvania Westie Rescue Committee (New Castle)
Women's Humane Society (Bensalem)
York County SPCA (Thomasville)

RHODE ISLAND

Animal Rescue League of SRI (Wakefield)
Potter League for Animals (Newport)
Providence Animal Control Center (Providence)
Warren Animal Shelter (Warren)

SOUTH CAROLINA

The Animal Mission (Columbia)
Animal Protection League of South Carolina (Hopkins)
Beaufort County Animal Shelter and Control (Beaufort)
Blue Ridge Animal Fund (Travelers Rest)
City of Aiken Animal Control (Aiken)
Columbia Animal Shelter (Columbia)
Concerned Citizens for Animals (Simpsonville)
Grand Strand Humane Society (Myrtle Beach)
The Greenville Humane Society (Greenville)
Hanahan Animal Control Office/Animal Shelter (Hanahan)
Hilton Head Humane Association (Hilton Head Island)
Humane Society of Marion County (Marion)
Humane Society of the Midlands (Columbia)
The Humane Society of North Myrtle Beach (North Myrtle Beach)
Kershaw County Humane Society (Camden)
Lancaster County Animal Control (Kershaw)
Lexington Animal Services (Lexington)
Nutritional Medicine Center (North Charleston)
South Carolina Animal Care and Control Association (Columbia)
The Spay/Neuter Association, Inc. (Columbia)
St. Francis Humane Society (Georgetown)
Walter Crowe Animal Shelter (Camden)

SOUTH DAKOTA

Aberdeen Area Humane Society (Aberdeen)
Beadle County Humane Society (Huron)
Humane Society of the Black Hills (Rapid City)

TENNESSEE

Animal Protection Association (Memphis)
Companion Animal Support Services (Nashville)
Fayette County Animal Rescue (Rossville)
Greenville-Greene County Humane Society (Greenville)
Hardin County Humane Society (Savannah)
Hickman Humane Society (Centerville)
Humane Society of Cumberland County (Crossville)
Humane Society of Dickson County (Dickson)
Humane Society of Dover-Stewart County (Dover)
Nashville Humane Association (Nashville)
North Central Tennessee Spay and Neuter (West Lafayette)
Tennessee Humane Association (Knoxville)

TEXAS

Animal Adoption Center (Garland)
Animal Connection of Texas (Dallas)
Animal Defense League (San Antonio)
Animal Shelter and Adoption Center of Galveston Island, Inc. (Galveston)
Affordable Companion Animal Neutering (Austin)
Canyon Lake Animal Shelter Society (Canyon Lake)
Central Texas SPCA (Cedar Park)
Citizens for Animal Protection (Houston)
City of Brownsville-Animal Control (Brownsville)
City of Hurst Animal Services (Hurst)
City Nacogdoches Animal Shelter (Houston)
City of West University Place (Houston)
Doggiemom Rescue (Dallas)
Find-A-Pet (Dallas)
Guadalupe County Humane Society (Sequin)
Harker Heights Animal Control (Harker Heights)
Homeless Pet Placement League (Houston)
H.O.R.S.E.S. in Texas (Chico)
Houston Dachshund Rescue (Spring)
Houston Humane Society (Houston)
Houston SPCA (Houston)
Humane Society of El Paso (El Paso)
Humane Society of Greater Dallas (Dallas)
Humane Society of Harlingen (Harlingen)
Humane Society of Montgomery County (Conroe)
Humane Society of Navarro County (Corsicana)
Humane Society of North Texas (Fort Worth)
Humane Society of Tom Green County (San Angelo)
Jasper Animal Rescue (Jasper)
Lubbock Animal Services (Lubbock)
Metroport Humane Society (Roanoke)
North Central Texas Animal Shelter Coalition (Fort Worth)
Operation Kindness Animal Shelter (Carrollton)
Paws Shelter for Animals (Kyle)
SPCA of Texas (Dallas)
Texas Federation of Humane Society (Austin)
Waco Humane Society and Animal Shelter (Waco)

VIRGINIA

Animal Assistance League (Chesapeake)
Animal Welfare League of Alexandria (Alexandria)
Caring for Creatures (Palmyra)
Charlottesville-Albemarle SPCA (Charlottesville)
Danville Area Humane Society (Danville)
For the Love of Animals in Goochland (Manakin-Sabot)
Henrico Humane Society (Richmond)
Heritage Humane Society (Williamsburg)
Humane Society Montgomery County (Blacksburg)
Humane Society/SPCA of Nelson County (Arrington)
Isle of Wight County Humane Society (Smithfield)
Lynchburg Humane Society Inc. (Lynchburg)
Madison County Humane Society (Madison)
The National Humane Education Society (Leesburg)
New Kent Sherrif's Department (New Kent)
Page County Animal Shelter (Stanley)
Peninsula SPCA (Newport News)
Portsmouth Police Animal Control (Portsmouth)
Potomac Animal Allies, Inc. (Woodbridge)
Prevent a Litter Coalition, Inc. (Reston)
Smyth County Humane Society (Marion)
SPCA of Northern Virginia (Arlington)
SPCA of Martinsville-Henry County (Martinsville)
SPCA of Winchester, Frederick and Clarke Counties (Winchester)
Suffolk Animal Control Shelter (Suffolk)
Tazewell County Animal Shelter (Tazewell)
Vinton Police Department—Animal Control (Vinton)
Virginia Beach SPCA (Virginia Beach)
Wildlife Center of Virginia (Waynesboro)
Williamsburg-James City County Animal Control (Williamsburg)

VERMONT

Addison County Humane Society (Middlebury)
Caledonia Animal Rescue (St. Johnsbury)
Central Vermont Humane Society (Montpelier)
Collie Rescue League of New England (Bradford)
Elizabeth H. Brown Humane Society, Inc. (St. Johnsbury),
Endtrap (White River Junction)
Green Mountain Animal Defenders (Burlington)
Humane Society of Chittenden County (South Burlington)
The Nature Network (North Pomfret)
Rutland County Humane Society (Pittsford)
Rutland Police Department-Animal Control (Rutland)
Second Chance Animal Center (Shaffsbury)
Vermont Volunteer Services for Animals (Woodstock)
Windham County Humane Society (Brattleboro)

WASHINGTON

Animal Protection Society (Friday Harbor)
City of Hoquiam's Animal Control
Ellensburg Animal Shelter (Ellensburg)
Humane Society of Central Washington (Yakima)
The Humane Society of Seattle/King County (Bellevue)
Humane Society of Skagit Valley (Burlington)
Kindred Spirits Animal Sanctuary (Suquamish)
NOAH (Stanwood)
Progressive Animal Welfare Society (Lynnwood)
SpokAnimal C.A.R.E. (Spokane)
Wenatchee Valley Humane Society (Wenatchee)
Whatcom Humane Society (Bellingham)

WISCONSIN

Alliance for Animals (Madison)
Bay Area Humane Society and Animal Shelter, Inc. (Green Bay)
Cats International (Cedarburg)
Chippewa County Humane Association (Chippewa Falls)
Clark County Humane Society (Neillsville)
Coulee Region Humane Society, Inc. (LaCrosse)
Dane County Humane Society (Madison)
Eastshore Humane Association (Chilton)
Eau Claire County Humane Association (Eau Claire)
Elm Brook Humane Society (Brookfield)
Fox Valley Humane Association Ltd (Appleton)
Humane Society of Marathon County (Wausan)
Lincoln County Humane Society Inc. (Merrill)
Northwoods Humane Society (Hayward)
Ozaukee Humane Society (Grafton)
The Pepin County Humane Society (Durand)
Rock County Humane Society (Janesville)
Rusk County Animal Shelter (Ladysmith)
Shawano County Humane Society (Shawano)
Washburn County Area Humane Society (Spooner)
Washington County Humane Society (Slinger)
Wisconsin Humane Society (Milwaukee)

WEST VIRGINIA

Brooke County Animal Welfare League (Wellsburg)
Federation of Humane Organizations of West Virginia (Mineral Wells)
Hampshire County Pet Adoption Program (Paw Paw)
Hancock County Animal Shelter New Cumberland)
Humane Society of Harrison County (Shinnston)
Humane Society of Morgan County (Berkeley Springs)
Humane Society of Parkersburg (Parkersburg)
the Humane Society of Pocahontas County (Hillsboro)
Humane Society of Raleigh County (Beckley)
Jackson County Humane Society/Jackson County Animal Shelter (Cottageville)
Jefferson County Animal Control (Keaneysville)
Kanawha/Charleston Humane Association (Charleston)
Marshall County Animal Rescue League (Glen Dale)
Monroe County Animal League, Inc. (Union)
Morgantown Animal Control (Morgantown)
Ohio County animal Shelter (Triadelphia)
Ohio County SPCA (Triadelphia)
Ohio County SPCA (Wheeling)
Putnam County Humane Society, Inc. (Scott Depot)
TLC Animal Sanctuary (Clendenin)
Upshur County Humane Society (Buckhannon)
Wetzel County Humane Society (New Martinsville)

WYOMING

Animal Care Center (Laramie)
Caring for Powell Animals (Powell)
Cheyenne Animal Shelter
Dare to Care Animal League (Riverton)
Humane Society of Park County (Cody)
Lander Pet Connection, Inc. (Lander)
Laramie Animal Shelter (Laramie)
PAWS of Jackson Hole (Jackson)
Wyoming Advocates for Animals (Cheyenne)

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment as further modified.

The amendment (No. 2542), as further modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LUGAR. Mr. President, I ask the Chair to bring us to consideration of the Gramm amendment No. 2849.

The PRESIDING OFFICER. That amendment is now pending.

The Senator from Texas.

AMENDMENT NO. 2849, AS MODIFIED

Mr. GRAMM. I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, is as follows:

(Purpose: To provide equity and fairness for the promotion of imported Hass avocados)

At the appropriate place insert the following:

Section 1205 of the Hass Avocado Promotion, Research, and Information Act (contained in H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106–387) is amended—

(1) in paragraph (b)(2) strike subparagraph (C) and insert in lieu thereof:

(C)FUTURE ALLOCATION.—After five years, the USDA has discretion to revisit the issue of seat allocation on the board.

(2) in paragraph (h)(1)(C)(iii) by striking everything in the first sentence following ''shall'' and inserting in lieu thereof ''be paid not less than 30 days after the avocado clears customs, unless deemed not feasible as determined by the Commissioner of Customs in consultation with the Secretary of Agriculture.''

Mr. GRAMM. This is a very simple amendment that tries to bring equity to Mexican producers of avocados by collecting the fee in the same way on imported avocados as we do on domestically grown avocados. It also gives the Department of Agriculture an opportunity in 5 years to look at the representation on the board that spends the money to promote avocados.

I thank the Senator from California, Mrs. FEINSTEIN, for working with me. I commend it to my colleagues.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2849), as modified, was agreed to.

Mr. GRAMM. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2856

Mr. HARKIN. Parliamentary inquiry: What now is before the Senate?

The PRESIDING OFFICER. Amendment No. 2856, offered by the Senator from Iowa.

Mr. REID. 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 amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 17, nays 80, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—17

Akaka	Harkin	Nelson (FL)
Brownback	Hollings	Reid
Carnahan	Hutchison	Roberts
Graham	Inouye	Voinovich
Grassley	Kohl	Wyden
Hagel	Mikulski	

NAYS—80

Allard	Dodd	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Miller
Biden	Ensign	Murkowski
Bingaman	Enzi	Murray
Bond	Feingold	Nelson (NE)
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Reed
Bunning	Frist	Rockefeller
Burns	Gramm	Santorum
Byrd	Gregg	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Helms	Shelby
Carper	Hutchinson	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kyl	Thomas
Corzine	Landrieu	Thompson
Craig	Leahy	Thurmond
Crapo	Levin	Torricelli
Daschle	Lieberman	Warner
Dayton	Lincoln	Wellstone
DeWine	Lott	

NOT VOTING—3

Bennett	Domenici	Sessions

The amendment (No. 2856) was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2845

The PRESIDING OFFICER. The question is on agreeing to the underlying amendment No. 2845.

The amendment (No. 2845) was agreed to.

Mr. LUGAR. 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.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from Georgia.

AMENDMENT NO. 2832, AS FURTHER MODIFIED

Mr. MILLER. Mr. President, I ask unanimous consent to further modify amendment No. 2832, offered by Senator CLELAND and myself.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 120, line 3, strike ''$0.10'' and insert ''$0.11''.

On page 112, strike lines 20 through 25 and insert the following:

''(A) a designated marketing association of peanut producers that is approved by the Secretary, which may own or construct necessary storage facilities. In the Southeast and Southwest areas, such designated marketing association shall be operated primarily on behalf of peanut producers. The designated area marketing association shall be allowed to form marketing pools for peanuts by type and quality, including the creation of a separate pool for Valencia peanuts in New Mexico;

(B) the Farm Service Agency; or

(C) a loan servicing agent approved by the Secretary.

On page 112, after line 25, insert the following:

''(6) LOAN SERVICING AGENT.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, as a condition of the Secretary's approval of an entity to serve as a loan servicing agent or to handle or store peanuts for producers that receive any marketing loan benefits in the State, the entity shall agree to provide adequate storage (if available) and handling of peanuts at the commercial rate to other approved loan servicing agents and marketing associations.

On page 116, strike lines 6 through 15 and insert the following:

''(h) AREA MARKETING ASSOCIATION COSTS.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, the Secretary shall deduct in a marketing assistance loan made to an area marketing association in a marketing area in the State such costs as the area marketing association may reasonably incur in carrying out the responsibilities, operations, and activities of the association and Commodity Credit Corporation under this section.

''(i) DEFINITION OF COMMINGLE.—In this section and section 158H, the term 'commingle', with respect to peanuts, means—

''(1) the mixing of peanuts produced on different farms by the same or different producers; or

''(2) the mixing of peanuts pledged for marketing assistance loans with peanuts that are not pledged for marketing assistance loans, to facilitate storage.

''SEC. 158H. QUALITY IMPROVEMENT.

''(a) OFFICIAL INSPECTION.—

''(1) IN GENERAL.—All peanuts placed under a marketing assistance loan under section 158G or otherwise sold or marketed shall be officially inspected and graded by a Federal or State inspector.

''(2) ACCOUNTING FOR COMMINGLED PEANUTS.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, all peanuts stored commingled with peanuts covered by a marketing assistance loan in the State shall be graded and exchanged on a dollar value basis, unless the Secretary determines that the beneficial interest in the peanuts covered by the marketing assistance loan have been transferred to other parties prior to demand for delivery.

Mr. MILLER. Mr. President, I ask unanimous consent that Senators EDWARDS, WARNER, ALLEN, and SESSIONS be added as cosponsors and that the amendment, as further modified, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 2832, as further modified.

The amendment (No. 2832), as further modified, was agreed to.

Mr. LUGAR. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2848 WITHDRAWN

Mr. LUGAR. Mr. President, I ask unanimous consent that amendment No. 2848, offered by Senator GRAMM of Texas, be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. Amendment 2825, offered by the Senator from Oklahoma. The Senator from Iowa.

AMENDMENT NO. 2853

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that the Harkin amendment No. 2853 be called up.

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

Mr. HARKIN. Mr. President, this amendment deals with a change, and that has to do with the equity portion of a part of the farm bill that just changes the mix a little bit to cover cities up to 100,000.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to amendment No. 2853.

The amendment (No. 2853) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2850

Mr. HARKIN. Mr. President, I call for the regular order. Might I inquire exactly what the regular order now is before the Senate?

The PRESIDING OFFICER. The regular order is amendment No. 2850 offered on behalf of Senators KYL and NICKLES.

Mr. HARKIN. Mr. President, I understand that the pending amendment before the Senate is the Kyl amendment No. 2850 that deals with a sense of the Senate on estate taxes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, again, we are getting close to the end here. We only have a few amendments left that I have on my list. Most of them have been worked out. I thank all Senators for helping to work out the amendments. I think we have basically the pending amendment, as I understand it. We have an amendment No. 2851 offered by Senator DOMENICI dealing with dairy. We have the Leahy amendment No. 2834 dealing with organics. We have a Kerry-Snowe amendment No. 2852 dealing with commercial fisheries, and we have an Inhofe amendment No. 2825 dealing with peanuts. That is all I have on my list. I ask Senator LUGAR if he has anything else.

Mr. LUGAR. That is my understanding. I believe, in addition, another amendment will be offered in relation to the Kyl-Nickles amendment on estate taxes.

Mr. HARKIN. A second degree?

Mr. LUGAR. A second-degree amendment. But there will be votes on both of those; that is, they will be side by side in the debate.

Mr. HARKIN. Mr. President, we are now on the Kyl amendment No. 2850. I ask the assistant majority leader if we could enter into a time agreement to bring this to a close.

Mr. REID. If I could respond to the manager of the bill for the majority, we attempted to get a time agreement. We could not do that. We agreed to having 30 minutes equally divided. This matter has been debated endlessly for the past several weeks. I think we have heard about all there is to hear. I would hope that those people who are in favor of this legislation would speak, and those opposed to it. Senator CONRAD is going to speak. He has an alternative. The proposal is, we would vote on his and, following that vote, on the underlying Kyl amendment.

Mr. HARKIN. I ask the leader, could we move to that and debate that?

Mr. REID. Senator CONRAD has been on the floor for more than an hour. He is here someplace. He will be here momentarily. But what he did say is he would appreciate it if those who are proposing this legislation would move forward and then, when they have completed their statement, he would offer the second degree, and we would go from there.

Senator KYL is here.

Mr. HARKIN. Senator KYL is here. Wonderful. Now we can move ahead. Get the Senator a podium.

Mr. REID. I inquire through the Chair to my friend, the Senator from Arizona—he is going to speak—are there others who wish to speak?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in response to the assistant majority leader, the answer is, yes. Senator GRAMM is prepared to speak. I think Senator HUTCHISON was here a moment ago. Senator NICKLES will be back in about a half hour. So until we know exactly how many people want to speak, I am reluctant to enter into a time agreement. I don't want to take all night, but I don't want to limit it at this point.

If I could further propound an inquiry, it is my understanding we will have separate votes on both the second-degree amendment and on the Kyl-Nickles amendment. What I am unclear of is the effect of the Conrad

amendment and whether it would obviate the Kyl amendment. It is a little unclear by virtue of the language. I have only seen a handwritten copy of it. It would be helpful if we knew what the effect of that is before we proceed.

Mr. REID. If I may respond to my friend from Arizona, if the Conrad second-degree amendment passes, then his amendment is gone. If it doesn't pass, then we would come back and vote on his amendment.

Mr. KYL. Mr. President, if I had understood earlier, the idea would be to have a separate up-or-down vote on both. I thought that is what the agreement was. Am I incorrect?

Mr. REID. I think the Senator from Arizona is correct. The Senator from North Dakota has decided he wanted to file a second-degree amendment. I would only say to my friend from Arizona, if you and those who have spoken on behalf of this legislative measure for several weeks now have confidence it has been elaborated upon several times, you should be OK and have a vote on yours.

Mr. KYL. I am sorry. If the suggestion was that we should have a vote, I think there are folks who would like to talk about this.

Mr. REID. I am sorry to interrupt. If we could have some time agreement from the proponents of this legislation, we would work out a side-by-side.

Mr. KYL. Mr. President, I think at 7 o'clock we should revisit this question of a time agreement. We perhaps could enter into it. I want to wait until Senator NICKLES returns.

Mr. DORGAN. Will the Senator yield for an inquiry on that issue?

Mr. REID. I am happy to yield.

Mr. DORGAN. I would inquire, for purposes of scheduling this evening, I understand the Senator's point that someone is now gone for a half an hour and you might want to talk at 7 o'clock about scheduling. Is there any way we might get some notion of whether we will have votes, whether you are intending to accept the time agreement, so that if we are going to have votes later this evening we could get a sense of when that might be?

Mr. REID. If I could respond to my friend, the majority leader wants to finish this bill tonight. We have indicated that the estate tax debate is going to take a little bit of time. Earlier today, we agreed on half an hour evenly divided.

But I say about the amendments pending, Domenici 2851, Leahy, Kerry-Snowe, and Inhofe, if that is still available, if they are not here, I am going to move to table those amendments. We are not going to wait around for people to come by at their convenience and offer their amendments. That is a very good question. We have been on this bill for weeks. We have made tremendous progress today with the help of the managers of this bill. I see no reason we can't finish it tonight. I think we should finish it tonight.

Mr. GRAMM. If the Senator will yield, I thought we had something worked out where the Senator from Arizona, Mr. KYL, would have a sense-of-the-Senate resolution on making the repeal of the death tax permanent and that the Senator from North Dakota, Mr. CONRAD, would have a parallel measure with a sense of the Senate about the Social Security trust fund, and that we would have an opportunity to vote on each so it would be technically possible that both could go into the bill.

If, on the other hand, the Conrad amendment is a substitute for the Kyl amendment and would, in the process of being adopted, kill it, then what we want is an up-or-down vote on the Kyl amendment. We certainly don't object to an up-or-down vote on the Conrad amendment. We don't think it is relevant because 9 years from now, when this would go into effect, we will have a surplus far larger than the repeal of the death tax. But if we could do it where they are parallel, as I understood we were going to do it, I think we can get a time limit and finish our business.

If the Conrad amendment is a substitute so that we are not going to get to vote on a sense of the Senate to repeal the death tax, I don't think we will get an agreement.

Mr. REID. Mr. President, we had an agreement earlier today that was not effectuated with the consent of the Chair. We thought we had an agreement on 30 minutes equally divided on the first- and second-degree amendments and there would be side-by-side votes. The time agreements have broken down.

We acknowledge that this issue has been debated considerably. We are willing to give you an up-or-down vote. But even though it is not relevant to the farm bill, we believe there should be a vote, it should transpire. But we want a time agreement. Otherwise, we are faced with an all-night session here, and it is not necessary. The Senator from Arizona has told me in 25 minutes he would agree to a time agreement. So I think we should all cool our jets for a few minutes and see if we can work our way through this.

Mr. LUGAR. If I may respond to my colleague, shortly, I will offer a motion that the Inhofe amendment be withdrawn. That means there will be only three amendments other than the debate on the estate tax. I inquire if we might get a time agreement of 20 minutes on each of those three amendments.

Mr. REID. To interrupt my friend—and I hope he accepts this—that would be Domenici, Leahy, and Kerry-Snowe.

Mr. LUGAR. Yes. And then perhaps work out time agreements so that there are up-and-down votes on the two estate tax amendments.

Mr. REID. In fact, we could get one of the amendments out of the way before 7 p.m. I think that is appropriate. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2825, WITHDRAWN

Mr. LUGAR. Mr. President, I move that the Inhofe amendment No. 2825 be withdrawn.

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

Mr. LUGAR. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2850

Mr. KYL. Mr. President, I anticipate a unanimous-consent request to be delivered momentarily which will set the stage for the debate on the Kyl-Nickles amendment which I believe is the pending business. But we do not need to waste time prior to that. We can actually begin this discussion and lock that in and proceed. With that understanding—and I have spoken to Senator CONRAD about this—I propose we begin the discussion on this amendment, and when the agreement is ready, we can propound it to the body.

Let me say by way of introduction, and then I will yield to the Senator from Texas for some remarks, that the Kyl-Nickles amendment is a sense of the Senate. We should finish the job we started last year and make the repeal of the death tax permanent.

As my colleagues will recall, because the tax bill was considered under the reconciliation procedure, it could only last 10 years. That means that even though we repealed the death tax in that 10th year, after that, the bill sunsets and we go right back to the position of the death tax as it existed last year, with a 60-percent higher rate and a $675,000 exemption. That is very unfair, it is very poor tax policy, and if we really meant to repeal the death tax, as we voted to do, then we should finish the job we started.

This amendment simply puts us on record as committing to that proposition so that when the appropriate bill comes along, we can accomplish the result. Clearly, this farm bill is an appropriate vehicle for us to discuss this issue as a sense-of-the-Senate issue because there are an awful lot of owners of family farms who would like to see the death tax repealed so they do not have to worry about the burden of it.

To further discuss this proposition, I yield now to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate very much what Senator KYL and Senator NICKLES are doing because most people think we are on a

glidepath to eliminating the death tax. We have taken that vote.

The worst situation we could possibly have is not knowing. Can you imagine how debilitating it would be to plan for a family business or a family farm to think that you would have 9 years at lower inheritance taxes and then in the 10th year, unless you happened to die in the one year we have repealed, you would end up going back to 3 years ago? That just does not make sense.

The best tax policy is one that is stable, that people can count on; that when it is passed, people can plan according to that tax law or policy.

What we have now is the absolute opposite. We have a situation where people cannot plan. They do not know when they are going to die, so they do not know what the inheritance tax is going to be, and they do not know if it really will be repealed because Congress keeps talking back and forth about not repealing something we have already repealed. That is not consistent, and it is not good tax policy.

Family-owned farms and small businesses are the hardest hit because they have assets that are valued greater than the income they can produce. When someone who is the head of a small business or a family farm dies, many times the value of that farm or small business is very high and the family does not have the cashflow to pay the taxes. So what do they do? They sell the family business or family farm to pay the taxes.

This is not money that has never been taxed. No, it is money that was taxed when it was earned, and taxed every year that it has been invested. The money has already had its fair share of taxes taken out.

We have to make a decision in this Congress if we want small businesses to survive. I do. Small family-owned businesses are the basis of our country. Sometimes they grow and prosper and become big businesses. Sometimes they are passed to their children and create livelihoods for children.

Lost in a lot of this debate are the employees of these small businesses and family-owned farms, the people who own nothing but work for these small businesses. What happens when a business has to be sold to pay taxes? All the people relying on that business lose their job. We have heard story after story of a small family business that was the most important business in town and had to be sold. The people working there were out of jobs, in a very small community where one does not just walk across the street and get another job. We have heard that time and again.

I will never forget the letter I saw written by a man who happened to have a farm that his parents had worked very hard to buy, about 100 acres in a beautiful part of Texas, but it was a part of Texas in the old days that was just a farming area. It was not very expensive, not very well known. It was pretty and nice but not that big a deal. Today it is called the hill country, and it is the most expensive land in rural Texas.

When the parents died, the children inherited that farm, but they had to sell their own homes to pay the taxes on that farm because it had escalated to such a great value. They sold their homes and moved into an apartment to keep the family farm.

The bottom line is, going into the third generation, the man said: My children could not possibly get enough cash to pay the taxes for us to pass this farm to them in the third generation. The land is going for $6,000, $7,000 an acre, and the farm will eventually have to be sold.

Mr. President, who gains? Who gains from selling that farm? Who gains from a small business having to be sold to pay taxes? The employees who work for that business lose. They lose their jobs and their livelihoods in the community in which they want to live. Certainly not the family, not the patriarch and the matriarch who worked hard to put that business together. Certainly not the children who may have worked or wanted to be in the family business, who wanted to continue the tradition. They lose.

One might say Uncle Sam gains. But is it really a gain when you tear something out of our economy that is a thriving small business? It is a minuscule amount. It is an amount that has already had taxes paid on it. In fact, the only reason one would ever want to tax an inheritance is to level society, and America was not built on society leveling. America was built on the concept that one could come to this country, work hard, and make as good a living as they could make by the sweat of their brow, and pass on what they have to their children, if that is what they decide to do.

We are not a country that is entrepreneurial, that has a spirit that is looking at society leveling. What good does it do for us to tax at death and disrupt family businesses, family farms, family ranches, families? It does not make sense.

I hope we will pass the amendment offered by Senator KYL and Senator NICKLES that puts the Senate on record we are going to make permanent this tax cut. We have done it once. The Congress has voted for it and the President has signed the bill, but because of a process, it goes out of existence in 10 years and that is not stabilizing, it is destabilizing, and we need to correct it and do the right thing.

So I applaud Senator KYL and Senator NICKLES. I support them fully, and I hope Congress will speak once again. We passed it once; we can do it again. This time let us do it right, and let us do it within a process that says we are doing this and we really mean it; not we are doing this but because of a process that nobody cares about it is going out of existence in 10 years. Let us do it right so people can count on it, so they can plan and so these small businesses can continue to create jobs and be a part of our economy.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, at the appropriate time, I will offer a second-degree amendment that says this: Since both political parties have pledged not to use Social Security surplus funds by spending them for other purposes, and since under the administration's 2003 budget the Federal Government is projected to spend the Social Security surplus for other purposes in each of the next 10 years, and since permanent extension of the inheritance tax repeal would cost, according to the administration's own estimate, approximately $104 billion over the next 10 years and $800 billion in the next 10 years, all of which would further reduce the Social Security surplus, therefore it is the sense of the Senate that no Social Security surplus funds should be used to make currently scheduled tax cuts permanent or for wasteful spending.

The situation we face as a nation is last year when we were addressing the budget, the President and the Congressional Budget Office told us we were going to have $5.6 trillion of surpluses over the next decade. Under the President's budget, that is down to $600 billion. The truth is there are no surpluses left. Let me repeat that. There are no surpluses left, not a dime. Every penny of money that is still available is Social Security money, every dime. There are no surpluses left.

This chart shows it very clearly. This chart shows from 1992 until 2012 the fiscal condition of the country. We were in deep deficit in 1992. Then we started to pull out of it with the 1993 plan that we passed, I might add, without a single vote on the other side of the aisle, not a single vote, and we started moving out of deficit.

In 1997, we passed an additional plan. That one was on a bipartisan basis, and it finished the job. We moved into budget surpluses. We stopped using Social Security trust funds. This chart shows in specific detail what has happened since 1996. In 1996, we were using 100 percent of the Social Security trust funds for other purposes. The same was true in 1997. In 1998, we reduced it so we were only using 30 percent of Social Security money for other purposes.

In 1999 and 2000, we stopped using Social Security money entirely. These were the good days. These were the responsible days. In 2001, we started backsliding. Under the President's budget, President Bush's budget, every year we are going to be using 100 percent of the Social Security money for other purposes.

Let us go back to what we confront. We are headed for deficits this year, fiscal year 2002, 2003, every year through the rest of this decade. Making tax cuts that were previously scheduled permanent means every dime of it is coming out of Social Security.

Where did the money go? The Congressional Budget Office came before the Budget Committee and told us that in the near term the biggest reason was the recession, but over the 10 years of the President's plan, the biggest reason of the tax cuts the President proposed and pushed through Congress last year, 42 percent of the reduction in the surplus and the return to deficits is from the tax cut. Twenty-three percent is from the recession. Eighteen percent of the additional expense is caused by the attack on the United States. Seventeen percent is caused by certain technical changes, largely the underestimation of the cost of Medicare and Social Security.

Last year, we were told there was in the non-trust-fund side of the Federal accounts a $2.7 trillion surplus. That is from where the tax cuts came. But you know what. There is no $2.7 trillion of non-trust-fund money anymore. The Congressional Budget Office tells us, instead of surpluses, there are massive deficits, $2.2 trillion of deficits. What the good Senator from Arizona is saying is do not worry about it. Let us just pile on some more. Let us have some more tax cuts. Let us dig the hole deeper.

What he is saying is, let us not only have the estate tax reductions that are already scheduled, which are significant—and I would correct those who say there is a death tax. There is no death tax in America. Ninety-eight percent of the estates in America pay nothing, zero. They pay no estate tax. That is what we have in America, not a death tax; it is an estate tax. If one has an estate over a certain value, they start to pay something. Why? Because we have determined that is a fair way to distribute tax burden.

The Senator from Texas says this is not part of American history. I beg to disagree. It is a fundamental part of American history. Go back and read what the Founding Fathers had to say on this question. They did not want America to be a land of inherited aristocracy. No, no, no. They wanted this to be a land where people rose and fell on the basis of their own hard work and their own skills and their own talent, not because they inherited from grandpa, not because they inherited from great grandpa. That was not the point of America, and that is why fundamentally we have had an estate tax because our Founding Fathers came from Europe and they saw what inherited aristocracy led to, the concentration of wealth in the hands of a few, and ultimately instability and political chaos. They did not want that for us.

So the reality is, 2 percent of estates in this country pay any estate tax. We are scheduled to raise the exemption to $3.5 million per person. Only three-tenths of 1 percent of estates are at that level. This would mean that one could transfer $7 million and not pay a dime of tax. The Senator from Arizona is not satisfied with that. He wants anybody to be able to pass any amount to their heirs.

The cost in this decade of the Senator's proposal is $104 billion. The cost in the next decade is $800 billion. At the time the baby boomers start to retire, they will take it all out of Social Security funds. That is from where it is coming from.

Here is what we confront at the very time they are talking about adding $800 billion of additional tax cuts: Social Security and Medicare trust funds go cash negative at the very time they are talking about another $800 billion of tax cuts, all of it out of Social Security.

The Director of the Office of Management and Budget came before the Senate Budget Committee and said:

> Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We'll have to increase borrowing by very large, likely, unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; [we are at 19 percent of GDP now in taxes. Anybody think we will go to 30 percent of GDP? If we do not, they will have to be massive cuts in benefits] or eliminate most of the rest of government as we know it. That's the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

I cannot think of an amendment that is more fiscally irresponsible than the one before this body now. The President last year in his State of the Union promised not to use Social Security trust funds for any other purpose. That is the pledge he made. I quote:

> To make sure the retirement savings of America's seniors are not diverted to any other program, my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.

That is what he said last year.

Now, in reading his budget, we see he will take $2.2 trillion of Social Security and Medicare trust fund money and use it for tax cuts and other expenses of Government.

The Senator from Arizona says that is not enough, let's take even more money from Social Security—let's take it all and not protect any of Social Security.

I don't think so. Those who vote to take it are going to be mighty surprised by the reaction of the American people when they find out we are already on course to eliminate taxes for a couple that would not pay any taxes—not a dime—on $7 million. Now the Senator proposes no limits forever—and take every dime out of the Social Security trust fund.

This reversal in our financial fortune has meant that over the next decade, instead of being virtually debt free by 2008, which is what they told us last year, we now find by 2008 there will be $3 trillion of debt. The result of that is we will be paying as a country $1 trillion more in interest over the next decade. Instead of $600 billion in interest, we will pay $1.6 trillion in interest payments. We ought to quit digging the hole deeper.

This amendment takes more money out of the trust funds to have a tax cut that goes to a fraction of 1 percent of the American people.

The Senator from Arizona and the Senator from Texas earlier argued this is a question of fairness. I agree. It is a question of fairness. Where should the money come from to restore the integrity of the trust funds? Where should it come from? One of the first places we would look is the wealthiest among us, for us to say, if you die and have an estate of over $7 million, maybe you ought to be part of solving this extraordinary problem we now face. I don't think that is unreasonable.

We have had some of the wealthiest people in America before the Finance Committee saying they did not think it was unreasonable for them to make some contribution to restoring the integrity of the trust funds of Social Security and Medicare.

For those who say this money has already been taxed over and over and over, it is not true. Much of this money has never been taxed because it has been locked up in long-term capital gains and people never paid taxes at all.

This is a fundamental question before the Senate, the most basic of questions about priorities, about fiscal responsibility, about paying our bills, about keeping the promise that this President and Members of this Chamber made on the question of not looting or raiding the Social Security trust fund to pay for other things. Now before the Senate is an amendment that says we will take Social Security money and use it to give a tax reduction to the very wealthiest. What a perversion of fairness. Those are not the values of the people I represent. I don't believe those are the values of the American people. I hope when the vote is called tomorrow we will have a chance to vote for the substitute amendment and to defeat the amendment of the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Texas.

Mr. GRAMM. Mr. President, I agree with every word Senator CONRAD said. Senator CONRAD laments that we are not keeping our promises of not raiding the Social Security trust fund. In fact, in his resolution he talks about not using it for tax cuts or spending.

I remind my colleagues, only a few hours ago on rollcall vote No. 25, we waived the Budget Act to steal $2.4 billion out of the Social Security trust fund. If people look at that vote—I voted against it, the Senator from Arizona voted against it—the Senator from North Dakota voted for the budget waiver that did exactly what he laments today. In the same day we talk about not spending the Social Security trust fund on making the death tax repeal permanent, we waive the Budget Act to take $2.4 billion of it to pay subsidies while we continue to talk about the poor versus the rich. Where did the subsidies go? A select group of people, generally very high income people.

It is very instructive to note that while the assault on making the repeal of the death tax permanent is an assault that is claimed to be protecting Social Security, this very day those who have launched the assault voted to raid the Social Security trust fund when we have a deficit where we are spending Social Security trust fund money and borrowing money. That did not prevent the Senate from spending another $2.4 billion this very single day. That shows how this whole amendment rings hollow.

It does not end there. Let me read this language of the Conrad amendment:

Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay for making currently scheduled tax cuts permanent or for wasteful spending.

Who gets to define ''wasteful''? Does that mean every effort to make the death tax repeal permanent is equivalent to wasteful spending? In fact, was adding $2.4 billion to an already bloated farm bill less or more wasteful than making the death tax repeal permanent so that farmers and ranchers will not lose their farms and ranches when they die?

A final point before I turn to the amendment I am for. Senator CONRAD acts as if the passage of the Kyl amendment—and we are just doing a sense of the Senate—would spend Social Security trust fund money. Not so. In fact, the Kyl amendment goes into effect 9 years from now. Nine years from now, in the year 2011—in fact, CONRAD refers to the administration's estimate. Let me tell you what that estimate is.

Nine years from now, when the Kyl amendment would go into effect, by making the tax cut that would be fully implemented permanent, we will have a surplus, according to OMB, of $350 billion. The Social Security surplus will be $290 billion, which is $60 billion less than the surplus we are projected to have.

The repeal of the death tax costs $4 billion. So, in fact, if the death tax repeal were made permanent, if we were voting on, not a sense-of-the-Senate resolution but law today—and we are going to get an opportunity to do that, probably on the so-called energy bill—but if we were voting on it today, this permanency goes into effect in 9 years, in 2011, the projected surplus from the administration—contrary to what the sense-of-the-Senate resolution that Senator CONRAD is offering says—is $350 billion, the Social Security surplus is $290 billion, giving us an on-budget surplus of $60 billion. Repealing the death tax costs $4.249 billion. So even if we were repealing the death tax and making that repeal permanent, we will not spend a penny of Social Security surplus in the year 2011.

Let me also say something about the idea that we are going to have social unrest because we don't make people pay 55 cents out of every dollar they earned in their life to the Government when they die; I think it is stretching someone's conception of social unrest beyond the breaking point. I am opposed to the death tax. None of my people have ever paid a death tax. The only thing I have ever been bequeathed in my life is a cardboard suitcase that my great uncle Bill, my grandmother's brother, left me, full of yellow sports clippings, but I am opposed to the death tax because it is wrong. It is rotten. It is absolutely outrageous that people work a lifetime, they save, skimp, sacrifice, they build up a business, they build up a farm, they build up assets, and then when they die their children have to sell their life's work to give the Government another 55 cents on the dollar tax.

I remind my colleagues that the Kyl provision requires people to pay capital gains tax. If you have untaxed income, you are going to have to pay it. But what it does not have is double taxation.

I believe the American people understand this issue, and I can honestly say, in speaking in my State and around the country, in white-collar crowds or blue-collar crowds, when I talk about killing the death tax, when I talk about not making people sell their business or sell their farm, people always applaud—whether they expect to pay the tax or not.

I think if we view things politically as to who gains and who loses, we often lose in terms of not understanding our own country. This is a question of right and wrong. The death tax is wrong. And the final absurdity is that on the floor of the Senate we claim to be repealing the death tax, Democrats and Republicans voted to repeal it, and yet because of a quirk in the Budget Act we are phasing down the death tax to zero, 9 years from now. So if you die 9 years from now, your children can keep what you have earned, but if you die 10 years from now they have to pay 55 cents out of every dollar of your life's work to the Government.

I think that is wrong. I urge my colleagues to vote for this sense-of-the-Senate resolution. We should be making the repeal of the death tax permanent.

I don't have any concern about committing ourselves to not spend the Social Security surplus in repealing the death tax. The repeal doesn't go into effect until 2011, at which point we simply make what the tax is on that day permanent. By 2011 we are going to have a surplus that far exceeds the Social Security surplus, unless we do what we did today, which is waive the Budget Act to spend it.

I am hopeful that those who vote for the Conrad amendment, tomorrow when we vote on another budget waiver, will vote not to waive the Budget Act. But I hope people will not say to us, ''We are really worried, we are worried we are going to use the Social Security surplus to make tax cuts permanent and to make the repeal of the death tax permanent,'' and at the same time in the same day to take $2.4 billion out of the Social Security trust fund.

I do not understand. If you are concerned about the trust fund for repealing the death tax, how come you are not concerned about it when you are spending money on a bloated agriculture bill? I do not think you can have it both ways.

I think, in the end, people who vote for this resolution, when we vote on another budget waiver to spend more money, I hope they will say: Look, I voted for the Conrad resolution which said I wouldn't spend Social Security trust funds. So while I would love to spend this money, I cannot vote for the waiver.

I bet that many people will vote for this sense-of-the-Senate resolution, then vote not to make the repeal of the death tax permanent, and then the first time we have a vote on busting the budget and spending more Social Security trust fund, they will vote for it.

Maybe that sells where you are from. That doesn't sell where I am from. I am for repealing the death tax. I am for making it permanent. The good news is that everyone should know that by doing that we are not raiding the Social Security trust fund. We raided it today when we waived the budget point of order on $2.4 billion. We stole that money right out of the Social Security trust fund, and everybody who voted for that waiver voted to steal that money out of the Social Security trust fund.

I am proud I did not.

But when we make the death tax repeal permanent, it costs $4 billion in the year 2011, which is when the permanency would kick in. At that point we will have a $60 billion non-Social Security surplus, according to the administration's numbers, if we quit spending money.

I urge my colleagues, however you vote on the Conrad amendment, just be sure you read it before you vote and you are ready to live up to it. I am ready to live up to the sense of the Senate to repeal the death tax. I am ready to live up to the sense of the Senate on the Conrad amendment.

I would strike out ''wasteful'' because, as we all know, every program you are for is not wasteful. So I thank our dear colleague from Arizona for his leadership. I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate those remarks of the Senator from Texas. The Senator from Alabama, I know, and the Senator from Oklahoma, as well, want to speak. I just wanted to make a couple of points.

No. 1, President Bush wants us to do this. His budget for this next fiscal year has in it the permanent repeal of the death tax. So he wants us to go forward with it. As the Senator from Texas said, we will have a Social Security surplus at the time when we make

this death tax repeal permanent. So we are not raiding the Social Security trust fund, as the Conrad amendment would suggest. In fact, because we are injecting more money into our economy, one could expect there will be additional Federal revenues, not less Federal revenues.

One of the experts on this subject, Dr. William Steger, has estimated that immediate repeal of the death tax would provide a $40 billion automatic stimulus to the economy. He is president of Consad Research Corporation and an adjunct professor of policy sciences at Carnegie Mellon University. So it is a $40 billion automatic stimulus to the economy—not taking the Social Security trust fund.

I will have a lot more to say about this after we enter into our unanimous consent agreement, but I think both the Senator from Alabama and the Senator from Oklahoma would like to speak, and I will yield the floor to them at this point.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his hard work and leadership on this. I appreciate the remarks of the Senator from Texas. He is eloquent, as always, and is effective in the points he makes.

First of all, I would like to say why I think it is appropriate that we have this sense-of-the-Senate amendment on the farm bill. It is because it is one of the most significant issues for farmers in America. I speak to farmers frequently. When I first began to campaign for the Senate, they told me right upfront that one of their top priorities was the elimination of the death tax. It threatens everything they do.

I was shocked and really surprised to hear the Senator from North Dakota say he is not worried about people passing on their farms to their children. I thought that was what the farm bill was all about. I thought it was all about trying to preserve a family farm. What good does it do to preserve the farm, have a living wage for farmers, and then make them pay 50 or 55 percent of the value of the farm to the Government every generation?

Eliminating the death tax is about preservation of the farm. I think it is appropriate that we are considering it. It is certainly one of the highest priorities of every agricultural organization of which I know.

Second, let me say why I think this thing is bad economics for America, why it is hurting our economy, and why we need to eliminate it.

First of all, the death tax is extraordinarily difficult to compute and collect by the Federal Government. It produces a lower return based on how much money the taxpayer has to pay than almost any other tax we pay. It is an extraordinarily complex thing. It causes individuals to go through the most intricate gyrations and causes them to make financial decisions they would never make otherwise except to attempt to avoid being decimated or having their heirs decimated by the death tax.

Let me tell you what I am really concerned about. This is an issue that I feel has not been talked about enough. There are a lot of different ideas that people have about why this tax is bad. I would like to talk about a purely economic argument that strikes me as a great unfairness about the death tax.

Let us say International Paper Company, or the Weyerhaeuser Company, owns 1,000 acres of land, and an individual owns 1,000 acres of land and saves some money and manages it well. Then the individual dies. They have to pay an estate tax. But Weyerhaeuser or International Paper, which may own 600,000 acres of land, or maybe multimillion acres of land, never pays a death tax. Big corporations, large stock-held corporations, never have their corporate work—Mr. President, I believe there is a little noise here. Even I can't think very well when it is going on.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SESSIONS. I thank the Chair.

So these large corporations are never impacted by estate taxes, but they are competing with smaller farmers, smaller timber producers, and smaller landowners. Whenever a family member in one of those privately held companies dies, they get whacked by the Federal Government with a tax. It makes them less competitive.

In my State of Alabama, we have seen an extraordinary number of banks go out of business by selling out to larger banks. Small, closely held banks no longer exist today. One of the main reasons is that the family sits around the table and wrestles with what they are going to do about the future. They get an offer from a big holding company to buy them out. They consider how much in taxes they are going to have to pay and how they are going to keep the bank going while paying 55 percent tax on it. They end up selling out, and then we get bigger and larger corporations with more and more concentrations of wealth and less competitiveness in the American economy.

We need and desire more smaller motel companies. We need more small entrepreneurs. We need more stores selling material, like Home Depot or Wal-Mart. But those stores, if they are closely held, end up getting whacked in each generation by an estate tax.

I talked to a young man and his father. They had four motels. He told me they were paying $5,000 a month for insurance on the father's life, trying to make sure that if he were to die, they wouldn't lose their investment.

That is the reality of America. This tax is favoring large corporations in their competitiveness against small corporations and companies and closely held companies. It is not fair. It is not healthy for the economy. We can do better.

I thank the Chair. I yield the floor

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to compliment my friend from Alabama, Senator SESSIONS, for his speech, as well as the Senator from Arizona, Mr. KYL, and the Senator from Texas, Mr. GRAMM, because they have laid it out very plainly and very clearly to the American people.

When we repealed this tax, it was temporary. Some people asked, Why? We did it under a reconciliation instruction. Most Americans don't have a clue what that means. Basically, that instruction was given to Congress, saying you can pass a bill for 10 years. In other words, it had a sunset. We passed the bill that increased the exemption basically from about $750,000 up to about $4 million. It took 9 years to do that. On the 10 years, we said we will just eliminate the tax which is unfair. It is unfair to have a tax on death. It is unfair for the Federal Government to say: When somebody dies, we want half of their estate. We don't care if they built up a big business. Maybe they built up Microsoft, or maybe they built up a series of restaurants, or maybe they built up a manufacturing facility, or maybe they have a large ranch or a large farm which they have had in their family for two or three generations.

We said even if you are fairly large, we don't think the Federal Government should come in and take half of it because you happen to pass away. So we changed it. We said the taxable event will not be death; it will be when the property is sold. That is what we passed.

So the taxable rate, when and if that property is sold, will be at the capital gains rate. It will be at 20 percent, which is plenty of tax, and the taxable event will be figured when the property is sold, when there is money available to pay that tax. That made good, eminent sense.

The bad news is it will be sunset. Presently, we take the exemption of last year. This year, because of the tax changes we made last year, the exemption is $1 million. There is no death tax by the Federal Government if you pass away this year and the taxable estate is less than $1 million. That is an improvement.

We gradually increased that over a period of time. For 2009, we go up to a $3.5 million exemption. We gradually reduce the rate, which is presently 50 percent—last year it was 55—to 45 percent by the year 2009, and there is a $3.5 million exemption. For the year 2010, we said we are going to eliminate it. There will be no taxable event on death. The taxable event will be when the property is sold. The tax rate will be at the capital gains rate, which is 20 percent, instead of the rate of 45 percent. It makes good sense. It is good sense.

Unfortunately, because of the sunset in the year 2011, bingo, nothing happens. So we revert back to last year's

law. Instead of having a $3.5 million exemption, we have an exemption of about $1 million. Instead of having the rate at 45 percent, we are going to go back to the rate of 55 or 60 percent. But there was a little 5-percent kicker rate for estates that were between $10 million and $17 million. We go back to a maximum rate in the year 2011 of 60 percent. That is absurd.

A lot of us said we should make the death tax repeal permanent. That is what the sense of the Senate is. Somebody asked, Why isn't this real? We tried to do it on the tax bill we had pending before the Senate—the so-called stimulus package. Senator DASCHLE pulled that bill down. He didn't want a vote on the amendment of my colleague from Arizona and me. Maybe it is because we are going to win. Maybe it is because we are going to change the tax law and do some real good so people can count on it. We didn't get a vote on it.

That is the reason we are here today. We are on the farm bill. We voted on a lot of amendments dealing with agriculture, none of which is as strongly supported as this amendment we are going to vote on tomorrow.

I have spoken to my fair share of agricultural groups—ones that want very little Government involvement and ones that want a lot more than I want. But they are unanimous. When you ask them if they want to repeal the tax, they are in support because they realize that the so-called death tax is one of the most punitive things you can do to American agriculture.

That is telling somebody, who in many cases is asset rich and cash poor: We want half your assets. So they may be trying to pass their farm or ranch on to their kids or to their grandkids, but Uncle Sam says: No, you can't do that because the value of your estate is over $1 million. And you don't have to have a very big farm or ranch for that to happen where the Federal Government wants half.

The Federal Government is entitled to take half? That is going to be the law unless we make repeal permanent. So that is why this is important to agriculture. That is why it is important that the amendment be adopted.

What about the underlying amendment or the ''let's confuse the American public'' amendment that was offered by our friends on the Democratic side. It is a sense-of-the-Senate amendment. I don't have a problem with the conclusion. It says:

> Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

I do not want them to be used for wasteful spending.

And ''permanent tax cuts,'' let's see, do we do that in our amendment? The answer is no. So I guess I could support the ''therefore,'' which is the only thing people really read in these resolutions.

If you read the sentence above that, it is just factually incorrect. It says:

> Since permanent extension of the inheritance tax repeal would cost, according to the Administration's estimate, approximately $104 billion over the next 10 years, all of which would further reduce the Social Security surplus. . ..

That is factually incorrect. I am a stickler for facts. I think people are entitled to their own opinion. They are not entitled to their own facts.

If you use the administration's estimate, they estimate that the surplus will exceed Social Security by about $51 billion in the year 2010, $99 billion in the year 2011—the first year this would have real impact—$199 billion in the year 2012, and $395 billion—these are surpluses over and above Social Security. In other words, they are enormous surpluses in the outyears.

You may say this does not really have an impact until the years 2011, 2012, and 2013 because that is when the death tax is repealed, and those are years we have enormous surpluses, including Social Security.

So the amendment is trying to confuse people and bring in Social Security, and so on. Maybe it is confusing, but it is not accurate. It is factually inaccurate. I want people to know that. I do not care how you vote on it. It doesn't mean anything. The sense of Senate says we are not going to use Social Security to pay for permanent tax cuts.

This amendment that Senator KYL and I and Senator GRAMM and Senator SESSIONS have offered does not do that. Are we for wasteful spending? No.

It is interesting to note that people start drawing out Social Security every time we have a tax cut that is real or a tax cut that is proposed as real. But they couldn't care less about spending. Evidently, it is OK to spend money—Social Security money—on anything and everything, and, oh, we will waive the Budget Act to do so, but, oh, in the outyears, when we have enormous surpluses far exceeding Social Security, don't you dare do it. We are going to waive the Social Security flag. It is a false flag. It is false cover. Maybe it makes people feel good. I can care less how people vote on that amendment.

I hope people will vote in favor of the sense of the Senate that says we should make the repeal of the death tax permanent. We should do it. We can afford it. We must do it.

It makes no sense, whatsoever, to have a death tax where the Federal Government is coming in and taking a significant portion of somebody's farm or ranch or business, saying: Oh, we want to take it and use it to pay for other programs, and so on. That does not make sense.

So I compliment my colleagues from Arizona and Texas and Alabama for their work on this amendment. I am happy to cosponsor this amendment.

I urge my colleagues, tomorrow morning, to vote in favor of this sense-of-the-Senate amendment to permanently repeal the death tax. Probably the best thing we can do for agriculture in this entire bill is to make repeal of the death tax permanent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, the proposal before us today to repeal the estate tax rests on profound misunderstandings of this tax, and particularly on who pays this tax.

We have been hearing our colleagues talk about the death tax and that it is stalking every American. It turns out that in 1999, 2.5 million adults died; 49,870 estates incurred a tax liability. A very small fraction of Americans face the estate tax, but I point out, they are the wealthiest Americans. They are not the Social Security recipients. They are not individuals who have worked all their lives and are now with a small pension facing their last days. These are the wealthiest Americans.

It turns out that with the unified credits, with the ability to gift funds to individuals, there is an opportunity—in fact, one that is taken by most Americans—to avoid the estate tax. So this is not a death tax; this is a tax on the very wealthiest Americans. And this is a tax that was really, in many respects, copied from the example of our British brethren across the sea, who saw the corrosive power of wealth that is passed on from generation to generation to generation.

I have heard some of my colleagues on the Republican side talk about how the death tax is an insidious weapon of large corporations to beat down the small workers and farmers in this country. Nothing is further from the truth.

This whole estate tax not only is designed to raise revenue, it is also designed to ensure that great fortunes are not passed down, becoming great and powerful without any check whatsoever.

There is another issue with respect to estate taxes. People talk about it as so unfair because it is a double tax: You get taxed when you earn the money and you get taxed again when you pass away. It turns out that a significant amount of estates consist of unrealized capital gains.

Economists have estimated that 36 percent of the wealth in all taxable estates is in the form of unrealized capital gains: someone purchases a home, someone purchases stock, they hold that stock for years, and at the time of their death, the estate tax is imposed. But also at the time of death, these assets are passed on to their heirs on a stepped-up basis. So without an estate tax, much of this gain would never be taxed.

There is also another myth that we have heard time and time again; that is, really what happens is that this onerous tax takes away from the family farms and the small businesses of America; that they have to liquidate their assets; that they cannot pass

them on; that they have to pay everything they have earned just to satisfy this tax.

First of all, recognize this tax applies to very few Americans at all. And second, recognize that, despite all the discussions about the family farms being forced into sale because of this tax, no one can produce any real evidence.

The New York Times did a report, talking about an Iowa State University economist who searched out and tried to find farms that were forced into sale because of the estate tax. He could not find any. Indeed, they cited officials from the American Farm Bureau. They could not find any concrete examples of a farm that was forced to be sold to pay for estate taxes. So the myth of the family farm being eliminated—the sons and daughters standing there being denied their inheritance because of the estate tax—is a myth.

There is also the suggestion that if we repeal the estate tax there will be no effect on charitable contributions. That, too, is a misnomer. There have been studies on this question. One study was by David Joulfaian, a Treasury Department economist, who estimated that eliminating the estate tax would reduce charitable bequests by about 12 percent, or about $1.3 billion in 1998 dollars. This would have a deleterious effect on something that we all want to encourage; that is, contributions to charities.

So for these reasons, and many more, I do not think repeal of the estate tax is something that should become permanent.

It will also have an impact on State budgets because there is a portion of the estate tax which is credited to local States for their purposes. This would have adverse effects on the finances of States and the finances of the Federal Government. Ultimately, we would be trading off estate taxes for the rich, relief for those individual estates, and we would be paying for it with Social Security funds. I believe this is not the right way to proceed.

Much of what is talked about today as the inequity of the estate tax is more myth than reality. The reality is that if we make this permanent, it will be a huge windfall, most of it the result of unrealized capital gains for the very wealthiest Americans, and we will be taking away the resources we need to provide support for seniors, for children, for the educational system, for those things that will make us strong as a nation.

I hope we will reject the proposal offered by the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I, too, rise in strong support of the second-degree amendment offered by our distinguished chairman of the Budget Committee. His arguments about protecting Social Security and the promotion of fiscal responsibility and basic fairness in our economy are compelling, particularly when we consider it relative to the permanent extension of the inheritance tax.

This amendment stands for a very simple proposition, a principle that no Social Security surplus funds should be used for any other purpose. Under this second-degree amendment, the Senate would go on record opposing the use of Social Security funds for making currently scheduled tax cuts permanent or for wasteful spending.

Social Security is a sacred compact between the American people and their Government. We have promised all Americans if they work hard and play by the rules, when they retire they will not have to live in the fear of poverty. We have promised them a safety net that will provide baseline payments for their retirement years. That is what Social Security is all about, that safety net.

The Kyl amendment and those who would make permanent the estate tax are truly undermining that promise of Social Security. In this decade alone, we will spend $104 billion, if this is made permanent, of Social Security revenues and reserves to fund this new accelerated tax cut. And probably as serious with regard to fiscal issues, we will spend over $800 billion in the following decade just at the time our baby boom generation, those in the demographic bubble, come into play, and when the stresses on Social Security and Medicare and all other Federal Government expenditures will be under most pressure.

This is a bad idea. It is a mistake. The Senator from Rhode Island was speaking in the context of fairness. I wonder why we think 2,800 farm estates out of over 2½ million in 1999 leads us to believe that we need to change this tax policy, particularly when we put it in conjunction with undermining our Social Security payments, and only 48,000 estates were paid in 1998. Then you add in the fact that taxes have not been paid on unrealized capital gains. I don't understand why we want to make the tradeoff of undermining our fiscal position as a nation, undermining our ability to continue to fund Social Security appropriately for such a narrow slice.

We are all asked to sacrifice in a world where we are under constraints because of national defense, homeland security, expenditures we need to make, but we also need to protect our seniors, our Social Security. It seems to me this is a priority that does not match the time nor the place nor the needs of our Nation.

It is not like Social Security is an extraordinarily generous benefit for our seniors. It provides a little more than $10,000 per person per year on average. In New Jersey, that doesn't go a long way toward paying for retirement.

I don't know why we should be putting it at more risk today than we would at other times, particularly since we are talking about such a narrow slice of the American landscape. This is a time when making some adjustments to our estate taxes are perfectly reasonable. We have accomplished that. We continue to do that as we go forward. But why we want to make this permanent, undermine our fiscal integrity, undermine Social Security, and do it with an eye that forgets about the fairness of who is getting the benefit relative to what is going to be charged to the American people as we go forward makes no sense.

I hope my colleagues in the Senate will stand with the distinguished Senator from North Dakota and make sure that we have a true expression of the sense of the Senate that stands with the American people.

When the American people are asked a question, do we want to make permanent these tax cuts or do we want to have a raid on Social Security and an undermining of our retirement benefits, 84 percent of the American people say: Let's stand with Social Security, and let's forgo these tax cuts.

I hope we take that into consideration when we are thinking about what are our priorities in this debate about an estate tax cut acceleration relative to our priorities on fiscal responsibility and protecting our seniors through Social Security.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the Senator from Minnesota will withhold briefly, we are at a point now where we can see a finality to this bill. At the present time, it is my understanding on this estate tax debate, Senator KYL and Senator DAYTON are the only two people still left to speak on this. That is my understanding.

I ask unanimous consent that Senator KYL be allowed to speak for up to 15 minutes and Senator DAYTON for up to 15 minutes regarding amendment No. 2850 and that there be no second-degree amendments in order to either amendment; that is, the Conrad amendment or the Kyl amendment; that upon the use or yielding back of the time of the two Senators I have just mentioned, the amendments be set aside to recur Wednesday, tomorrow, February 13, at 9:40 a.m.; that there be a total of 5 minutes for debate on both amendments with the time equally divided and controlled; that at 9:45 a.m., the first vote occur on the Conrad amendment, to be followed immediately by a vote on the Kyl amendment without further intervening action or debate.

Has Senator CONRAD offered his amendment?

The PRESIDING OFFICER. He has not.

Mr. REID. Mr. President, I will offer his amendment. These will be the two amendments that have been talked about here this evening.

The PRESIDING OFFICER. Is there objection? The Senator from Arizona.

Mr. KYL. Reserving the right to object, I would like to suggest one change

in the proposal. I know Senator DOMENICI would like to speak tomorrow. He is not here this evening. Since there are no other Senators in the Chamber to listen to this debate except for the four who are here, might I inquire of the assistant majority leader whether he would be agreeable to a total of 10 minutes, with 5 minutes per side, and then adjusting it, the 9:40 or 9:45 time; in other words, to add 2½ minutes per side?

Mr. REID. We accept that suggestion. The vote will be at 9:50.

Mr. KYL. Mr. President, I have no objection to that point. Since there were two previous Democratic speakers, I wonder if the Senator from Minnesota would allow me to proceed.

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified? Without objection, it is so ordered.

AMENDMENT NO. 2857

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CONRAD, proposes an amendment numbered 2857.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

Since both political parties have pledged not to misuse Social Security surplus funds by spending them for other purposes; and

Since under the Administration's fiscal year 2003 budget, the federal government is projected to spend the Social Security surplus for other purposes in each of the next 10 years;

Since permanent extension of the inheritance tax repeal would cost, according to the Administration's estimate, approximately $104 billion over the next 10 years, all of which would further reduce the Social Security surplus;

Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

Mr. REID. Mr. President, I ask unanimous consent that there be 20 minutes each for debate prior to a vote in relation to the following remaining amendments: Domenici 2851, as modified; Kerry-Snowe 2852, with the time equally divided and controlled in the usual form; that the amendments must be debated tonight; that no second-degree amendments be in order to the amendments prior to a vote in relation to the amendments; that if the amendment is not disposed of, then it remains debatable and amendable; that the vote in relation to these amendments occur on Wednesday in a stacked sequence in the order in which they were offered; that there be 2 minutes for explanation between each vote; that upon disposition of all amendments, the remaining provisions of the previous unanimous consent agreement remain in effect; provided further that a managers' amendment still be in order on Wednesday and that Senator MCCAIN be recognized to speak for up to 15 minutes prior to final disposition of this bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2834, AS MODIFIED

Mr. REID. Mr. President, I send a modification to the desk and state that Senators LEAHY and STEVENS and the two managers have agreed to this amendment. This is in relation to the Leahy amendment No. 2834.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

[The amendment will be printed in the RECORD of February 13, 2002.]

The PRESIDING OFFICER. Is there further debate on the Leahy amendment as modified?

The question is on agreeing to the amendment.

The amendment (No. 2834), as modified, was agreed to.

Mr. LUGAR. I move to reconsider the vote.

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

AMENDMENT NO. 2851, AS MODIFIED

Mr. LUGAR. I call up amendment No. 2851, which I offered on behalf of Senator DOMENICI earlier today, and I send a modification of the amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Strike section 132 and insert the following:

SEC. 132. NATIONAL DAIRY PROGRAM.

The Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 772(b) of Public Law 107–76) is amended by inserting after section 141 (7 U.S.C. 7251) the following:

"SEC. 142. NATIONAL DAIRY PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DAIRY FARM.—

"(A) IN GENERAL.—The term 'dairy farm' means a dairy farm that is—

"(i) located within the United States;

"(ii) permitted under a license issued by State or local agency or the Secretary—

"(I) to market milk for human consumption; or

"(II) to process milk into products for human consumption; and

"(iii) operated by producers that commercially market milk during the payment period.

"(B) EXCLUSION.—The term 'dairy farm' does not include a farm that is operated by a successor to a producer.

"(2) ELIGIBLE PRODUCTION.—The term 'eligible production' means the average quantity of milk marketed for commercial use in which the producer has had a direct or indirect interest during each of the 1999 through 2001 fiscal years.

"(B) each of fiscal years 2003 through 2005.

"(4) PRODUCER.—The term 'producer' means the individual or entity that is the holder of the license described in paragraph (1)(A)(ii) for the dairy farm.

"(b) PROGRAM.—The Secretary shall make payments to producers.

"(c) AMOUNT.—Subject to subsection (h), payments to producers on a dairy farm under this section shall be calculated by multiplying—

"(1) the eligible production; by

"(2) the payment rate.

"(d) PAYMENT RATE.—

"(1) IN GENERAL.—Subject to paragraph (2), the payment rate for a payment under this subsection shall be equal to $0.315 per hundredweight.

"(2) ADJUSTMENT.—The Secretary may adjust the payment rate under paragraph (1) with respect to the last fiscal year of the payment period if the Secretary determines that there are insufficient funds made available under subsection (h) to carry out this section for that fiscal year.

"(e) APPLICATION FOR PAYMENT.—To be eligible for a payment for a payment period under this section, the producers on a dairy farm shall submit an application to the Secretary in such manner as is prescribed by the Secretary.

"(f) TIMING OF PAYMENTS.—Payments under this section shall be made on an annual basis.

"(g) ADJUSTMENTS.—The Secretary may provide for the adjustment of eligible production of a dairy farm under this section if the production of milk on the dairy farm has been adversely affected by (as determined by the Secretary)—

"(1) damaging weather or a related condition;

"(2) a criminal act of a person other than the producers on the dairy farm; or

"(3) any other act or event beyond the control of the producers on the dairy farm.

"(h) FUNDING.—The Secretary shall use not more than $2,000,000,000 of funds of the Commodity Credit Corporation to carry out this section.".

AMENDMENT NO. 2850

The PRESIDING OFFICER. The Senator from Arizona is recognized for 15 minutes.

Mr. KYL. Mr. President, let me explain where we are. We have two competing sense-of-the-Senate amendments. The first is the Kyl-Nickles amendment. Incidentally, I ask unanimous consent that Senator HUTCHINSON of Arkansas be added as a cosponsor.

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

Mr. KYL. This sense-of-the-Senate amendment says we should make permanent the repeal of the death tax that the majority of us voted for last year and the President signed into law. It is kind of a cruel hoax to repeal the death tax after a 10-year period, only to have that sunset the very next year. So if you are lucky enough to die in the year 2010, your heirs don't have to pay the tax. But if you are unlucky enough to live to the year 2011, you go right back to the death tax as it existed last year, with a 60-percent rate, with only a $675,000 exemption. That will be a huge tax increase in that year unless we are able to make the death tax repeal permanent.

I submit that all of us who voted for that—the vast majority of the Members of this body—certainly intended that we weren't playing a trick on the American people. We intended the repeal of the death tax to be permanent rather than just for 1 year. The competing amendment is Senator CONRAD's. The bottom line is that we

not spend Social Security money either for tax cuts or wasteful spending. That is a proposition with which I suspect we can all agree.

The only problem with his proposal is in the text of it, an assertion that the proposal to make permanent the repeal of the death tax actually would spend Social Security money. That is incorrect, as has been pointed out by Senators GRAMM and NICKLES.

Let me talk about the reasons we need to make the death tax repeal permanent and why the arguments of those who oppose that are simply incorrect. One of the arguments the Senator from Rhode Island had was that there is the myth that lots of people pay the death tax. Actually, I didn't assert that. I don't think most people would say lots of people pay it. Too many estates pay it. I guess his point was that people don't pay it, estates pay it. Who owns estates? People do—the heirs, the children, usually, of the person who has died. It is not a very happy circumstance that the death of their father or mother causes them to have to pay a tax. All of the other taxes, with two minor exceptions that we have in our Tax Code, are a result of some action that we take, voluntary action. If you want to earn money, you have to pay income tax. The death tax is the only one where you don't choose the event that triggers the tax. You die; you pay a tax. That is not something you voluntarily do.

That is why everyone who has voted for it has agreed it is an unfair tax and it should not be paid. The fact that not that many people pay it is beside the point. It affects millions and millions of people. Whom does it affect? First of all, all the people in the families of the estates that are being taxed. Secondly, it affects all of the people who tried to plan against the eventuality of paying a death tax. There are literally millions of those people.

In 1999, the estimate is that we collected $23 billion in estate tax and, in addition to that, Americans paid an additional $23 billion in estate planning, in insurance, to accountants and lawyers and estate planners. So, in effect, it is a double tax.

Another point the Senator from Rhode Island made was that there is really a demonstrable effect on charitable contributions. He cited a study that said there might be fewer contributions to charity if we repeal the death tax. First, it should not be Federal Government policy to force people to give money to charity. That should be from the heart, not because you have a gun at your head. We can have incentives and we can have a tax credit if you contribute to charity. But we should not say unless you contribute that money to charity, the Government is going to confiscate it from your heirs. That is unfair and not something Federal tax policy should do.

Secondly, to summarize a story of a friend of mine, Jerry Witsosky, who started a small printing company: He eventually hired 200 people. He was one of the most generous people in our community of Phoenix, AZ. He just could not say no. He had Boys and Girls Clubs named after him. He was a very generous person. When he died, his family had to sell the business to pay the estate taxes. They sold it to a big corporation. So much for preventing the accumulation of wealth. Has that big corporation ever contributed to charities in my community? Not that I am awere.

The bottom line is these private, family-owned businesses are pillars of their community. When they have to be sold off to some big corporation, don't tell me you are going to have enhanced contributions to charity as a result.

The Senator from New Jersey had a couple of arguments—I wish he were still here. He is absolutely wrong in both of the arguments he made. I don't think he has actually read the bill that repealed the tax last year or he would not have made the statement that taxes are not paid on unrealized capital gains under the law that exists today, under the bill we passed last year. That is not correct. We substitute the capital gains tax for the estate tax. So for the first time there will be a tax on unrealized capital gains. The only amount we carve out from that is essentially equal to the exemption we have in the law today. So nobody who is exempt from paying the tax today would have to pay the tax 10 years from now. But except for that carve-out, there is going to be a capital gains tax substituted for the estate tax. So that argument of the Senator from New Jersey is simply incorrect.

The second argument is also incorrect, that no Social Security surplus funds should ever be used and that that is what would happen if we made permanent the repeal of the estate tax. But that is not correct either. As the Senator from Texas and the Senator from Oklahoma pointed out, at the point in time that the repeal of the death tax is made permanent, we are running huge Social Security surpluses. In 2010, for example, according to OMB, we would have a Social Security surplus that year of $290 billion—a non-Social-Security surplus of $60 billion. Subtract the $4 billion in costs from the repeal of the death tax and you still have $56 billion in non-Social-Security surplus, and you still have the original $290 billion Social Security surplus.

So the OMB numbers—the very numbers referred to in Senator CONRAD's amendment—belie the claim that we would be taking Social Security money in order to pay for the repeal of the death tax. It just isn't true.

Mr. President, what are the reasons for making the repeal of the death tax permanent? The primary reason is fairness. But the secondary reason is the confusion that exists in the code if we don't do that. Think about it. We gradually phase down the amount of death tax until the ninth year, when it finally goes out of existence, and 1 year later it is all back again in its worst form—the form that existed last year. How do you plan against that? Unless you are absolutely certain you are going to die in the year 2010, you are going to have to pay the same lawyers, accountants, buy the same insurance, and do the same estate planning that you do today that you will have to do tomorrow. You will have to do all of those things, and the net result is a very inefficient and wasteful situation—money that is unproductively going to these people who could be put productively back into the economy to create jobs, stimulate the economy and, to be fair, frankly, to our families.

That money is wasted unless you consider money going to lawyers as not being wasted. As a recovering lawyer, I would argue differently. The fact is, that is unproductive capital. Wilbur Steger says if you can repeal it tomorrow, you can inject $40 billion of capital into our economy.

The bottom line is repealing the death tax is good economically. It is also good for the people who have to plan against the eventuality of paying the tax, and it is good for the families who otherwise would have to bear the burden of it.

It is not fair because it is a tax on death rather than voluntary activity. It is bad economic policy and bad tax policy because nobody can figure out under the law we passed last year what they are going to have to do, again, unless they know for sure they are going to die in the year 2010.

Let's go back to the basics. Last year, because of a quirk in the law, we could only pass a 10-year tax bill. We did the best we could. We repealed the estate tax within that 10-year frame. Right after the 10 years expire, the whole provision sunsets, and we go right back to the Tax Code as it existed last year.

Is that what we intended when the vast majority of us voted to repeal the estate tax we call the death tax? No. Were we playing a cruel hoax on our constituents, claiming with great fanfare that we repealed the death tax, but knowing all along we really only repealed it for 1 year? Did we really intend for it to be repealed for 1 year? I daresay everyone who voted for repeal of the death tax is going to support the amendment, the sense-of-the-Senate resolution that says we should make it permanent. Otherwise, they intended something different certainly than I did and, I think, the vast majority of the Americans who support this.

The President in his budget calls for the ''permanentizing'' of the repeal of the death tax. That is calculated in his budget, and OMB makes crystal clear that budget is not taking one dime from the Social Security surplus to do it. That is why we should reject the proposal of the Senator from North Dakota which has in it a statement that that is what we are doing.

If he is willing to drop that one clause of his sense-of-the-Senate resolution, then I will be the first to vote for his sense-of-the-Senate resolution and urge my colleagues to do so because I agree we should not take Social Security surplus money. But that is not what will happen if we are able to effect a permanent repeal of the death tax.

At the end of the day, this is all about fairness. Is it fair to tax people who are members of a family and who did not choose that the breadwinner in the family die? Is it fair to tax them up to 60 percent of the value of that estate, especially since many of the assets of small businesses and farms are tied up not in cash or liquid assets but in the business itself, so that the net result is they cannot just write a check for that obligation, they literally have to sell the business, as my friend Jerry Witsosky's family had to do? Is that fair?

Is that the policy the U.S. Government should be setting? I submit the answer is no. That is what the vast majority of Senators said last year. The House of Representatives concurred, and the President signed the repeal of the death tax into law.

The only problem with that is, as I have said, it sunsets after the 10th year. That is what we need to correct. We need to find the right vehicle to do that. It has been said the farm bill is not the right bill to do that, even though the tax has a very perverse effect on family farms. That is why we bring this sense-of-the-Senate resolution to our colleagues—if you agree with us that we make the repeal of the death tax permanent, that we intended to do that, and we intend to do as soon as we have the right opportunity and reject the competing sense-of-the-Senate resolution that claims that doing this would take money from the Social Security surplus, something which now three of us have pointed out is absolutely totally false.

If the author of the competing sense-of-the-Senate resolution will drop that claim and will simply say it is the sense of the Senate we not spend the Social Security surplus to ''permanentize'' tax cuts or on wasteful spending, then we will be happy to support that. We can support both of them. Otherwise, we are going to have to vote against the sense-of-the-Senate resolution of the Senator from North Dakota, and I urge my colleagues to support the sense-of-the-Senate resolution that Senator NICKLES, Senator HUTCHISON, I, and others have sponsored. It is the right thing, it is the fair thing, and it is the honest thing to do for the American people so they are not misled that our action last year in repealing the death tax is for all time. It is not. It is only for 1 year.

I conclude by submitting for the RECORD a list of organizations that support the permanent repeal of the estate tax, what I have been referring to as the death tax, and I ask unanimous consent this list be printed in the RECORD.

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

THE FAMILY BUSINESS ESTATE TAX COALITION

Air Conditioning Contractors of America; American Business Press; American Consulting Engineers Council; American Council for Capital Formation; American Family Business Institute; American Farm Bureau Federation; American Forest and Paper Association; American Forest Resources Council; American Hotel & Lodging Association; American International Automobile Dealers Association; American Supply Association; American Wholesale Marketers Association; American Vintners Association; Americans for Fair Taxation; Associated Builders & Contractors; Associated Equipment Distributors; Associated General Contractors; Association for Manufacturing Technology.

Citizens Against Government Waste; Citizens for a Sound Economy; Communicating For Agriculture; Construction Industry Manufacturers Association; Farm Credit Council; Fierce and Isakowitz; Food Distributors International; Food Marketing Institute; Guest & Associates; Independent Community Bankers of America; Independent Insurance Agents of America; International Council of Shopping Centers, Kessler & Associates; National Association of Beverage Retailers; National Association of Convenience Stores; National Association of Home Builders; National Association of Manufacturers; National Association of Plumbing-Heating-Cooling Contractors; National Association of Realtors; National Association of Wholesaler-Distributors; National Automobile Dealers Association; National Beer Wholesalers Association; National Cattlemen's Beef Association; National Corn Growers Association; National Cotton Council; National Electrical Contractors Association.

National Federation of Independent Business; National Grocers Association; National Licensed Beverage Association; National Lumber and Building Material Dealers Association; National Marine Manufacturers Association; National Newspaper Association; National Restaurant Association; National Roofing Contractors Association; National Small Business United; National Telephone Cooperative Association; National Tooling & Machining Association; National Utility Contractors Association; Newspaper Association of America; Ocean Spray Cranberries, Inc; Organization for the Promotion & Advancement of Small Telecommunications Companies (OPASTCO); Painting & Decorating Contractors of America; Petroleum Marketers Association of America; Printing Industries of America; Rock Hill Telephone Company; Safeguard America's Family Enterprises; Society of American Florists; Southeastern Lumber Manufacturers; Texas and Southwestern Cattle Raisers Association; Textile Rental Services Association; Tire Association of North America; United States Telecom Association; U.S. Business & Industry Council; U.S. Chamber of Commerce; Wine and Spirits Wholesalers of America; and the Wine Institute.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America; Alliance of Independent Store Owners and Professionals; Alliance of Affordable Services; American Bus Association; American Consulting Engineers Council; American Council of Independent Laboratories; American Machine Tool Distributors Association; American Moving and Storage Association; American Nursery and Landscape Association; American Road & Transportation Builders Association; American Society of Interior Designers; American Society of Travel Agents, Inc.; American Subcontractors Association; Associated Landscape Contractors of America; Association of Small Business Development Centers; Association of Sales and Marketing Companies; Automotive Recyclers Association; Bowling Proprietors Association of America; Building Service Contractors Association International; Business Advertising Council; CBA; Council of Fleet Specialists; Council of Growing Companies; and the Cremation Association of North America.

Direct Selling Association; Electronics Representatives Association; Health Industry Representatives Association; Helicopter Association International; Independent Community Bankers of America; Independent Electrical Contractors, Inc.; Independent Medical Distributors Association; International Association of Refrigerated Warehouses; International Association of Used Equipment Dealers; International Business Brokers Association; International Franchise Association; Machinery Dealers National Association; Mail Advertising Service Association; Manufacturers Agents for the Food Service Industry; Manufacturers Agents National Association; Manufacturers Representatives of America, Inc.; National Association for the Self-Employed; National Association of Plumbing-Heating-Cooling Contractors; and the National Association of Realtors.

National Association of RV Parks and Campgrounds; National Association of Small Business Investment, Companies; National Community Pharmacists Association; National Electrical Contractors Association; National Electrical Manufacturers Representatives Association; National Lumber & Building Material Dealers Association; National Ornamental & Miscellaneous Metals Association; National Paperbox Association; National Private Truck Council; National Retail Hardware Association; National Tooling and Machining Association; National Wood Flooring Association; Painting and Decorating Contractors of America; Petroleum Marketers Association of America; Printing Industries of America, Inc.; Professional Lawn Care Association of America; Promotional Products Association International; The Retailer's Bakery Association; Saturation Mailers Coalition; Small Business Council of America, Inc.; Small Business Exporters Association; SMC Business Councils; Society of American Florists; Specialty Equipment Market Association; Tire Association of North America; Turfgrass Producers International; United Motorcoach Association; Washington Area New Automobile Dealers Association.

Mr. KYL. Mr. President, I hope my colleagues are joined in making permanent the repeal of the death tax, and we can express that is our intention when we vote on this tomorrow morning.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Minnesota is recognized for 15 minutes.

Mr. DAYTON. I thank the Chair.

Mr. President, I want to take a different tack from some of my Democratic colleagues and say to the Senator from Arizona and others who have expressed his point of view that I understand and respect his sentiment as one which reflects also accurately what I have heard from a lot of Minnesota farmers, a lot of Minnesota business owners throughout the State.

I am convinced, regardless of what my particular view might be and regardless of what the facts of the situation might be, that any farmer or business person or probably anybody who has accumulated some estate who even believes it is possible that he or she will ultimately be affected by this tax considers it onerous. I can see for those it does impact, they consider it onerous.

I agree with the Senator from Arizona that the decision made a year ago by the Congress, signed into law, to finally repeal the estate tax entirely in the year 2010 and then reverse that repeal and go back to the pre-2001 tax level is nonsensical, absurd, and should have been recognized last year for what it was, which was an attempt—in fact, a successful effort—to compress 10 years of tax cuts permitted by the budget resolution into the first 9 years of the budget so we would face exactly this predicament and there would be, as the Senator said, and properly so, no logical explanation to the American people for why these tax cuts which occurred over those 9 years are suddenly all going to disappear in the 10th year.

In fact, I think that argument can equally apply to the reduction in the rates which would also go back to their pre-2001 levels if no change is made. The child tax credit, which will go up to $1,000 per child, reverts back down to its pre-2001 $500 level.

I agree with the Senator what was done last year was nonsensical, and any rational person trying to look into that situation, any tax planning expert advising someone about his or her tax plan decisions, especially as that year 2011 approaches, is going to say what it is, and with which I agree: It is nonsensical and ridiculous to conduct tax policy in that way.

I invite the Senator from Arizona to work with me—and I look forward to doing so—to change this practice which I encountered last year which, for the first time, my first year—I understand the tactic, but I think it is fundamentally wrong no matter who perpetrates it, to be having tax changes phasing in, phasing out, and the like. These are the kinds of games and manipulations we all realize occur. No wonder the American people do not think we have a Tax Code they can depend upon, trust, that makes sense. They are right.

In my experience, just about any tax that is imposed upon people is considered onerous. As a policymaker, I guess I am left wondering which of those taxes, from the standpoint of perceived burden and actual burden, would be the prime candidates to be reduced if we had the resources to do so.

I certainly note that competing with the estate tax elimination, in terms of what taxes impact most Americans, the payroll tax would certainly be my first candidate, especially as it affects the employee. Seventy-five percent of working Americans pay more out of their payroll taxes than they do out of their income taxes. And certainly for employers, for businesses, it is perceived as a cost and as an impediment to hiring additional people.

Another inequity we will face over this next decade as it stands today is some 39 million Americans will be bumped up against the alternative minimum tax by the year 2011 under current law.

We should remedy all of those inequities. The bottom line is, and what Senator CONRAD was asking his colleagues to recognize tonight, and what the American people need to understand about the course that we are about to head down, is we cannot afford to make all of these tax cuts and all of the spending increases which the President's budget proposes without seriously weakening the financial strength of this country so that in a decade, at the end of this 10-year budget period, we are likely to be unable to meet the increased demands of Social Security and medical benefits of an aging population.

If we take the President's budget, assume that the Congress does not change one thing about it, and then apply the Office of Management and Budget, the administration's own fiscal expert, consequences of that budget, as Senator CONRAD said, and it bears repeating, for those next 10 years every dollar in the Federal Government's operating budget, the surpluses, will be eliminated. All of the surpluses in the Medicare trust fund for every 1 of those 10 years will be eliminated. Sixty percent of the Social Security trust fund surpluses, totaling $1.5 trillion during that time, will have to be spent to pay for the operating deficits which will result, leaving at the end of those 10 years in the fiscal year 2012, $1 trillion of surpluses in the Social Security trust fund, and $1.9 trillion of debt that has not been paid because of this additional spending—national debt that, I might add, was projected originally a year ago to have been eliminated by the end of these 10 years.

So I repeat, if we, today, were to adopt the budget which the President has sent to the Congress, without a change, if the economy of this country over the next decade performs according to OMB's assumptions, which are that we will come out of the recession quickly, we will boost up above average GDP, and then we will continue at a rate for the rest of the decade that will result in a decade average of 3.1 percent real growth in GDP; in other words a reasonably optimistic economic assumption sustained over 10 years—low inflation, 2.1 percent, unemployment staying at 4.9 percent, good economic conditions—we will still face $849 billion in deficits in our operating budgets which have to be made up by Social Security and Medicare trust fund dollars.

At that point, we end up facing the proposal of Senator KYL and others that we should eliminate the estate tax permanently during that following decade, which the Congressional Budget Office predicts would cost $4 trillion. If we look at the numbers, we will see we cannot afford to sacrifice another $4 trillion in tax revenues during that time.

The Social Security payments are going to increase. The national debt has not been eliminated. Frankly, I am not even as concerned about that decade, at least not tonight, as I am about the decisions we will be making over the next few weeks and months that will affect what precedes that decade.

I assume Senator KYL's amendment will pass tomorrow. It is a sense-of-the-Senate resolution. It has no force of law. It does not start to take effect until the year 2011. That is about as easy a tax cut vote as anybody can ever hope for.

I implore my Republican colleagues, I implore all of my Senate colleagues, to review the President's budget proposals and to review Senator CONRAD's predictions because they essentially agree. They say if that budget is adopted, we are heading into another decade-long spree of cutting taxes. We did last year. Now some want to accelerate those tax cuts. We want to make some of those tax cuts permanent in following decades—popular decisions, every one of them not in context.

We are proposing to embark on a major military spending spree, $451 billion of additional defense spending in the next 5 years compounded through the next 5 years, spending that we are not paying for with the tax cuts; that we are paying for with the Medicare and Social Security trust funds. Those are the unavoidable realities, the unpleasant realities that we would prefer to avoid. If we do that, we will jeopardize the long-term financial security of this Nation.

If we repeat what occurred in the 1980s and send this country down the path of ongoing budget deficits, we will bequeath to our children and those who follow a fiscal nightmare of unprecedented proportions. Regardless of what we do tomorrow with the sense-of-the-Senate resolution, the real decisions we are going to face in the months ahead will not be those kinds of cosmetics. They will be real commitments to tax cuts and to spending increases that will be sweet and appealing at the time, but the reality is they will jeopardize this country's financial strength and stability.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2851

Mr. LUGAR. Mr. President, under the unanimous consent agreement that has been adopted on amendment No. 2851, the Domenici amendment on dairy, that debate must occur this evening. The provision provides for 2 minutes of debate tomorrow prior to the vote, equally divided. Senator DOMENICI is not able to be present. Earlier today, on his behalf, I offered the amendment with a short argument.

I ask that the Chair call up amendment No. 2851.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LUGAR. Mr. President, I yield myself as much time as I may require from the 10 minutes provided to the proponents of the amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LUGAR. Mr. President I will read from a letter which Senator DOMENICI has written to his colleagues in the Senate in support of amendment No. 2851:

I ask you to join me in making the dairy title of the farm bill equitable to all producers across the country. There is currently $2 billion available in S. 1731 over the next five years for the dairy program. However, the dairy title of the farm bill currently under consideration on the Senate floor gives special treatment to 12 states at the expense of the remaining 38. Specifically, those producers in the 12 New England states currently producing 18% of our nation's milk, will receive a disproportionate 25% in producer payments. This is inconsistent with the vast majority of other programs where the loan rate, or payment rate for a particular commodity is the same for producers all across the country. There is no market justification for this type of division.

FAPRI analysis of S. 1731 shows that the response to these payments would result in depressed market prices. By the last year of the program, estimates predict that income to dairy farmers in every state would be reduced. This is a reduction on all milk—not just milk of a certain level of production. Thus, producers whose milk is not eligible for the payments will be receiving less money for their milk than if the payments were not made at all. To be fair, those producers should not have to pay for this policy. All producers should be allowed to fully participate.

I ask that you support an amendment that will be offered on my behalf that will distribute this $2 billion in a more equitable manner. The program that I propose is national in scope.

Dairy prices can change rapidly from month to month. Rather than burden the Secretary with the costs of computing payment rates and making monthly payments, I propose to streamline this process and make an annual flat payment to producers over the next five years which will approximate the counter-cyclical payments they would receive if computed and paid like other commodities. Estimates show that rate to be approximately 31.5 cents per hundredweight on all milk produced. Under this approach, administrative costs will be reduced and payment uncertainties will be eliminated. A payment on all milk will provide, in gross dollars, as much or more money to virtually all states. A table illustrating this is attached.

I ask unanimous consent to have that printed in the RECORD.

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

COMPARISON OF PRODUCER PAYMENTS DASCHLE SUBSTITUTE—DOMENICI AMENDMENT

State	2001 production (million)	Eligible pounds (million)	Daschle substitute			Domenici amendment (thous)
			Min ($thous)	Mid ($thous)	Max ($thous)	
Alabama	300	278	486	1,652	3402	3623
Alaska	14.36	13	23	79	163	173
Arizona	2884	854	1494	5079	10457	34824
Arkansas	459	425	743	2528	5204	5542
California	33194	15435	27012	91839	189081	400818
Colorado	1961	1181	2066	7024	14461	23679
Connecticut	459	425	5785	7646	7646	5542
Delaware	140.9	130	1776	2347	2347	1701
Florida	2389	1206	2111	7178	14779	28847
Georgia	1431	1241	2171	7382	15198	17279
Hawaii	106.4	98	172	586	1206	1285
Idaho	7754	3644	6378	21684	44644	93630
Illinois	2020	2006	3510	11935	24572	24392
Indiana	2576	2476	4332	14729	30325	31105
Iowa	3785	3702	6478	22025	45346	45704
Kansas	1560	1444	2527	8591	17688	18837
Kentucky	1657	1654	2894	9839	20258	20008
Louisana	629	582	1019	3464	7132	7595
Maine	656	607	8268	10928	10928	7921
Maryland	1285	1207	16430	21716	21716	15516
Massachusetts	366	339	4613	6097	6097	4419
Michigan	5721	5166	9041	30738	63284	69081
Minnesota	8895	8610	15068	51232	105477	107407
Mississippi	505	467	818	2781	5726	6098
Missouri	1972	1942	3399	11557	23795	23812
Montana	346	320	560	1906	3923	4178
Nebraska	1146	1061	1856	6311	12994	13838
Nevada	485	449	786	2671	5499	5856
New Hampshire	322	298	4058	5364	5364	3888
New Jersey	242	224	3050	4031	4031	2922
New Mexico	5561	1268	2219	7544	15532	67149
New York	11750	11045	150396	198781	198781	141881
North Carolina	1164	1083	1894	6441	13261	14055
North Dakota	655	606	1061	3607	7427	7909
Ohio	4388	4318	7556	25691	52893	52985
Oklahoma	1293	1050	1837	6247	12861	15613
Oregon	1746	1437	2515	8550	17603	21083
Pennsylvania	10849	10697	145669	192520	192520	131002
Rhode Island	23.6	22	297	393	393	285
South Carolina	363	336	588	1999	4116	4383
South Dakota	1631	1432	2506	8521	17542	19694
Tennessee	1335	1324	2318	7880	16223	16120
Texas	5099	4166	7290	24787	51032	61570
Utah	1634	1428	2499	8497	17494	19731
Vermont	2678	2557	34824	46028	46028	32337
Virginia	1878	1850	3237	11006	22660	22677
Washington	5512	3467	6067	20629	42471	66557
West Virginia	249	230	3138	4148	4148	3007
Wisconsin	22225	21558	37727	128272	264089	268367
Wyoming	63	58	102	347	714	761
Total	165,357		552,657	1,092,831	1,720,534	1,996,689

Source: USDA Dairy Products 4/17/01, 7/17/01, 10/16/01, 1/17/02.

Eligible pounds are pounds per operation at or below 8,000,000 per year and approximate the percentages used by FAPRI in its analysis.

Payment rates under Daschle Substitute are from Ken Bailey. Penn State Staff paper #344, December 20, 2001. Analysis of the Dairy Provisions in the Senate Version of the Farm Bill. Payments in the NE Program had to be reduced to keep within the 500 million budgetary cap.

Mr. LUGAR. I continue reading:

I also propose the elimination of caps on payments to producers based upon production. This is a fairness issue. Since 1983, dairy producers have paid assessments for their programs. These assessments have always been without limitation. Now that there are payments, these producers should benefit from the same policy—payments without limitations.

A well known dairy economist with Penn State University, using recent historical prices, estimated that payments for the Northeast farmers would be from 24 cents to 91 cents per hundredweight with an average of 57 cents. At the same time producers elsewhere would receive from nothing to 35 cents with a mid point of 14 cents.

Producers in the same marketing orders who share the same blend prices and the same markets, could be treated vastly different under S. 1731. These producers are members of the same cooperatives, use the same trucking companies and otherwise participate in a single market. Yet, some in the market order stand to make 3 to 4 times as much as their neighbors, while market prices in the rest of the country are significantly reduced as a result of the disparity.

Again, I urge you to join me in making the dairy title equitable to all producers. If you

are interested in co-sponsoring this legislation or need additional information, please contact Shelly Randel at 224–1964.

I wish Senator DOMENICI were here to make the statement himself and to further amplify the equity of his program, but common sense would dictate that there should be equity among the States. Clearly, there is not. Clearly, dairy farmers with almost identical conditions and identical cooperatives should have equitable treatment. S. 1731 clearly does not accomplish that.

Therefore, I commend the Domenici amendment to Senators. I am hopeful when the debate concludes tomorrow after the 2 minutes, 1 minute a side to summarize, that Senators will vote in favor of the Domenici amendment.

I yield the floor and 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. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LUGAR. Mr. President, I will ask again that a quorum call be instituted with the time evenly divided between the two sides.

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

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. LEAHY. Mr. President, I would like to bring to the Senate's attention an issue that I hope we might continue to work on during the conference on the farm bill. Last year President Bush set a theme that we ''should not leave any child behind.'' While the world has certainly changed in the past year, I believe that one of the reasons we will succeed in the war against terrorism is that we understand the importance of leaving no child behind. It is my hope that as we work through this conference we will keep our children's health as a top priority.

The Food Stamp Act provides assistance to millions of children living in the United States. In 1980, Congress removed Puerto Rico from the food stamp program as a budget-cutting initiative and established in its place the Nutrition Assistance Program, a block grant for Puerto Rico to provide a modified Food Stamp Program. The Nutrition Assistance Program in Puerto Rico known as NAP, provides support to over 400,000 children.

Over the past year, Puerto Rico's Governor Sila Calderon and her administration have moved aggressively and voluntarily to complete implementation of an Electronic Benefits System for the nutrition program. The Commonwealth thus joins the 50 States as they modernize their food stamp distribution services to ensure authorized purchases by the individuals for whom the benefits were intended. They have worked effectively with the USDA's Food and Nutrition Service to strengthen the administration of the program to ensure that limited dollars are stretched to the maximum.

However, as of 2000, the annual purchasing power of NAP was $147 million less than when it was enacted 22 years ago, compared to the cost of household food on the mainland. If you use the index measuring the increased cost of food in Puerto Rico, you find that the purchasing power of the program has fallen by almost $1 billion.

The loss of purchasing power has real effects on real children. If you look at the NAP and compare it to the Federal Food Stamp Program, you find that the program, 1, does not provide similar benefits; and 2, the budget limitations have excluded many low-income children in Puerto Rico from participation in the program.

For example, the Food Stamp Program's monthly income limitation is $1,531 for a family of three on the mainland and in the Virgin Islands, but the NAP program must limit participation in the program to families of three whose income is $558. This amount equals about 47% of the Federal poverty level, while participation in the Federal Food Stamp Program is extended to those whose incomes are less than 150% of the Federal poverty level.

The NAP maximum benefit level for the family of three is $268 as compared to $341 for food stamps on the mainland and $431 on the Virgin Islands. this problem becomes even more egregious when the cost of purchasing essential food items is compared between Puerto Rico and the mainland. For example, a gallon of milk in San Juan costs $3.89 compared to $2.87 in Washington, D.C.

When Congress established the Nutritional Assistance Program it was our intent to reduce cost and permit the Commonwealth flexibility in providing nutrition support. We certainly did not intend to create a gap such as the one that now exists between these two programs.

Puerto Rico's children are U.S. citizens who deserve a greater opportunity for nutritional support. These young men and women will serve in the U.S. military, they will pay Social Security, Medicare and unemployment taxes, and they are expected to compete in the U.S. labor market. I believe that we need to ensure that children who are U.S. citizens and live in Puerto Rico are not left behind when it comes to nutrition.

I look forward to working with the distinguished chairman; the distinguished ranking member Senator LUGAR; and the other conferees to examine alternatives for providing resources to the Nutrition Assistance Program so that there is some narrowing of the gap between the Federal Food Stamp Program and the Nutrition Assistance Program.

Again, I thank the chairman for his excellent work on this issue, and I look forward to working with him to advance this cause.

Mr. LUGAR. Mr. President, I would like to associate myself with the remarks of my friend, the distinguished Senator from Vermont. As I have indicated in remarks throughout the Senate's deliberations on this bill, nutrition assistance is of paramount importance for enhancing our nation's security. I am familiar with the Nutrition Assistance Program in Puerto Rico and recognize the importance of adjusting benefit levels and income requirements for inflation. This is why Senator COCHRAN and I worked together on legislation, 2 years ago, that now provides such an adjustment. I look forward to working with Senator LEAHY, Chairman HARKIN and the other conferees in the conference on this bill to explore this issue by assessing the needs of low-income Puerto Ricans and possible means of addressing those needs.

PEANUT PROGRAM

Mr. SANTORUM. Mr. President, I rise to engage in a colloquy with my distinguished colleague from Georgia, Mr. MILLER, regarding the peanut title of the proposed farm bill.

My colleague represents the largest peanut growing State and I represent one of the largest peanut product manufacturing States. I compliment him for his leadership and I am pleased by the efforts of the Agriculture Committee in moving to a market-oriented peanut program. My foremost concern is for elimination of the peanut quota system, which has restricted peanut production in the United States. Do the provisions of this farm bill terminate the peanut quota program?

Mr. MILLER. Yes, the legislative language of this farm bill explicitly terminates the peanut quota system effective with the 2002 crop. The bill also provides that the Secretary of Agriculture is to enter into contracts that will compensate quota owners for the lost of their quota.

Mr. SANTORUM. I believe such provisions are useful, but I would like to have the compensation to quota owners terminated 1 year before the end of this 5-year farm bill. I have no problem with the House bill, which buys out quota owners over a 5-year period in the context of a 10-year farm bill.

Mr. MILLER. If we end up with a 5-year farm bill as a result of the House-Senate conference, my quota owners would have no problem in having their quota bought our over 4 years. Therefore, I commit to the Senator to work with the House-Senate conferees to ensure that we end the quota owner buyout contract 1 year shy of any farm bill reauthorization.

Mr. SANTORUM. I thank my colleague for this unquestioned commitment to finding an agreeable resolution. I understand that these reforms

may be difficult for some of his peanut quota growers. However, if we fail to provide real reform of the peanut program we will have done a great disservice to the entire U.S. peanut sector.

Mr. MILLER. Ever-expanding peanut imports are threatening the current and future viability of the peanut industry in Georgia and other peanut-producing and manufacturing states. Peanut growers, shellers, and manufacturers will come under increasing pressure as peanut production and peanut processing infrastructure moves offshore. I am pleased to say that this new peanut program offers a positive resolution for the entire peanut industry, and the new program ensures that the U.S. peanut sector is competitive in the world marketplace.

Mr. SANTORUM. I applaud the leadership and foresight of the Senator from Georgia in developing a peanut program that truly brings needed reform to the program while presenting new opportunities for young peanut farmers.

Mrs. CARNAHAN. Mr. President, I wish to enter a short colloquy with the Senator from Iowa, Chairman of the Agriculture Committee and the floor manager of this bill. As you know, the manager's amendment contains a provision designed to remedy problems that transpired last year in the programs governed by Public Law 107–25. My question is whether this remedy applies to farmers eligible for payments and assistance under Public Law 107–25, but who were denied payments and assistance because their cases were under appeal when the September 30, 2001 deadline passed.

As the distinguished Senator might know, several Missouri farmers did not receive payments and assistance they were entitled to under Public Law 107–25. It was impossible for these Missouri farmers to meet their September 30 deadline because their cases were under appeal. They received no payments even though it was eventually determined that they were eligible for assistance. So, by no fault of their own, several Missouri family farmers face ominous financial situations without the clarifications provided in this amendment.

Mr. HARKIN. I commend the Senator's work on behalf of Missouri family farmers and thank her for her consideration of this amendment. This amendment will indeed apply to farmers who were under appeal status when the deadline passed but later were found to be in compliance and eligible for payments and assistance under Public Law 107–25. The amendment provides that they will receive payments for which they were eligible and have not received. I am pleased that this amendment will help Missouri farmers facing difficult situations.

NUTRITION

Mr. LEAHY. Mr. President, I ask to be recognized for the purpose of engaging in a colloquy with my good friends, the distinguished senior Senators from Massachusetts, Pennsylvania, Florida, and Minnesota. Each of us worked closely with the distinguished Chairman and Ranking Member of the Committee on Agriculture to ensure that the nutrition title of the pending legislation represents an important step forward to improve the program's ability to help low-income children, working poor, and the elderly. As a former chairman of the Agriculture Committee, I know the importance of achieving balance in a farm bill. To ensure broad, bipartisan and bicameral support, a farm bill must have a strong nutrition title that benefits urban and suburban areas that feel less of a direct stake in the agricultural provisions of the bill. I think the pending legislation has that. Unfortunately, the bill passed by the other body earlier this fall does not. A mere $3.6 billion out of a $73.5 billion farm bill does not come close to representing balance and leaves unmet too many of the urgent nutritional needs of low-income families in urban, suburban, and rural areas alike.

Mr. KENNEDY. This farm bill makes important progress in ensuring the nutritional well-being of low-income children. The food stamp program is by far our nation's largest and most important child nutrition program. Over half of all food stamp recipients are children. Four-fifths of all food stamp benefits go to families with children. Despite its important mission, however, this program has been in trouble. Fully half of the savings in the 1996 welfare law came from budget-driven cuts in food stamp benefits. Since then, sharp reductions in the participation rate among eligible households have produced huge additional problems. As a result, significant unmet need exists among low-income children in our country. This legislation takes important steps to address these problems. It recognizes that one of the clear consequences of welfare reform is that children have been hurt. It was never the intention of the 1996 law to cut off these children. This legislation restores benefits to all children to eliminate confusion, and to encourage parents to apply for benefits on behalf of their children. In addition, this legislation recognizes that families with children have greater living expenses than single individuals, and it adjusts the food stamp standard deduction accordingly. It relies on the fundamental concept, similar to the concept in legislation I introduced last year with Senator SPECTER, that food stamp benefits should not start to phase down until a family's income is nine percent above the poverty line. By providing more adequate food assistance benefits to children, we can help ensure that they go to school ready to learn and grow up to be strong, healthy, productive members of our society.

Mr. GRAHAM. Accordingly, one of the most important aspects of the nutrition title of this legislation is its sensitivity to the needs of legal immigrants and their families. Immigrants come to this country today for the same reasons that have brought them here throughout our history: to live in freedom and the opportunity to earn a better life for themselves and their families through hard work. Unfortunately, many immigrants, like other workers in this country, will at times find it difficult to obtain work. Others may be unable to work for a period of time because of workplace injuries or family illnesses. To prevent these hard-working, tax-paying families from suffering serious hardship, it is vital that we extend our country's nutritional safety net, the food stamp program, to more legal immigrants, particularly immigrant children. Unlike its counterpart in the other chamber, the nutrition title of this legislation does just that. I am proud to support that effort.

Mr. WELLSTONE. While falling somewhat short of what I had hoped for in terms of nutrition funding, this legislation nonetheless makes important strides to help ensure that the most vulnerable among us are not left without adequate nutrition in this land of plenty. Refugees and asylees, who enter this country to escape foreign oppression, could receive food stamps for as long as they need them without having to worry about an arbitrary time limit such as the one in current law. Childless unemployed adults could receive six months of food stamps within a twenty-four month period designated by the state. This is still a harsh provision, tougher than the provision that twice passed the Senate in the mid-1990s with bipartisan support. Nonetheless, it would give more people enough time to find new employment before their food stamp eligibility runs out. The legislation also preserves a $25 million fund to help these states provide work slots to persons reaching this time limit. The legislation also helps the very poorest of the poor by increasing the standard deduction and by providing transitional food stamps to persons leaving welfare because they obtained low-paying jobs or because they reached a time limit.

Mr. LEAHY. I fully concur with and support the comments of all four of my distinguished colleagues that have just spoken on the nutrition title of the farm bill. In addition to the many important features of the bill highlighted in their remarks, I would like to add that this legislation also takes major steps to simplify the program. Households would be permitted to report on changes in their circumstances by filling out a simple form every six months rather than having to take time off from work to visit the food stamp office, as often happens today. The cumbersome recertification process would be replaced by the same kind of redetermination process long used in the SSI and Medicaid programs. The crucial excess shelter deduction would be retained. This is essential to protect families in cold weather states like Vermont from facing the cruel choice

between heating and eating. Nonetheless, legislation would greatly simplify the calculation of households' utility costs. States would be given the option to conform their definitions of income and resources in the food stamp program to those they use in other programs. This should allow states to eliminate unnecessary questions from their application forms. In simplifying the program, this legislation strives to protect families in need from experiencing hardship. Simplification should be a means of helping the program serve families better, not an end unto itself. I believe the simplification provisions in this legislation meet that test. As a result, this legislation makes important progress toward simplifying the program in ways that the benefit of State administrators and needy families alike.

MARKET ACCESS PROGRAM FUNDING

Mrs. MURRAY. Mr. President, I rise today to speak on an amendment I filed to the farm bill that would enhance funding for the U.S. Department of Agriculture's Market Access Program. I appreciate the support and cosponsorship of Senators FEINSTEIN, CRAIG, CANTWELL, BOXER, and WYDEN on this amendment.

Last year, the House of Representatives passed Trade Promotion authority by one vote, and the World Trade Organization meetings in Doha wrapped up with an agreement to begin a new round of trade negotiations. In Washington, D.C., and in the capitals of nation's around the world, it appears that momentum is building to expand trade.

But in rural areas in my home State, the support for new trade agreements is declining. Apple growers in Omak, WA and asparagus growers in the Yakima Valley are asking tough questions about our trade agreements.

Washington State is the most trade-dependent State in the nation. I have supported opening new markets for our products, whether it's airplanes or apples. I have also been a strong supporter of giving our farmers and businesses and tools they need to compete.

The global marketplace is tough, extremely competitive, and not always based on free market principles. Foreign governments have taken an aggressive posture in promoting their products. We need to be aggressive too.

One way we can be aggressive is to fully fund the Market Access Program. MAP helps nonprofit industry groups and other qualifying entities to conduct market promotion in foreign markets. MAP funds can be used for advertising and other consumer promotions, market research, and technical assistance.

In my home State of Washington, I have seen how MAP can help farmers, cooperatives, and small businesses. For example, each year, the apple industry receives roughly $3 million in export development funds from the USDA Market Access Program.

These funds, matched by grower funds, are used to promote U.S. apples in more than 20 countries throughout the world. Since 1987, when the apple industry first used MAP funds, apple exports have increased by 88 percent. Nearly one-quarter of fresh U.S. apple production is exported each year, with an estimated value of nearly $400 million.

If we are not aggressive, we will not gain market share.

My amendment would have modified the Senate Farm Bill to fund MAP at $200 million by 2004, and brought the Senate bill more in line with the House-passed Farm Bill, which funds MAP at $200 million beginning in fiscal year 2002. While it may not be possible to fully fund MAP at $200 million in fiscal year 2002, I strongly support funding MAP at this level beginning in fiscal year 2003.

Mrs. MURRAY. I want to begin by thanking Senator FEINSTEIN for her strong advocacy for additional Market Access Program funding. I also want to commend the Chairman of the Senate Agriculture Committee, Senator HARKIN, for writing a strong trade title in this Farm Bill. It is clear to me that Senator HARKIN understands how critical USDA trade programs are to our farmers and ranchers, and to hungry nations around the world.

I am concerned, however, about the level of funding for the Market Access Program in the early years of this Farm Bill. I was prepared to offer an amendment to the Farm Bill to add $145 million to the Market Access Program, so that we would fund MAP at $200 million sooner than in the underlying bill. Unfortunately, some controversy arose over the offset for my amendment.

I would ask Senator FEINSTEIN if she believes we need to fund the Market Access Program at $200 million as soon as possible in the final Farm Bill.

Mrs. FEINSTEIN. I agree very strongly with the Senator from Washington that we need to fund the Market Access Program at $200 million.

If American agriculture is to remain competitive, we must ensure that our farmers are given the same support that their foreign competitors receive.

Heavily subsidized foreign citrus entering the U.S. has quadrupled over the last five years, significantly lowering prices domestically for California growers. In the European Union alone, government subsidization of the fresh produce sector reaches upwards of $15 billion each year.

The Market Access Program provides new jobs—jobs for longshoremen, jobs in processing, jobs in transportation, and of course, jobs for growers.

The Market Access Program is an important tool in expanding markets for U.S. agricultural products.

The U.S. Department of Agriculture estimates that each dollar spent on the Market Access Program results in an increase in agricultural exports of between $2 and $7.

Small farmers especially benefit from this program because they would not be able to break into these foreign markets on their own.

The Market Access Program helps create and protect U.S. jobs, combat inequitable trade practices, improve the U.S. balance of trade, and improve farm income.

I thank the Senator from Washington for her leadership on this issue. I look forward to continuing our work together on increasing funding for this valuable program. To the distinguished Chairman of the Agriculture Committee, thank you for your continued help and support.

Mrs. MURRAY. I thank the Senator from California for her remarks. I would ask the Senator from Iowa if he supports raising MAP funding to $200 million as soon as possible in the final Farm Bill that is sent to President Bush.

Mr. HARKIN. I want to thank the Senators from Washington and California for their strong advocacy for the Market Access Program. I believe this is an indispensable program, particularly for specialty crop producers around the country.

To answer the question raised by the Senators from Washington and California, I agree we need to fund MAP at $200 million. The conference committee will have to address many difficult issues, however I believe it is a reasonable goal to try to fund MAP at $200 million as soon as possible, recognizing that it may take some time for USDA to ramp up the program effectively.

Mrs. MURRAY. I thank the Senator from Iowa for his strong support for the Market Access Program and the specialty crop growers in my state.

MILK PROTEIN CONCENTRATE

Mr. DAYTON. Mr. President, today I planned to offer an amendment to the Senate farm bill that would close the milk protein concentrate loophole.

During the Uruguay Round multilateral trade negotiations, the United States agreed to allow a substantial increase in dairy product imports into this country. Tariff-rate quotas were established to allow imports of most dairy products to rise from an average of 2 percent of domestic consumption to as much as 5 percent.

Until recently, these controls have been effective, but foreign exporters now have found ways to circumvent these quotas. Importers are adjusting the protein content of nonfat dry milk so that it is classified by the U.S. Customs Service as milk protein concentrate, or MPC, a product that is not limited by a tariff-rate quota

There is no tariff-rate quota on MPC because it was a relatively new product when the Uruguay Round WTO agreement was negotiated.

In March 2001, a General Accounting Office study requested by Congress determined that MPC imports have surged by more than 600 percent in just 6 years. MPC imports doubled between 1998 and 1999 alone. According to the GAO study, it appears that some foreign exporters are blending previously

processed dairy proteins, such as casein and whey, into nonfat dry milk to boost its protein content. This is being done solely for the purpose of avoiding the U.S. tariff-rate quota for nonfat dry milk. This practice, specifically cited in the GAO report, circumvents statutory regulations designed to restrict imports of nonfat dry milk powder.

I have introduced legislation, S. 847, that would close this loophole by regulating MPC imports in the same manner all other dairy product imports are regulated, by establishing new tariff-rate quotas on MPC. It also would close a similar loophole that exists for casein used in the production of food or feed, while continuing to allow unrestricted access for imports of casein used in the manufacture of glues and for other industrial purposes.

The Minnesota Farmers Union, the Minnesota Milk Producers, the National Milk Producers Federation, and the National Farmers Union strongly support this bill. I have worked closely with these organizations over the past year to find an appropriate legislative vehicle for my bill, and that is why I am now offering this legislation to the Senate Farm Bill.

Mr. BAUCUS. Mr. President, I commend the Senator from Minnesota for his hard work on behalf of U.S. dairy farmers. This bill, however, properly falls under the jurisdiction of the Senate Finance Committee. As chair of the finance Committee, I will work with the Senator from Minnesota to bring the issue to the attention of the Finance Committee members and to find an appropriate legislative vehicle for his proposal this session.

Mr. DAYTON. Mr. President, I thank the Senator from Montana for his strong support for U.S. dairy farmers. I respectfully withdraw my plans to offer this amendment.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 5 minutes each.

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

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATIONS AND THE BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, Division C of Public Law 107–117, the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act of 2002, increased the statutory limits on discretionary spending for fiscal year 2002. Specifically, it raised the cap on general purpose discretionary budget authority to $681.441 billion and the cap on general purpose discretionary outlays to $670.206 billion. The legislation also increased the cap on outlays for conservation programs to $1.473 billion. Accordingly, I am adjusting the Appropriations Committee's allocation and the budget aggregates to reflect the revised statutory caps.

In addition, Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Public Law 107–38, the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, authorized $40 billion in emergency funding. Public Law 107–38 made the first $20 billion immediately available in fiscal year 2001 and the second $20 billion contingent on the enactment of a subsequent appropriation.

Mr. President, I previously adjusted the committee's allocation and the budget aggregates for the 2002 impact on outlays from the first $20 billion provided in 2001. Public Law 107–117, which was signed into law on January 10, 2002, made available the second $20 billion in emergency spending. That budget authority will result in new outlays in 2002 of $8.223 billion. Consequently, I am making further adjustments to the committee's allocation and to the budget aggregates.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current allocation:		
General purpose discretionary	549,744	551,379
Highways	0	28,489
Mass transit	0	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	901,071	937,212
Adjustments:		
General purpose discretionary	154,496	141,338
Highways	0	0
Mass transit	0	0
Conservation	0	241
Mandatory	0	0
Total	154,496	141,579
Revised allocation:		
General purpose discretionary	704,240	692,717
Highways	0	28,489
Mass transit	0	5,275
Conservation	1,760	1,473
Mandatory	358,567	350,837
Total	1,064,567	1,078,791

Pursuant to section 311 of the Congressional Budget At, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts:

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays
Current allocation: Budget resolution	1,520,019	1,498,600
Adjustsments: Emergency and cap increases	154,496	141,579
Revised allocation: Budget resolution	1,674,515	1,640,179

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 31, 1994 in Pensacola, FL. A gay man was struck by a car driven by a man who shouted anti-gay slurs. The driver, James Griffin, 18, was charged with aggravated battery in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ASIAN NEW YEAR

Mr. CORZINE. Mr. President, today, February 12, 2002, is the first day of the new lunar year. Americans of Asian heritage are celebrating the beginning of the Year of the Horse. This is an occasion for Asian Americans to gather with their families, think of those who have passed away, enjoy symbolic foods, and usher in good luck and health for the year to come.

As a Nation of immigrants, we all share in this time of celebration and salute the rich customs and energy that people of Asian descent have contributed to America. I am proud that the State of New Jersey is home to over 480,000 Asians and Asian Americans, representing the fifth largest community in the United States. Asian American New Jerseyans are an important and valued part of our diverse and vital community. In these troubled times, I hope you will join me in sharing in celebration and remembrance and help to reaffirm the importance of mutual respect and diversity in our Nation.

ECO–TERRORISM—DOMESTIC TERRORISM HURTS OUR NATION

Mr. CRAIG. Mr. President, I rise today to address the subject of eco-terrorism and the assault on our public lands. Eco-terrorism is described as any crime committed in the name of saving nature. And these ''crimes'' range from civil disobedience to crimes

officially designated as a terrorist act by the FBI. In January a band of criminals who call themselves the Earth Liberation Front (ELF) and the North American Animal Liberation Front (ALF), released a report on their combined crime spree during 2001. They also chose to announce a day of national action for February 12th apparently to protest Congressional hearings on their activities.

While I agree that our public lands needs to be saved for the use of future generations, I believe this should be accomplished through active lands management that promotes the mission statements of our public lands agencies. I denounce those who believe that saving nature means driving metal spikes through trees or burning buildings, actions that threaten human lives.

While these folks characterize burning down research centers, homes, and businesses as a form of self-expression protected by the First Amendment, most Americans would question these wrongheaded beliefs. Neither our government nor the American public will support the activities of ELF and ALF.

These groups of eco-terrorist hide from the law, there organizations have no rosters, no board of directors; they work in ''cells''; and they use guerrilla warfare tactics so as not to inform on others. They carry out their acts and then anonymously take credit on behalf of the Earth Liberation Front. They feel it is their duty to commit life-threatening crimes against society to protect nature. Yet they post guidelines on underground websites and give directions as to how to spike trees and build bombs.

Insurance companies are also starting to recognize the risk of eco-terrorism by broadening their definitions of ''terrorist activities/organizations'' and increasing premiums. As a result, the timber industry is bearing a greater financial burden. If a group that meets the insurance industry definition burns or destroys any equipment, it is NOT covered by insurance. Insurance companies intend to include Earth First!, ELF, and ALF in these new definitions.

Let me give my colleagues, an example of this change. The coverage premium for a helicopter was $10,200 for $5,000,000 liability coverage. The premium increased to $24,000 for $1,000,000 worth of coverage. This is a 140 percent increase in premium for an 80 percent decrease in coverage. This is outrageous! Even the insurance companies recognize the dangers involved in eco-terrorism.

The destruction by ELF and ALF has not been directed at just timber companies, though. Land grant universities are also a target because of the research they provide. To those struggling to pay for the education of their college-age children, the recent ELF and ALF 2001 action report makes for interesting reading. The ELF and ALF claim to have destroyed parts, or all, of several buildings at four major land grant universities and to have attempted to burn down additional buildings at several other universities.

Administrators faced with the cost of rebuilding facilities as well as recreating important research surely now question ELF's definition of ''non-violent.'' The list of ELF and ALF actions against our educational system is sobering. It includes the University of Washington—Center for Urban Horticulture, $5.6 million; the Oregon State University—destroyed poplar trees and cottonwood trees, $200,000; the University of Arizona—Mt. Graham International Observatory power line, equipment and vehicles monkey wrenched, $200,000; the University of Idaho—Biotech building spray painted and survey stakes pulled, $20,000; the Ohio State University—locks on doors super-glued and spray painted, no cost estimate; the Michigan Tech University—Noblet Forestry Building and Forest Engineering Lab attempted arson, no cost estimate; and the Cornell University—Duck Laboratory ducks stolen, no cost estimate.

The ELF continued its reign of terror as recently as February 3 when it set fire to heavy equipment and a trailer at the University of Minnesota's new plant genetics laboratory.

We're not just talking about the destruction of inanimate public property here. What of the thousands of hours of research that were destroyed in these senseless not-so-random acts of violence? Is it fair to the scientists whose work was destroyed in these facilities, to tell them the American public thinks so little of their work that we will accept these acts as legitimate political statements? Some of these scientists have spent a career working on this research, working to discover ways to make our world and our lives better.

Some advocates demand we protect bio-diversity by setting aside vast areas of forests because they believe a potential cure for cancer or some other disease may be found in these forests. Shouldn't we also be concerned about the potential cures for cancer and other diseases, or other technological advances, that might have been under development at these research centers? The destruction of these buildings and the research housed within these institutions is no less important than the bio-diversity harbored in our forests. The American people, the press, the Congress cannot stand by and ignore these events.

Given the number of training sessions carried out each summer by these organizations, as well as the more mainline environmental groups that teach impressionable young people how to destroy property, I expect our federal government to put more effort into ending this domestic terrorism. I'm also concerned about the financial support groups such as ELF, ALF, the Ruckus Society, and others receive from the large environmental trusts, and others, who support this unlawful behavior. Grants to these organizations that result in the destruction of public and private property make the funding organizations accessories to these crimes.

When we turn a blind eye to these types of activities, and we tell ourselves that these are just young people searching for meaning in their lives, or that these folks are only participating in the political process, we do ourselves and our neighbors a disservice.

When we stand idly by and tell ourselves that these are just timber companies or giant corporations that can afford these events, we diminish ourselves, our society, and the freedom that we enjoy in this great country. The simple fact is: burning down buildings and destroying research facilities and the research housed in those facilities, is a crime, and there is no reason, political or other, that this type of behavior should be accepted by anyone.

''THE OTHER HALF OF THE JOB''

Mr. BIDEN. Mr. President, last week the Washington Post ran an opinion piece authored by Michael McFaul, a professor of political science at Stanford University, entitled ''The Other Half of the Job.''

Professor McFaul's thesis is that while the budget presented by the President last week contained a significant, and needed, increase in resources for the Department of Defense, it failed to provide a significant, and needed, increase for ''the other means for winning the war on terrorism.'' The budget, Professor McFaul writes, ''builds[] greater American capacity to destroy bad states, but it adds hardly any new capacity to construct good states.''

I share Professor McFaul's concerns about the inadequacy of the international affairs budget, that is, the funds for the State Department and foreign assistance. The President's budget request for foreign affairs for Fiscal Year 2003 is actually less than the amount provided in Fiscal Year 2002, if the funds provided in the emergency supplemental after September 11 are included in the calculation. America's armed forces are doing a brilliant job in the military campaign in Afghanistan. But it will take American diplomats, and our assistance agencies, working with other partners, to win the peace. We cannot win the peace there, or prevent other failed states from becoming havens for terrorism, without giving our people the tools they need.

I commend Professor McFaul's article to my colleagues. I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Feb. 5, 2002]

THE OTHER HALF OF THE JOB

(By Michael McFaul)

The United States is at war. President Bush therefore has correctly asked for Congress to approve additional resources to fight this war. The new sums requested—$48 billion for next year alone—are appropriately large. Bush and his administration have astutely defined this new campaign as a battle for civilization itself, and have wisely cautioned that the battle lines will be multifaceted and untraditional.

So why are the new supplemental funds earmarked to fight this new war largely conventional and single-faceted—i.e., money for the armed forces? Without question, the Department of Defense needs and deserves new resources to conduct the next phase of the war on terrorism. The Department of Defense may even need $48 billion for next year.

What is disburbing about President Bush's new budget, though, is how little creative attention or new resources have been devoted to the other means for winning the war on terrorism. The Bush budget is building greater American capacity to destroy bad states, but it adds hardly any new capacity to construct new good states.

We should have learned the importance of following state destruction with state construction, since the 20th century offers up both positive and negative lessons. Many have commented that our current war is new and unprecedented, but it is not. Throughout the 20th century, the central purpose of American power was to defend against and, when possible, destroy tyranny.

American presidents have been at their best when they have embraced the mission of defending liberty at home and spreading liberty abroad. This was the task during World War II. This was the objective (or should have been the mission) during the Cold War. It must be our mission again.

The process of defeating the enemies of liberty is twofold: Crush their regimes that harbor them and then build new democratic, pro-Western regimes in the vacuum.

In the first half of the last century, imperial Japan and fascist Germany constituted the greatest threats to American national security. The destruction of these dictatorships, followed by the imposition of democratic regimes in Germany and Japan, helped make these two countries American allies.

In the second half of the last century, Soviet communism and its supporters represented the greatest threat to American national security. The collapse of Communist autocracies in Europe and then the Soviet Union greatly improved American national security. The emergency of democracies in east Central Europe a decade ago and the fall of dictators in southeast Europe more recently have radically improved the European security climate, and therefore U.S. national security interests. Democratic consolidation in Russia, still an unfinished project, is the best antidote to a return of U.S.-Russian rivalry.

The Cold War, however, also offers sad lessons of what can happen when the United States carries out state destruction of anti-Western, autocratic regimes without following through with state construction of pro-Western, democratic regimes. President Reagan rightly understood that the United States had an interest in overthrowing Communist regimes around the world. The Reagan doctrine channeled major resources to this aim and achieved some successes, including most notably in Afghanistan. State construction there, however, did not follow state destruction. The consequences were tragic for American national security.

So why is the Bush administration not devoting greater capacity for state construction in parallel to increasing resources for state destruction? Bush's pledge of $297 million for Afghanistan for next year is commendable, but this one-time earmark does not constitute a serious, comprehensive strategy for state construction in Afghanistan or the rest of the despotic world that currently threatens the United States.

On the contrary, in the same year that the Department of Defense is receiving an extra $48 billion, many U.S. aid agencies will suffer budget cuts. Moreover, the experience of the past decade of assistance in the post-Communist world shows that aid works best in democratic regimes. Yet budgets for democracy assistance in South Asia and the Middle East are still minuscle. Strikingly, the theme of democracy promotion was absent in President Bush's otherwise brilliant State of the Union speech.

It is absolutely vital that the new regime in Afghanistan succeed. Afghanistan is our new West Germany. The new regime there must stand as a positive example to the rest of the region of how rejection of tyranny and alliance with the West can translate into democratic governance and economic growth. And the United States must demonstrate to the rest of the Muslim world that we take state construction—democratic construction—as seriously as we do state destruction. Beyond Afghanistan, the Bush administration must develop additional, nonmilitary tools for fighting the new war. To succeed, the United States will need its full arsenal of political, diplomatic, economic and military weapons. Bush's statements suggest that he understands this imperative. Bush's budget, however, suggests a divide between rhetoric and policy.

MINNESOTA CELEBRATES BLACK HISTORY MONTH

Mr. DAYTON. Mr. President, February is a very special month for people in Minnesota and throughout our country. It is ''Black History Month,'' when all of us recognize the many outstanding achievements of African-Americans and their important contributions to our nation. We also honor the African-American men and women who achieved these successes despite obstacles which would have defeated lesser people.

In 1926, Carter Woodson, considered by many to be the ''Father of Black History,'' created Negro History Week. It evolved into Black History Week in the early 1970s. In 1976, February was chosen to be Black History Month, because it included the birthdays of Frederick Douglass and Abraham Lincoln, both of whom made heroic contributions to the lives of African-Americans in this country.

So throughout this month, let us celebrate the accomplishments of so many African-American heroes. They dared to take risks to ensure a better way of life for all people, and the results of their courageous acts have been felt around the world.

Though we have come a long way in our battle for equal rights for all Americans, there is still much to be done. We must be bolder in our efforts to ensure that Americans of every race have every opportunity to share in and contribute to our economic prosperity. That means quality education and health care and adequate housing for all Americans. It means a good job with living wages, so that everyone can earn the American dream. And it means that our tax and budget policies must spread their benefits across all social and economic lines.

We must intensify our push toward a justice system that is color blind in enacting and enforcing our laws. Hate crimes, prejudice, racial profiling, and discrimination must be eliminated now and forever.

We must continue to honor the people who have shaped our society and also recognize the work of today's leaders who endeavor to continue that crusade for equality. Minnesota takes great pride in the African-Americans who have made our State and our country a better place. Their achievements abound throughout public service, the arts, sports, and academia.

Sharon Sayles-Belton has just completed two terms as the Mayor of Minneapolis. Throughout her eight years, she provided extraordinary leadership. Her many accomplishments have left Minneapolis a better City than when she took office, and they will be her lasting legacies for many years to come.

Sharon exemplifies the highest caliber of dedicated public service, which has been a great Minnesota tradition. As a very successful and visible African-American woman, she served as a role model for many girls and young women in the City. And her compassion for others, her steadfast resolve, and her effective leadership are models for all of us.

Mahmoud El Kati, professor of African-American Studies at Macalester College in St. Paul, teaches courses such as ''The Black Experience Since World War II'' and ''Sports and the African-American Community.'' He is a frequent contributor to the opinion pages of both Twin Cities newspapers as well as the local Black press, and he speaks candidly about African-American society today. Most recently, El Kati has campaigned to name a street in St. Paul after Dr. Martin Luther King, Jr.

Evelyn Fairbanks, a St. Paul native who died last year, was a Renaissance woman. She became the first Black employee at St. Paul's Hamline University, as a cashier. She wrote a memoir, ''The Days of Rondo'', which portrays her experiences growing up in the Rondo community, the largest Black neighborhood in St. Paul, in the 1930s and '40s. While still employed in various jobs such as factory worker, maid, and director of a neighborhood arts center, Fairbanks earned her undergraduate degree from the University of Minnesota at the age of 40. Later, her memoir was adapted for the stage, as the play Everlasting Arms. In 1995, Hamline University awarded this accomplished woman an honorary doctorate degree.

The mission of Minnesota's Penumbra Theatre is ''to bring forth professional productions that are artistically

excellent, thought provoking, relevant, entertaining and presented from an African-American perspective.'' That is how Lou Bellamy, Penumbra's founder and artistic director, runs this nationally recognized theatre. Under Bellamy's leadership, the Penumbra has received numerous honors, including the Jujamcyn Theaters Award for the development of artistic talent.

As the Dean of the University of Minnesota General College, David Taylor does what he loves, assisting educationally disadvantaged students. He is also a scholar of African-American Studies whose greatest influences have been his mother and Dr. Martin Luther King, Jr. Taylor, who grew up in the Summit-University neighborhood of St. Paul, is often called upon to provide an historical perspective on Minnesota's African-American community.

These are just a few of the Minnesotans, past and present, who exemplify the struggle for attainment of human dignity, justice, and self-determination. As we celebrate Black History Month, we can look to them as models of leadership, making Minnesota and this country all that it should be for all our citizens.

VERMONTERS TAKE FIRST GOLD AT 2002 WINTER OLYMPICS

Mr. LEAHY. Mr. President, my colleagues sometimes may wonder whether we Vermonters will ever run out of examples to illustrate the pride we take in our beautiful State and its people. Not today, we won't.

Today I rise to describe two of Vermont's finest athletes representing all Americans at the 2002 Winter Olympics in Salt Lake City.

Vermont's cold winters and plentiful snow breed true winter athletes. We need not look any further than this year's Olympic roster to see this. At least 21 of America's competitors can claim ties to Vermont. Some of them have lived in the Green Mountain State for their entire lives, while others have come to our mountains to attend one of our schools or universities.

During the last two days, two of these Vermonters swept the Olympic snowboarding halfpipe competitions, winning America's first two gold medals of the 2002 Winter Olympics. Vermont is famous for its firsts. Many of snowboarding's newly formed roots reach deep into the Green Mountains of our State. It is fitting that two Vermont snowboarders have shown the world how it is done.

On Sunday, February 10th, 18-year-old Kelly Clark of West Dover, VT, became the first American to win a gold medal in the 2002 Winter Olympics, scoring a 47.9 out of 50 points in the women's halfpipe competition. Then on Monday, Ross Powers, 23, of South Londonderry, Vermont, took gold in the men's halfpipe competition, winning America's second gold medal of this year's Winter Games.

Since the fourth grade, Kelly Clark has been riding the slopes of Vermont. Her parents own a small restaurant near the beautiful resort of Mount Snow. It was on our Green Mountains that Kelly exerted herself beyond belief, pushing the limit, jumping higher and attempting new moves. She succeeded because she refused to let danger, fear, and exhaustion keep her down.

Kelly is no stranger to winning. Only two short months ago she won the gold medal at the Winter X-Games in Aspen, CO. On Sunday, not only did she win the gold medal, but she managed to do it under great pressure. As the last competitor of the event, she only had one last chance to show the world what she could do, and she rose to the challenge.

The day after Kelly introduced herself to the world, Ross Powers won his second Olympic medal adding to a collection of medals he began during the 1998 Nagano Games when snowboarding made its Olympic debut. All the more remarkable is the fact that Ross led America in a medal sweep of a winter event for the first time in nearly half a century. He impressed the judges and spectators by shooting off the snow 15 feet into the air, landing flawlessly and performing trick after trick.

His family and friends back at Vermont's Bromley Mountain and Stratton Mountain resorts watched Ross, as a child snowboard prodigy, work hard and push himself from the time he first strapped a snowboard to his feet at age five. Three years later he began competing.

Recognizing the hard work, determination and financial backing it takes to become a world-class athlete, Ross formed the Ross Powers Foundation. This non-profit program gives talented and hard-working children the financial support they need to follow their winter sports dreams.

I am sure many more of my fellow Vermonters will find their way onto our sports pages before the Olympics leave Salt Lake City. I know that the country shares our pride in the accomplishments of these courageous Olympic athletes. We Vermonters join all Americans in thanking Kelly and Ross, and all Olympic athletes, for their hard work and devotion to competition and to their country.

ADDITIONAL STATEMENTS

RECOGNIZING ROY LEWIS

• Mr. BUNNING. Mr. President, I rise today in order to respectfully recognize the selfless actions of Roy Lewis, a long-time resident of Ashland, KY.

For the last 10 years, Mr. Lewis, 91 years-young, has been the man who every Monday evening hands out tickets at the Community Kitchen in Ashland, KY. Mr. Lewis has been a dedicated and loyal member of the First Baptist Church in Ashland since 1936 and fulfills his ticket duties at the Kitchen only after honoring his commitment as a member of the church teller committee, which counts and prepares the church's Sunday offering to be deposited in the bank. He also regularly teaches Sunday School and serves as the church clerk.

I ask my fellow Members of the Senate to furthermore join me in congratulating Mr. Lewis for being named Deacon Emeritus and Trustee Emeritus last year, and for his 53 years of diligent and undaunted service to the church and the community.

Instead of enjoying his retirement from Ashland Oil by playing golf or traveling, Roy Lewis has chosen to give back to the community and people he has so dearly loved for 91 years. I praise Mr. Lewis for his willingness to put other's needs ahead of his own and thank him for having such a strong character and heart.•

IN RECOGNITION OF THE 90TH ANNIVERSARY OF HADASSAH

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating Hadassah upon its 90th anniversary. Originally founded in 1912 by Henrietta Szold as a woman's study circle, Hadassah has grown into an organization with over 300,000 members involved with 1,500 chapters across the country. Today, Hadassah is not only the largest woman's group in the country, but also the largest Jewish membership organization in the United States.

Since its inception, Hadassah has been an advocate on behalf of women, Israel and the Jewish diaspora. However, Hadassah has done more than advocate on behalf of these issues, it has taken concrete steps to help people throughout the world. In particular, Hadassah is to be lauded for its provision of world class health care to the people of the Middle East, irrespective of race, religion or nationality. Every year, more than 600,000 patients are treated at the centers operated by the Hadassah Medical Organization, HMO, which includes two hospitals, 90 outpatient clinics, and numerous community health centers. Under the auspices of the HMO, Haddassah also provides medical training during international health crises, including the recent events in Bosnia-Herzegovina and Rawanda.

Though Hadassah's medical efforts are primarily in the Middle East, the organization also has other important initiatives. One of the most notable is a nationwide breast cancer detection and awareness campaign conducted by the Women's Health Department. This campaign includes the Check it Out high school program which strives to educate teens about the dangers of cancer and how to screen oneself for early signs. In addition, Hadassah produces quality educational programs that help Jewish families learn about and celebrate their Jewish culture and heritage.

Hadassah is also affiliated with numerous other programs which provide such services as technical and vocational training and environmental

preservation. Of particular note is Youth Aliya, which assists disadvantaged and at risk youth. Through a system of residential villages and day centers these teens have the opportunity to take part in health education programs, vocational training and are offered exposure to and encouragement in art, dance, music and athletics.

The long and storied history of Hadassah and the record of public service by its members is truly commendable. I know that my Senate colleagues will join me in congratulating Hadassah on this significant occasion.●

● Mr. WELLSTONE. Mr. President, I rise today to pay homage to Hadassah, the Women's Zionist Organization of America, on the occasion of its 90th anniversary.

As you may know, Hadassah is the largest women's and the largest Jewish membership organization in the United States. Hadassah's 300,000 volunteers are active throughout the world, including 800 U.S. communities in 48 different States, as well as the District of Columbia and Puerto Rico.

Since 1912, Hadassah volunteers have played a lead role in advancing the cause of social justice, particularly in the areas of education and health. One such endeavor, the breast cancer detection and awareness campaign, ''Check It Out,'' has had powerful, positive effects on women nationwide. The success of Hadassah's youth programs, particularly Young Judaea and Youth Aliya, proves that volunteerism can affect change.

The organization's commitment to a peaceful future in Israel and Palestine also deserves praise. Hadassah has earned accolades for its work in Israel, where they operate a world-renowned medical complex in Jerusalem, made up of two advanced hospitals, with a clientele of more than 600,000 patients of all races, religions and creeds. In addition, the Hadassah Medical Organization is actively involved in global outreach programs in scores of other countries, particularly those in Africa. These international campaigns focus on public health awareness, particularly AIDS education, as well as on treatment of eye diseases.

As the Chairman of the Subcommittee on Near Eastern and South Asian Affairs, I have learned a great deal about the important work of Hadassah. I respect their contributions and appreciate all they have done to advance the legislative agenda of women and Israel.

The spirit of founder Henrietta Szold lives on today, through the dedication and commitment of Hadassah's volunteers. I am proud to offer my commendation on 90 years of quality service.●

HONORING THE CITY OF MOORHEAD FOR ITS COMMITMENT TO RENEWABLE SOURCES OF ENERGY

● Mr. DAYTON. Mr. President, this week, the U.S. Senate will begin consideration of a historic National Energy Policy, which will guarantee our citizens access to affordable, reliable, and renewable sources of energy far into the future. As we begin this historic debate, we can learn much from the efforts of many organizations that have led the way in promoting a greater reliance on renewable sources of energy.

Moorhead, MN is an exceptional example of a city that has demonstrated a clear commitment to renewable sources of energy. Moorhead city officials, and the citizens themselves, are to be applauded for their vision of a city that will continue to reduce its dependence on fossil fuels for their future electricity needs.

The city of Moorhead initiated its ''Capture the Wind'' program in 1998—offering its municipal electric customers the opportunity to purchase wind energy from a turbine that would be owned and operated by the city. The success of the program has been nothing short of phenomenal.

Three weeks after the announcement of the Capture the Wind program, over 400 Moorhead Public Service customers signed up to purchase electricity from the proposed wind turbine. Because these 400 customers would consume the entire capacity of the proposed turbine, the city began placing additional residents on a Capture the Wind program waiting list.

While all other Moorhead Public Service customers would receive two-thirds of their electricity from hydropower and one-third from a coal-fired electric generation plant, the 400 Capture the Wind charter members would replace their coal-generated electricity with electricity generated by the 750 kilowatt wind turbine to be constructed on the edge of town. The Capture the Wind customers agreed to pay the additional cost of wind-generated electricity, amounting to one-half cent more for each kilowatt-hour of electricity consumed. The additional cost amounts to approximately $5 more per month for the average residential customer. This additional cost is among the lowest in the Nation for wind-generated electricity.

Due to the overwhelming success of the Capture the Wind Program, the city of Moorhead appealed to its utility customers to help Moorhead ''catch its second wind'' in the fall of 2000. Once again, over 400 new customers signed up for the program—enabling the city to build a second wind turbine alongside its first.

As of last fall, the twin turbines have generated over 3.5 million kilowatt-hours of electricity. Thanks to the customers who have embraced the Capture the Wind program, these turbines have already prevented the emission of over 7.7 million pounds of greenhouse gases into our atmosphere. That has the same positive effect on the environment that would be achieved if we were to remove 770 cars from the road for one year.

At this time, over 925 Moorhead Public Service customers have become Capture the Wind members, accounting for 7.3 percent of all Moorhead utility customers. The National Renewable Energy Laboratory has recognized Moorhead Public Service as the utility with the highest percentage of its customers participating in a renewable energy program in the nation. Moorhead's Capture the Wind program has also earned it the 2001 Energy Innovator Award from the American Public Power Association.

Moorhead City officials are to be commended for the phenomenal success of the city's Capture the Wind program. While many officials staked their reputations on the program's outcome, I would be remiss if I did not mention several leaders who especially contributed to its success. First and foremost, Moorhead's former mayor, Morrie Lanning—a man who served his city as mayor for over 22 years before retiring last December—is to be applauded for his solid support and advocacy for the Capture the Wind program. Moreover, the program would not have been possible without the thousands of hours of work invested by Bill Schwandt, General Manager of Moorhead Public Service, and Christopher Reed, Manager of Energy Services and Marketing.

But most important, the 925 members of the Capture the Wind program deserve special recognition for their commitment to renewable energy. The rest of the Nation can learn much from Moorhead's example. We can learn that when citizens are informed about the importance of reducing our reliance on fossil fuels for our energy needs, many are willing to pay a little bit more to help secure our energy future. The citizens of Moorhead can lead the way to a brighter future for all of us.●

HONORING THE WASHINGTON STATE LABOR COUNCIL

● Mrs. MURRAY. Mr. President, on behalf of all the citizens of Washington State, I am delighted to congratulate the Washington State Labor Council on the 100th anniversary of its original formation. Washington State has a rich labor tradition.

On January 17, 1902, 120 delegates representing 114 local unions and five central labor councils from around Washington State gathered in Tacoma and voted to affiliate with the American Federation of Labor. This local organization eventually merged with the Washington State Congress of Industrial Organizations in 1957, the same time the national AFL and CIO merged, to form the Washington State Labor Council, AFL–CIO.

There have been many challenges faced during their first one hundred years, yet each challenge was faced with dignity and courage, knowing that the struggles faced would build a better life for working men and women. Union members throughout Washington State have risked their own

livelihoods to stand up for decent wages, safe working conditions, and job security.

I have enormous respect for the past and present leadership of the Washington State Labor Council. We stand together in the ongoing battle to give working families the strongest possible voice.

For the past 100 years, Washington State's labor community has been a powerful force for progress. Their tireless efforts are indispensable in the daily battles for worker's rights. Countless families across Washington State are better off today because of their commitment.

The Washington State Labor Council has also been at the forefront of the effort to pass fair increases in the state minimum wage, setting standards for the rest of the country to follow. Simply put, the Washington State Labor Council has been there in the trenches, making progress happen.

I look forward to working closely with the Washington State Labor Council on all the great causes we share. Washington State has made real progress because of their work, and will continue to do so with their help now and in all the years ahead.●

WEST VIRGINIA VA MEDICAL FACILITIES HONORED

● Mr. ROCKEFELLER. Mr. President, today I am enormously proud to highlight the recognition of the Department of Veterans Affairs Medical Center in Huntington, in my home State of West Virginia, for excellence in health care delivery.

The Huntington VA Medical Center has received accreditation from the Joint Commission on Accreditation of Healthcare Organizations, JCAHO, as a result of meeting national health care standards. I am very pleased to see this VA health care provider in my home State receiving the accolades it so richly deserves for delivering a high standard of care to veterans.

The Joint Commission, an independent, non-profit organization, is an accreditation body focused on ensuring quality and safety standards for health care on a national level. An on-site survey of the Huntington VA Medical Center, as well as its affiliated facilities, was conducted by the Joint Commission last November, giving Huntington an overall score of 98. Only about 4 percent of all of the facilities that the Joint Commission surveys receive scores of 98 or above a true testament to the quality of health care at the Huntington VA Medical Center.

It is the administration and staff at the Huntington VA Medical Center that make it the superb facility it is. I recognize the hard work and tireless efforts of all the staff there: from the Director's office, maintenance workers, the food preparers, doctors, nurses, physician assistants and physical therapists, to the mental health treatment staff, specialized medicine, emergency, and geriatric care providers. The entire team has made the hospital a true model for quality health care delivery, not just within the VA health care system, but for the entire Nation. I, along with the veterans who receive care at Huntington, thank them for all they do, and encourage them to continue their good work.●

PRESIDENTIAL MESSAGES

The following presidential messages were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

PM–70. A message from the President of the United States, transmitting, pursuant to law, the National Drug Control Strategy for 2002; to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit the 2002 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

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

We have made progress in the past. From 1985 to 1992, drug use among high school seniors dropped each year. Progress was steady and, over time, dramatic. However, in recent years we have lost ground. This Strategy represents the first step in the return of the fight against drugs to the center of our national agenda. We must do this for one great moral reason: over time, drugs rob men, women, and children of their dignity and of their character.

We acknowledge that drug use among our young people is at unacceptably high levels. As a Nation, we know how to teach character, and how to dissuade children from ever using illegal drugs. We need to act on that knowledge.

This Strategy also seeks to expand the drug treatment system, while recognizing that even the best treatment program cannot help a drug user who does not seek its assistance. The Strategy also recognizes the vital role of law enforcement and interdiction programs, while focusing on the importance of attacking the drug trade's key vulnerabilities.

Previous Strategies have enjoyed bipartisan political and funding support in the Congress. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2002.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 3:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 737. An act to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the ''Joseph E. Dini, Jr. Post Office.''

S. 970. An act to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building.

S. 1026. An act to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building.''

H.J. Res. 82. A joint resolution recognizing the 91st birthday of Ronald Reagan.

The bills and joint resolution were signed subsequently by the President pro tempore (Mr. BYRD).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, February 12, 2002, she had presented to the President of the United States the following enrolled bills:

S. 737. An act to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the ''Joseph E. Dini, Jr. Post Office.''

S. 970. An act to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building.

S. 1026. An act to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building.''

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5346. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Final Sequestration Report to the President and Congress for Fiscal Year 2002; to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; and Veterans' Affairs.

EC–5347. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Montana Regulatory Program'' (MT–003–FOR) received on February 8, 2002; to the Committee on Energy and Natural Resources.

EC–5348. A communication from the Director of the Foreign Terrorist Tracking Task Force, Department of Justice, transmitting,

pursuant to law, the report of a rule entitled ''Provision of Aviation Training to Certain Alien Trainees'' received on February 8, 2002; to the Committee on the Judiciary.

EC–5349. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to Section 22 of the Railroad Retirement Act of 1974 and Section 502 of the Railroad Retirement Solvency Act of 1983, a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes; to the Committee on Health, Education, Labor, and Pensions.

EC–5350. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tetraethoxysilane Polymer with Hexamethyldisiloxane; Tolerance Exemption'' (FRL6822–4) received on February 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5351. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1,2-Ethanediamine, Polymer with Methyl Oxirane and Oxirane; Tolerance Exemption'' (FRL6821–9) received on February 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5352. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5353. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5354. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5355. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5356. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL7134–2) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5357. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAP: Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Interim Standards Rule)'' (FRL7143–3) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5358. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Final Amendments Rule)'' (FRL7143–4) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5359. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas'' (FRL7141–7) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5360. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Plans; State of Missouri'' (FRL7141–6) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5361. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Reinstatement of Redesignation of Area for Air Quality Planning Purposes; Kentucky Portion of the Cincinnati-Hamilton Area'' (FRL7141–9) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5362. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revisions to the Ozone Maintenance Plan for the Huntington-Ashland Area'' (FRL7141–1) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5363. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL7137–6) received on February 8, 2002; to the Committee on Environment and Public Works.

EC–5364. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Type Certification Procedures for Changed Products; delay of compliance dates'' ((RIN2120–AF68)(2002–0001)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5365. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10 10, 10F, 15, 30, 30F, 40, and 40F Series Airplanes'' ((RIN2120–AA64)(2002–0088)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5366. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Springhill, LA; confirmation of effective date'' ((RIN2120–AA66)(2002–0009)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5367. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9 81, 82, 83, and 87 Series Airplanes, and Model MD 88 Airplanes'' ((RIN2120–AA64)(2002–0087)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5368. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas DC–9 81, 82, 83, and 87 Series Airplanes, and Model MD 88 Airplanes'' ((RIN2120–AA64)(2002–0086)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5369. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce Corporation AE3007 Series Turbofan Engines'' ((RIN2120–AA64)(2002–0085)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5370. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Aircraft Corp Model S–76B and S–76C Helicopters'' ((RIN2120–AA64)(2002–0084)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5371. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–8 70 Series Airplanes'' ((RIN2120–AA64)(2002–0083)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5372. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, and 200C Series Airplanes'' ((RIN2120–AA64)(2002–0082)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5373. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 200B, 200C, 200F, 747SP, and 747SR Series Airplanes'' ((RIN2120–AA64)(2002–0081)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5374. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes'' ((RIN2120–AA64)(2002–0080)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5375. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 200C and 200F Series Airplanes'' ((RIN2120–AA64)(2002–0079)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5376. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes'' ((RIN2120–AA64)(2002–0078)) received on February 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5377. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–237, ''Closing of a Public Alley in Square 5851, S.O. 00–94 Act of 2002''; to the Committee on Governmental Affairs.

EC–5378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–236, ''Closing of a Portion of South Avenue, N.E., and Designation of Washington Place, N.E., S.O. 01–312, Act of 2002''; to the Committee on Governmental Affairs.

EC–5379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–235, ''Closing of a Public Alley in Square 220, S.O. 01–2388 Act of 2002''; to the Committee on Governmental Affairs.

EC–5380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–238, ''Chief Financial Officer Establishment Reprogramming During Non-Control Years Technical Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–5381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–241, ''Closing, Dedication and Designation of Certain Public Streets and Alleys in Squares 5880, 5881, 5882, 5883, 5885, 5890, and S.O. and 01–2384 Act of 2002''; to the Committee on Governmental Affairs.

EC–5382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–251, ''Continuation of Health Coverage Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–5383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–252, ''Unemployment Compensation Services Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–5384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–253, ''Ward Redistricting Residential Permit Parking Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–5385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–254, ''Educational Stepladder Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–5386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–257, ''Operation Enduring Freedom Active Duty Pay Differential Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–5387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–255, ''Safety Net Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–5388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–250, ''Uniform Athlete Agents Act of 2002''; to the Committee on Governmental Affairs.

EC–5389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–231, ''Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–5390. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–232, ''Lease-Purchase Agreement Act of 2002''; to the Committee on Governmental Affairs.

EC–5391. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–233, ''Colorectal Cancer Screening Insurance Coverage Requirement Act of 2002''; to the Committee on Governmental Affairs.

EC–5392. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–234, ''Closing of a Public Alley in Square 2837, S.O. 92–195, Act of 2002''; to the Committee on Governmental Affairs.

EC–5393. A communication from the Chairman of the Council of District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–229, ''Health Insurers and Credentialing Intermediaries Uniform Credentialing Form Act of 2002''; to the Committee on Governmental Affairs.

EC–5394. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–230, ''Uniform Consultation Referral Forms Act of 2002''; to the Committee on Governmental Affairs.

EC–5395. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to House Report 101–648, a report relative to General Accounting Office employees detailed to congressional committees as of January 25, 2002; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

*John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals for a term of six years.

*Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

*Dan Gregory Blair, of the District of Columbia, to be Deputy Director of the Office of Personnel Management.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the unanimous consent agreement of February 12, 2002:

DEPARTMENT OF EDUCATION

William Leidinger, to be Assistant Secretary for Management, Department of Education, Department of Education.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 1932. A bill to require a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes; to the Committee on Foreign Relations.

By Mr. SHELBY:

S. 1933. A bill to amend the Securities Exchange Act of 1934 and the Securities Act of 1933, to address liability standards in connection with violations of the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI (for herself and Mrs. CLINTON):

S. 1934. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United Stats Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Governmental Affairs.

By Ms. MIKULSKI (for herself, Mr. LEAHY, Mr. BINGAMAN, and Mrs. CLINTON):

S. 1935. A bill to amend chapters 83 and 84 of title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 1936. A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mrs. CARNAHAN, Mr. BOND, Mr. TORRICELLI, and Mr. DEWINE):

S. Res. 207. A resolution designating March 31, 2002, and March 31, 2003, as ''National Civilian Conservation Corps Day''; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. WELLSTONE):

S. Con. Res. 96. A concurrent resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 129

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 129, a bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as ''Gold Star Parents'') of members of the Armed Forces who die during a period of war.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. BUNNING, his name was added as a cosponsor of S.

170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 207

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 304

At the request of Mr. HATCH, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 304, a bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs.

S. 683

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 683, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 806

At the request of Mr. HUTCHINSON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 806, a bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 950

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 999

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1125

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1409

At the request of Mr. MCCONNELL, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1760

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1760, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1765

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1765, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

S. 1909

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1909, a bill to amend title 10, United States Code, to require the establishment of a unified combatant command for homeland security of the United States, and for other purposes.

S. 1917

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. CON. RES. 56

At the request of Mrs. CLINTON, her name was added as a cosponsor of S.Con.Res. 56, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

AMENDMENT NO. 2829

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 2829.

AMENDMENT NO. 2832

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2832.

At the request of Mr. MILLER, the names of the Senator from North Carolina (Mr. HELMS), the Senator from North Carolina (Mr. EDWARDS) , the Senator from Virginia (Mr. WARNER) , the Senator from Virginia (Mr. ALLEN); and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 2832 supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 1933. A bill to amend the Securities Exchange Act of 1934 and the Securities Act of 1933, to address liability standards in connection with violations of the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1933

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investor Protection Act of 2002''.

SEC. 2. LIABILITY STANDARDS IN PRIVATE SECURITIES LITIGATION.

(a) IN GENERAL.—Section 21D(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(f)) is amended to read as follows:

''(f) CIVIL LIABILITY.—

''(1) JOINT AND SEVERAL LIABILITY FOR DAMAGES.—Any covered person against whom a final judgment is entered in a private action arising under this title shall be liable for damages jointly and severally.

''(2) SETTLEMENT DISCHARGE.—

''(A) IN GENERAL.—A covered person who settles any private action arising under this title at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons.

''(B) BAR ORDER.—Upon entry of a settlement described in subparagraph (A) by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling covered person arising out of the action, which order shall bar all future claims for contribution arising out of the action—

''(i) by any person against the settling covered person; and

''(ii) by the settling covered person against any person, other than a person whose liability has been extinguished by the settlement of the settling covered person.

''(C) REDUCTION.—If a covered person enters into a settlement with the plaintiff prior to final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

''(i) an amount that corresponds to the percentage of responsibility of that covered person; or

''(ii) the amount paid to the plaintiff by that covered person.

''(3) CONTRIBUTION.—

''(A) IN GENERAL.—A covered person who is jointly and severally liable for damages in any private action arising under this title may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made, as determined by the court.

''(B) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—In any private action arising out of this title determining liability, an action for contribution shall be brought not later than 6 months after the date of entry of a final, nonappealable judgment in the action.

''(4) APPLICABILITY.—Nothing in this subsection shall be construed to create, affect, or in any manner modify, the standard for liability associated with any action arising under the securities laws.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'covered person' means—

''(i) a defendant in any private action arising under this title; or

''(ii) a defendant in any private action arising under section 11 of the Securities Act of 1933, who is an outside director of the issuer of the securities that are the subject of the action; and

''(B) the term 'outside director' shall have the meaning given such term by rule or regulation of the Commission.''.

(b) CONFORMING AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 11(f)(2)(A) of the Securities Act of 1933 (15 U.S.C. 77k(f)(2)(A)) is amended by striking ''in accordance'' and all that follows through the period and inserting ''in accordance with section 21D(f) of the Securities Exchange Act of 1934.''.

(c) APPLICABILITY.—The amendments made by this section shall not affect or apply to any private action arising under the securities laws commenced before and pending on the date of enactment of this Act.

SEC. 3. PERSONS WHO AID AND ABET VIOLATIONS.

(a) COMMISSION AUTHORITY.—Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended by striking ''knowingly'' and inserting ''recklessly''.

(b) PRIVATE LITIGATION.—Section 21D of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4) is amended by adding at the end the following:

''(g) PERSONS THAT AID OR ABET VIOLATIONS.—Any person that recklessly provides substantial assistance to another person in violation of a provision of this title, or of any rule or regulation issued under this title, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.''.

SEC. 4. STATUTE OF LIMITATIONS.

Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

''SEC. 37. STATUTE OF LIMITATIONS.

''(a) IN GENERAL.—Except as otherwise specifically provided in this title, and notwithstanding section 9(e), an implied private right of action arising under this title may be brought not later than the earlier of—

''(1) 5 years after the date on which the alleged violation occurred; or

''(2) 3 years after the date on which the alleged violation was discovered.

''(b) EFFECTIVE DATE.—The limitations period provided by this section shall apply to all proceedings commenced after the date of enactment of the Investor Protection Act of 2002.''.

SEC. 5. REPEAL OF CERTAIN CLASS ACTION LIMITATIONS.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended—

(1) in subsection (a), by striking ''Except as provided in subsection (f), the'' and inserting ''The''; and

(2) by striking subsection (f).

(b) SECURITIES ACT OF 1933.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

''SEC. 16. REMEDIES ADDITIONAL.

''The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.''.

By Ms. MIKULSKI (for herself and Mrs. CLINTON):

S. 1934. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Federal Law Enforcement Pay Adjustment Equity Act. I am proud to be joined on this bill by my colleague, Senator CLINTON. This legislation amends the Law Enforcement Pay Equity Act of 2000 to allow retired police officers of the United States Secret Service Uniformed Division and the United States Park Police to receive the same Cost of Living Adjustment, COLA, as active officers.

For almost 80 years, Secret Service and Park Police retirees were assured an increase in their pensions whenever their active counterparts received an increase by the ''equalization clause'' in the District of Columbia Police and Firearms Salary Act, DCRA, of 1958. When the Law Enforcement Pay Equity Act passed in 2000, the automatic link that ensured retirees of getting the same COLA as active officers was severed. This bill would restore that link, guaranteeing that the pension for these retired federal police officers keeps up with the cost of living.

The Law Enforcement Pay Equity Act of 2000 created a sharp inequality in retirement benefits for a small number of retirees, 630 Secret Service retirees and 465 Park Police retirees, roughly eleven hundred in total. They gave years of loyal service, often in difficult and life-threatening situations. They are the only federal retirees who had existing retirement benefits scaled back.

Providing for government retirees and their families has always been an important function of the Federal Government. There is no reason why the government should go back on its word to provide this small group of valuable employees with secure retirement benefits. Restoring the Cost of Living Adjustment to the pensions of 1100 Federal retirees will have a minimal impact on the Federal budget, but a major impact on the quality of life of the people involved.

When it comes to Federal employees, I believe that promises made should be promises kept. These former Secret Service and Park Police officers planned for their retirement with the understanding that their pension would be enough to live on, even as the cost of living increased. They deserve the retirement benefits they were promised when they signed up for service.

I urge my colleagues to join me in expressing support for this bill to restore promised retirement benefits to retired officers of the United States Secret Service Uniformed Division and the United States Park Police.

By Ms. MIKULSKI (for herself, Mr. LEAHY, Mr. BINGAMAN, and Mrs. CLINTON):

S. 1935. A bill to amend chapters 83 and 84 of title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Law Enforcement Officers Retirement Equity Act of 2002. I am proud to be joined on this bill by my colleagues, Senators LEAHY, CLINTON, and BINGAMAN. This legislation will ensure that revenue officers of

the Internal Revenue Service, customs inspectors of the U.S. Customs Service, and immigration inspectors of the Immigration and Naturalization Service have the same retirement options as most Federal law enforcement officers and conforms with the Federal law enforcement retirement system.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. Most people would be surprised to learn that current law does not treat revenue officers, customs inspectors and immigrations inspectors as Federal law enforcement personnel. I feel very strongly that in the light of the increased duties that these men and women are doing to help combat terrorism, keep our homeland secure, and help with the war on drugs we need to do what we can to give them the benefits that they deserve.

This legislation will amend the current law and finally grant the same 20-year retirement to these members of the Internal Revenue Service, Customs Service, and Immigration and Naturalization Service. The employees under this bill have very hazardous, physically challenging occupations, and it is in the public's interest to make sure that these homeland security officials receive the benefits they earn on our frontlines everyday.

The need for a 20-year retirement benefit for inspectors of the Customs Service is very clear. These employees are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They are required to have the same law enforcement training as all other law enforcement personnel. These employees face so many challenges. They may potentially confront criminals in the drug war, organized crime figures, and increasingly sophisticated white-collar criminals.

U.S. Customs inspectors have the authority to arrest those engaged in these crimes if the crimes are committed in their presence. These officers carry a firearm on the job. They are responsible for the most arrests performed by Customs Service employees. Along with U.S. Customs agents, uniformed U.S. Customs inspectors are helping provide additional security at the Nation's airports and could assist U.S. Customs agents with the arrest of anyone violating U.S. Customs laws. They were among the first to respond to the tragedy at the World Trade Center.

The Customs Service interdicts more narcotics than all other law enforcement agencies combined, over a million pounds a year. In 1996, they seized nearly 400 tons of marijuana, over 90 pounds of cocaine, and nearly 1.45 tons of heroin.

Like U.S. Customs Service Inspectors, INS inspectors are part of the first line of defense for homeland security. INS inspectors enforce the nation's immigration laws at more than 300 ports of entry. In the normal course of their duties, they enforce criminal law, make arrests, carry firearms, interrogate applicants for entry, search persons and effects, and seize evidence. Inspector's responsibilities have become increasing complex as political, economic and social unrest has increased globally. The threat of terrorism only increases these responsibilities.

INS Inspectors help secure our borders. In FY 2001, over 510 million inspections were performed by these inspectors with 700,000 individuals were denied entry, and approximately 15,000 criminal aliens being intercepted.

Revenue officers struggle with heavy workloads and a high rate of job stress. Some IRS employees must even employ pseudonyms to hide their identity because of the great threat to their personal safety. The Internal Revenue Service currently provides it's employees with a manual entitled: Assaults and Threats: A Guide to Your Personal Safety to help employees respond to hostile situations. The document advises IRS employees how to handle on-the-job assaults, abuse, threatening telephone calls, and other menacing situations.

This legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force. These vital Federal employees bear the same risks and work under similar conditions to other law enforcement officials and deserve to receive the same level of benefits.

I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted. This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.

Mr. LEAHY. Mr. President, I rise to join my good friend Senator MIKULSKI in introducing the Law Enforcement Officers Retirement Equity Act of 2002. This bill would correct an inequity that exists under current law, whereby U.S. Customs Service and INS Inspectors as well as revenue agents from the IRS are denied the same retirement benefits provided to other law enforcement officers. I have introduced a similar bill, S. 1828, with the support of Senator HATCH and Senator MIKULSKI, which would provide similar benefits to the Nation's Federal prosecutors, who are now more than ever facing the immense dangers and challenges of the war on terrorism. Both measures are long overdue and important corrections in the Federal law.

This bill would increase the retirement benefits given to federal INS and Customs inspectors and IRS Revenue agents by including them as ''law enforcement officers,'' LEOs, under the Federal Employees' Retirement System and the Civil Service Retirement System. The relevant provisions of the United States Code dealing with retirement benefits define an LEO as an employee whose duties are ''primarily the investigation, apprehension, or detention'' of individuals suspected or convicted of violating Federal law. See 5 U.S.C. §§8331(20) & 8401(17). Under that definition, it is inconceivable that Customs and INS Inspectors and IRS Revenue Agents would not be included, yet they are not. Customs and INS Inspectors spend their entire days searching, questioning, and investigating potential violations of Federal law by those who either cross our borders or those who send goods and freight into and out of the United States. In many cases, they are our first and last defense against smugglers and those who seek to enter the United States unlawfully. IRS Revenue Agents have a long history of tax enforcement, sometime in dangerous circumstances involving contraband materials.

This bill would make these agents and inspectors eligible for immediate, unreduced retirement benefits at age 50 with 20 years of service. For example, those who are covered by the Civil Service Retirement System would receive 50 percent of the average of their three highest years' salary. That is the retirement package that is currently afforded to nearly every other Federal law enforcement employee. Just like the Federal prosecutors covered by S. 1828, there is no good justification for not including these Customs, INS and IRS law enforcement employees with their peers in terms of their retirement benefits, and plenty of good reasons supporting their inclusion.

First and foremost, the danger faced by these men and women supports their inclusion as LEOs. The primary reason for granting enhanced retirement benefits to LEOs is the often dangerous work of law enforcement, and at no time in our Nation's history has both the danger and importance of protecting our Nation's borders been more clear. As the September 11 attacks on our nation amply demonstrated, the tools of terrorism and the terrorists themselves are often imported to the United States from abroad—and often times illegally. The people who are included in this bill are the men and women who literally stand their posts to make sure that, among other things, illegal weapons and terrorists are not allowed into the United States. What could possibly be more dangerous?

I know first hand, from my experience as a former prosecutor in Vermont that the men and women who stand watch at our Northern border put themselves in harm's way each and every day that they put on their uniforms and go to work. In Vermont, I know that these men and women have a proud history of confronting and apprehending those who seek to enter the

county illegally and smuggle contraband into the United States. Already, as part of the USA PATRIOT Act, I was able to work to include important provisions which enhanced the protection of our Northern border. This bill is yet another overdue measure which recognizes the importance of such border protection.

Another reason for correcting this inconsistency in the law is the retention of good officers at the agencies which guard the border. Faced with new security challenges, it is crucial that the Customs Service and the INS possess the tools to maintain an experienced and professional cadre of agents at our Nation's land borders, airports, and seaports. When one type of Federal law enforcement officer is provided worse benefits than all others for no good reason, there is a risk that the most qualified and successful agents will move to other comparable jobs with better benefits. Since LEO retirement benefits are currently afforded to nearly every other group of people that enforce our laws, there is currently a risk that the best and most dedicated Customs and INS Inspectors will be lured away from their jobs protecting the border for ''greener'' pastures. This bill would eliminate this risk by providing proper incentives for the best people to stay right where we want them, protecting our borders.

To conclude, I commend Senator MIKULSI's leadership in this area, and I join her in introducing the Law Enforcement Officers Retirement Equity Act of 2002. For all of these reasons, I urge its swift enactment into law.

By Mr. DURBIN:

S. 1936. A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise to introduce the Global Coordination of HIV/AIDS Response Act, known as the Global CARE Act. HIV/AIDS is a national security issue, an economic issue, a health and safety issue, and most importantly a moral issue. It is for these reasons I am proposing comprehensive legislation to address the global HIV/AIDS pandemic. This bill will not solve all these problems. But it does set the bar where the need is, and it does offer innovative ideas to address the global AIDS crisis in a strategic, coordinated, accountable manner.

Since the tragedy of September 11, we have all been focused on combating the war on terrorism, and rightfully so. But as we all know, perhaps even more clearly since September, fighting and preventing terrorism, preparing for and preventing bioterrorist attacks, maintaining international stability, and promoting global economic cooperation and growth require not only a military and political response but also a social and humanitarian effort.

Today's reality is a world in which geographical borders seem to hold less and less significance. As we work to maintain economic prosperity and safety in our own Nation, we must face the fact that globalization is upon us. This has never been more true than in the case of disease. The HIV/AIDS pandemic, tuberculosis and other life threatening infectious diseases know no borders. They cannot be prevented by a missile defense system. We cannot halt the spread of AIDS with bombing raids.

Whether deliberately spread as a man made bioterrorist threats or a naturally occurring, infectious diseases are a pressing national security issue. A CIA report last year noted the link between disease and political chaos, saying that rampant AIDS, tuberculosis and other infectious illnesses were ''likely to aggravate, and in some cases, may even provoke, economic decay, social fragmentation and political destabilization in the hardest hit countries.''

The epidemic is not confined to Africa. HIV has reached epidemic proportions in India. The World Bank estimates that if effective prevention efforts are not implemented immediately and sustained, India could have more than 37 million people infected with HIV by the year 2005. This is roughly equal to the total number of HIV infections in the world today. The AIDS epidemic is sweeping across Eastern Europe, where HIV infection rates are rising faster in the former Soviet Union than anywhere else in the world according to a U.N. Report on AIDS. The Baltic nation of Estonia reported 10 times as many new infections last year as it did in 1999. In China, the number of people living with AIDS now tops one million. This is a moral issue that cannot be ignored.

The rising rates of infection and the rising death toll are draining national budgets and depriving local economies of their workforce. Last November United Nations officials predicted that some of the most affected African nations could lose more than 20 percent of their Gross Domestic Product, GDP, by 2020 because of AIDS. Recent studies by the World Health Organization's Commission on Macroeconomics and Health show that infections and disease are not only the product of poverty; they also create poverty. By investing in health in developing countries we can save lives and produce clear and measurable financial returns. For example, the Commission reported that well-targeted spending of shared among nations in the amount of $66 billion a year by 2015 could save as many as 8 million lives a year and generate six-fold economic benefits, more than $360 billion a year by 2020.

AIDS is also the single largest contributor to a worldwide resurgence in Tuberculosis, TB. The spread of TB in the developing world has a direct effect on the health and safety of Americans. Last month, forty-eight people in Mobile, Alabama, tested positive for exposure to tuberculosis, three weeks after a graduate student at Spring Hill College died of the disease. The Student, from Nairobi, Kenya, is thought to have contracted TB before coming to the U.S. Also last month, health officials in Mecklenburg County, North Carolina, announced they were treating five people for drug-resistant TB. All were immigrants from countries where TB flourishes. Just last week, the Centers for Disease Control and Prevention indicated that the number of new cases of TB in this country declined in 2000 but the number of cases occurring in the foreign-born U.S. population increased. The point is clear: we cannot maintain our own safety if we neglect the health needs of the developing world.

For all these reasons—national security, economic stability, public health, and our moral obligation, I have introduced the Global CARE Act. It is critically important that we demonstrate the political will to act on this issue. I think it would be productive for Congress to establish clear policy goals and funding targets that represent the real need. It is also our job to ensure that there is accountability for the money that we appropriate, and that we are able to articulate the results of our U.S. investment. It is my hope that by doing this we will secure a serious, effective financial commitment that to date has been woefully inadequate.

The Global Coordination of HIV/AIDS Response Act is grounded in the principles of leadership and accountability.

The policy goals I have set forth in this bill are the following: better coordination among the myriad of U.S. agencies active in the global AIDS fight; a more focused strategic planning initiative that makes the best use of U.S bilateral assistance; increased accountability for the health and policy objectives we seek to achieve with our financial and human investment in AIDS-ravaged countries; the ability to mobilize the most effective human and capacity-building tools to provide some of the building blocks that are needed; and a clear articulation of the broader issues that need to be addressed to have a real impact on HIV/AIDS, including not just prevention but treatment and care, and not just health initiatives but also economic investments.

The Global CARE Act provides specific funding authorizations for the key agencies working on global AIDS, as well as for the Global Fund. Both bilateral and multilateral assistance is needed to address this problem. Before the Leadership and Investment in Fighting and Epidemic, LIFE, initiative authorized USAID to conduct activities specifically focused on global AIDS in FY2000, there was little direction from Congress on this issue. And up until the United Nations and President Bush specifically requested money for the Global Fund, there was little agreement about what was needed. It is now time for Congress to step up to the plate and provide some direction.

The authorized funding levels in the Global CARE Act represent a need that

has been well documented. The World Health Organization's Marcoeconomics and Health Commission has determined that by 2007, the international community—donor and affected countries—should be spending $14 billion in response to the AIDS pandemic. Last year, the United Nations called for roughly $10 billion annually.

America has by far the greatest giving capacity, yet we devote the smallest percentage of our overall wealth to efforts aimed at alleviating global poverty and disease. Last year the United States gave one-tenth of 1 percent of its GNP to foreign aid—or $1 for every thousand dollars of its wealth, the lowest giving rate of any rich nation. By comparison, Canada, Japan, Austria, Australia and Germany each gave about one-quarter of 1 percent, of $2.50 for every thousand dollars of wealth. Many other countries give even more, at rates 8 to 10 times higher than the United States. Based on its share of global GNP, the United States should contribute at least 25 percent of the total AIDS response cost in 2003. Twenty-five percent of the estimated $10 billion needed next year would be $2.5 billion. Hundreds of civic groups and religious leaders have joined together, calling on Congress to provide at least $2.5 billion to combat the pandemic.

The Global CARE Act establishes broad policy goals and activities that are embodied in an international HIV/AIDS Prevention and Capacity Building Initiative and an International Care and Treatment Access Initiative. These goals and activities, which range from education, voluntary testing and counseling, to helping preserve families and ameliorate the orphan crisis, are not parceled out to the various agencies we know are actively engaged in this issue such as the U.S. Agency for International Development (USAID) and the Centers for Disease Control and Prevention (CDC). Rather this legislation generally relies on the existing authorities of the agencies to carry out these broad activities with the requirement that they coordinate their activities with each other and with host country needs and host country plans.

The development of a coordinated, effective, and sustained plan for U.S. bilateral aid in relation to multilateral aid and other nation's bilateral aid is paramount. The U.S. has the opportunity to provide the requisite leadership in this global effort though operating strategically, and in an accountable and transparent manner.

To provide an incentive for such coordination, the bill establishes an interagency working group charged with ensuring that global HIV/AIDS activities are conducted in a coordinated, strategic fashion. Members of this working group include agencies within the Department of State, specifically USAID; agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the National Institutes of Health; the Department of Defense, Labor, Commerce and Agriculture, and the Peace Corps.

This is policy working group with representatives from the agency programs doing the real work. It is my intention that the working group help to ensure that the various agencies we fund to provide bi-lateral assistance are making the most of the money we appropriate; that they are not duplicating efforts; that they are learning from each others' programmatic experience and research in order to implement the best practices; and that they are accountable to Congress and the American people for achieving measurable goals and objectives. In fact, the function of this group is very similar to the interagency working group established in H.R. 2069—legislation that passed the House of Representatives last year.

The Global CARE Act very specifically directs the working group to report back to the Senate Committee on Foreign Relations, the Senate Committee on Health, Education, Labor and Pensions, and the Senate Appropriations Committee, and the corresponding Committees in the House of Representatives, with the following information: 1. The actions being taken to coordinate multiple roles and policies, and foster collaboration among Federal agencies contributing to the global HIV/AIDS activities; 2. A description of the respective roles and activities of each of the working group member agencies; 3. A description of actions taken to carry out the goals and activities authorized in the International AIDS Prevention and Capacity Building Imitative and the International AIDS Care and Treatment Access Initiative set out in the legislation; 4. Recommendation to specific Congressional committees regarding legislative and funding actions that are needed carry out the activities articulated in the bill; and 5. The results of the HIV/AIDS goals and outcomes as established by the working group. In my view, only by requiring very specific reporting requirements will the working group actually work.

The Global CARE Act includes a number of other provisions. Some have been discussed on the Hill, others have not. It authorizes a Global Physician Corps to utilize the human capital we have in our working and retired physicians by providing a mechanism for them to serve overseas where their expertise is so needed.

The bill authorizes a small amount for USAID to work on development and implementing initiatives to improve injection safety. According to the World Health Organization (WHO), each year the overuse of injections and unsafe injections combine to cause an estimated 8 to 16 million hepatitis B virus infections, 2.3 million to 4.7 million hepatitis C infections and 80,000 to 160,000 HIV infections. Together, these chronic infections are responsible for an estimated 10 million new infections, more than 1.8 million deaths, 26 million years of life lost, and more than $535 million in direct medical costs.

It includes a new pilot program to provide a limited procurement of antirectoriviral drugs and technical assistance to programs in host countries. And it includes a very important orphan relief and microcredit component that acknowledges that addressing the AIDS problem requires both an economic and social investment in women and families.

I hope my colleagues will consider the framework and policy I have developed as we work to introduce a unified proposal to address the HIV/AIDS problem. Tackling this pandemic will take more than one good bill—it will take a concerted effort to combine the best ideas and realistic initaitives to get the job done.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 207—DESIGNATING MARCH 31, 2002, AND MARCH 31, 2003, AS ''NATIONAL CIVILIAN CONSERVATION CORPS DAY''

Mr. BINGAMAN (for himself, Mr. LUGAR, Mrs. CARNAHAN, Mr. BOND, Mr. TORRICELLI, and Mr. DEWINE) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 207

Whereas the Civilian Conservation Corps, commonly known as the CCC, was an independent Federal agency that deserves recognition for its lasting contribution to natural resources conservation and infrastructure improvements on public lands in the United States and for its outstanding success in providing employment and training to thousands of Americans;

Whereas March 31, 2002, is the 69th anniversary, and March 31, 2003, is the 70th anniversary, of the signing by President Franklin D. Roosevelt of the Emergency Conservation Work Act, a precursor to the Civilian Conservation Corps Act that established the CCC;

Whereas, between 1933 and 1942, the CCC provided employment and vocational training for more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish American War and World War I, and more than 80,000 Native Americans in conservation and natural resources development work, defense work on military reservations, and forest protection;

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

Whereas the CCC managed more than 4,500 camps in every State and the then-territories of Hawaii, Alaska, Puerto Rico, and the Virgin Islands;

Whereas the CCC left a legacy of natural resources and infrastructure improvements that included planting more than 3,000,000,000 trees, building 46,854 bridges, restoring 3,980 historical structures, developing more than 800 state parks, improving 3,462 beaches, creating 405,037 signs, markers,

and monuments, and building 63,256 structures and 8,045 wells and pump houses;

Whereas the benefits of many CCC projects are still enjoyed by Americans today in national and state parks, forests, and other lands, including the National Arboretum in Washington, DC, Bandelier National Monument in New Mexico, Great Smoky Mountains National Park in North Carolina and Tennessee, Yosemite National Park in California, Acadia National Park in Maine, Rocky Mountain National Park in Colorado, and Vicksburg National Military Park in Mississippi;

Whereas the CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, communication, and leadership for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC;

Whereas the CCC demonstrated the commitment of the United States to the conservation of land, water, and natural resources on a national level and to leadership in the world on public conservation efforts; and

Whereas the conservation of the Nation's land, water, and natural resources is still an important goal of the American people: Now, therefore, be it

Resolved, That the Senate—

(1) designates both March 31, 2002, and March 31, 2003, as ''National Civilian Conservation Corps Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. BINGAMAN. Mr. President, I am pleased to submit a resolution today with Senators LUGAR, CARNAHAN, BOND, TORRICELLI and DEWINE, designating March 31, 2002 and March 31, 2003 as ''National Civilian Conservation Corps Day.'' March 31, 2002 is the 69th anniversary and March 31, 2003 is the 70th anniversary of the signing by President Roosevelt of the Emergency Conservation Work Act, the precursor to the Civilian Conservation Corps Act.

The Civilian Conservation Corps, commonly known as the CCC, was a Depression-era public works program started by President Franklin D. Roosevelt. The CCC put over 3 million young men to work on natural resources conservation and public lands infrastructure improvements. Many of the physical accomplishments of the CCC are still visible, but even more importantly, the CCC also provided its participants with education, lasting friendships, a cooperative spirit, and a foundation of self-confidence and discipline.

Americans still enjoy the benefits of the work done by the CCC in the 1930s and 1940s at national and state parks across the U.S. CCC participants planted more than 3 billion trees, developed more than 800 state parks, improved more than 3,000 beaches and are responsible for countless monuments, signs, wells, and other improvements. CCC camps were located in every State, including the then-territories of Hawaii and Alaska.

CCC alumni across the country still share the bonds of friendship and hard work. The National Association of Civilian Conservation Corps Alumni has thousands of active members from all 50 States whose lives were often dramatically changed for the better by their enrollment years ago. Many traveled for the first time, learned new trades and developed self-confidence, while sending much-needed money home to their families during the Depression.

This resolution would pay tribute to the lasting contribution of the CCC to natural resources conservation and infrastructure improvements and to its outstanding success in providing employment and training to millions of Americans.

SENATE CONCURRENT RESOLUTION 96—COMMENDING PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN FOR HIS LEADERSHIP AND FRIENDSHIP AND WELCOMING HIM TO THE UNITED STATES

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 96

Whereas President Pervez Musharraf of Pakistan has shown courageous leadership in cooperating with the United States in the campaign in Afghanistan;

Whereas President Musharraf has shown great fortitude in confronting domestic extremists;

Whereas the efforts of President Musharraf in promoting moderation are both in the national interest of Pakistan and of great importance to Pakistani-American relations;

Whereas the war against terrorism underscores the importance of strengthening the historic bilateral relationship between the United States and Pakistan;

Whereas President Musharraf has worked to improve the political representation of minorities in Pakistan; and

Whereas the Pakistani-American community in the United States makes important contributions to the United States and plays a vital role in developing a closer relationship between the peoples of the United States and Pakistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends President Pervez Musharraf of Pakistan for his leadership and friendship and welcomes him to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2845. Mr. MCCONNELL proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) 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.

SA 2846. Mr. ENZI proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2847. Mr. WELLSTONE proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2848. Mr. LUGAR (for Mr. GRAMM) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2849. Mr. LUGAR (for Mr. GRAMM) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2850. Mr. LUGAR (for Mr. KYL (for himself, Mr. NICKLES, and Mr. HUTCHINSON)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2851. Mr. LUGAR (for Mr. DOMENICI) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2852. Mr. HARKIN (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2853. Mr. HARKIN proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2854. Mr. LUGAR (for Mr. MCCONNELL) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2855. Mr. LUGAR (for Mr. KYL) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2856. Mr. HARKIN proposed an amendment to amendment SA 2845 submitted by Mr. MCCONNELL and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) supra.

SA 2857. Mr. REID (for Mr. CONRAD) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

TEXT OF AMENDMENTS

SA 2845. Mr. MCCONNELL proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

On page 128, after line 8, add the following:

SEC. 1___. REDUCTION OF COMMODITY BENEFITS TO IMPROVE NUTRITION ASSISTANCE.

(a) INCOME PROTECTION PRICES FOR COUNTER-CYCLICAL PAYMENTS.—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (2) and inserting the following:

''(2) INCOME PROTECTION PRICES.—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

''(A) Wheat, $3.4460 per bushel.

''(B) Corn, $2.3472 per bushel.

''(C) Grain sorghum, $2.3472 per bushel.

''(D) Barley, $2.1973 per bushel.

''(E) Oats, $1.5480 per bushel.

''(F) Upland cotton, $0.6793 per pound.

''(G) Rice, $9.2914 per hundredweight.

''(H) Soybeans, $5.7431 per bushel.

''(I) Oilseeds (other than soybeans), $0.1049 per pound.''.

(b) LOAN RATES FOR MARKETING ASSISTANCE LOANS.—

(1) IN GENERAL.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 123(a)) is amended to read as follows:

''SEC. 132. LOAN RATES.

''The loan rate for a marketing assistance loan under section 131 for a loan commodity shall be—

''(1) in the case of wheat, $2.9960 per bushel;

''(2) in the case of corn, $2.0772 per bushel;

''(3) in the case of grain sorghum, $2.0772 per bushel;

''(4) in the case of barley, $1.9973 per bushel;

''(5) in the case of oats, $1.4980 per bushel;

''(6) in the case of upland cotton, $0.5493 per pound;

''(7) in the case of extra long staple cotton, $0.7965 per pound;

''(8) in the case of rice, $6.4914 per hundredweight;

''(9) in the case of soybeans, $5.1931 per bushel;

''(10) in the case of oilseeds (other than soybeans), $0.0949 per pound;

''(11) in the case of graded wool, $1.00 per pound;

''(12) in the case of nongraded wool, $.40 per pound;

''(13) in the case of mohair, $2.00 per pound;

''(14) in the case of honey, $.60 per pound;

''(15) in the case of dry peas, $6.78 per hundredweight;

''(16) in the case of lentils, $12.79 per hundredweight;

''(17) in the case of large chickpeas, $17.44 per hundredweight; and

''(18) in the case of small chickpeas, $8.10 per hundredweight.''.

(2) ADJUSTMENT OF LOANS.—

(A) IN GENERAL.—The amendment made by section 123(b) is repealed.

(B) APPLICABILITY.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) shall be applied and administered as if the amendment made by section 123(b) had not been enacted.

(c) FOOD STAMP PROGRAM.—

(1) SIMPLIFIED RESOURCE ELIGIBILITY LIMIT.—Section 5(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(1)) is amended by striking ''a member who is 60 years of age or older'' and inserting ''an elderly or disabled member''.

(2) INCREASE IN BENEFITS TO HOUSEHOLDS WITH CHILDREN.—Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARD DEDUCTION.—

''(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Secretary shall allow a standard deduction for each household that is—

''(i) equal to the applicable percentage specified in subparagraph (D) of the income standard of eligibility established under subsection (c)(1); but

''(ii) not less than the minimum deduction specified in subparagraph (E).

''(B) GUAM.—The Secretary shall allow a standard deduction for each household in Guam that is—

''(i) equal to the applicable percentage specified in subparagraph (D) of twice the income standard of eligibility established under subsection (c)(1) for the 48 contiguous States and the District of Columbia; but

''(ii) not less than the minimum deduction for Guam specified in subparagraph (E).

''(C) HOUSEHOLDS OF 6 OR MORE MEMBERS.—The income standard of eligibility established under subsection (c)(1) for a household of 6 members shall be used to calculate the standard deduction for each household of 6 or more members.

''(D) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (A), the applicable percentage shall be—

''(i) 8 percent for each of fiscal years 2002 through 2004;

''(ii) 8.5 percent for each of fiscal years 2005 through 2007;

''(iii) 9 percent for each of fiscal years 2008 through 2010; and

''(iv) 10 percent for each fiscal year thereafter.

''(E) MINIMUM DEDUCTION.—The minimum deduction shall be $134, $229, $189, $269, and $118 for the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States, respectively.''.

(3) EFFECTIVENESS OF CERTAIN PROVISIONS.—Sections 413 and 165(c)(1) shall have no effect.

SA 2846. Mr. ENZI proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

On page 337, strike line 11 and insert the following:

SEC. 309. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

''SEC. 209. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

''(a) IN GENERAL.—The President may establish a pilot emergency relief program under this title to provide live lamb to Afghanistan on behalf of the people of the United States.

''(b) REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report that—

''(1)(A) evaluates the success of the program under subsection (a); or

''(B) if the program has not succeeded or has not been implemented, explains in detail why the program has not succeeded or has not been implemented; and

''(2) discusses the feasibility and desirability of providing assistance in the form of live animals.''.

SA 2847. Mr. WELLSTONE proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

Beginning on page 217, strike line 12 and all that follows through page 235, line 6 and insert the following:

(iii) REQUIREMENT.—A comprehensive nutrient management plan shall meet all Federal, State, and local water quality and public health goals and regulations, and in the case of a large confined livestock operation (as defined by the Secretary), shall include all necessary and essential land treatment practices and determined by the Secretary.

(3) ELIGIBLE LAND.—The term ''eligible land'' means agriculture land (including cropland, grassland, rangeland, pasture, private nonindustrial forest land and other land on which crops or livestock are produced), including agricultural land that the Secretary determines poses a serious threat to soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

(4) INNOVATIVE TECHNOLOGY.—The term ''innovative technology'' means a new conservation technology that, as determined by the Secretary—

(A) maximizes environmental benefits;

(B) complements agricultural production; and

(C) may be adopted in a practical manner.

(5) LAND MANAGEMENT PRACTICE.—The term ''land management practice'' means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resource.

(6) LIVESTOCK.—The term ''livestock'' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and other such animals as are determined by the Secretary.

(7) MANAGED GRAZING.—The term ''managed grazing'' means the application of 1 or more practices that involve the frequent rotation of animals on grazing land to—

(A) enhance plant health;

(B) limit soil erosion;

(C) protect ground and surface water quality; or

(D) benefit wildlife.

(8) MAXIMIZE ENVIRONMENTAL BENEFITS PER DOLLAR EXPENDED.—

(A) IN GENERAL.—The term ''maximize environmental benefits per dollar expended'' means to maximize environmental benefits to the extent the Secretary determines is practicable and appropriate, taking into account the amount of funding made available to carry out this chapter.

(B) LIMITATION.—The term ''maximize environmental benefits per dollar expended'' does not require the Secretary—

(i) to require the adoption of the least cost practice or technical assistance; or

(ii) to require the development of a plan under section 1240E as part of an application for payments or technical assistance.

(9) PRACTICE.—The term ''practice'' means 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices.

(10) PRODUCER.—

(A) IN GENERAL.—The term ''producer'' means an owner, operator, landlord, tenant, or sharecropper that—

(i) shares in the risk of producing any crop or livestock; and

(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

(B) HYBRID SEED GROWERS.—In determining whether a grower of hybrid seed is producer, the Secretary shall not take into consideration the existence of hybrid seed contract.

(11) PROGRAM.—The term ''program'' means the environmental quality incentives program comprised of sections 1240 through 1240J.

(12) STRUCTURAL PRACTICE.—The term ''structural practice'' means—

(A) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, tailwater pit, permanent wildlife habitat, constructed wetland, or other structural practice that the Secretary

determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation; and

(B) the capping of abandoned wells on eligible land.

SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—During each of the 2002 through 2006 fiscal years, the Secretary shall provide technical assistance, cost-share payments, and incentive payments to producers that enter into contracts with the Secretary under the program.

(2) ELIGIBLE PRACTICES.—

(A) STRUCTURAL PRACTICES.—A producer that implements a structural practice shall be eligible for any combination of technical assistance, cost-share payments, and education.

(B) LANDS MANAGEMENT PRACTICES.—A producer that performs a land management practice shall be eligible for any combination of technical assistance, incentive payments, and education.

(C) COMPREHENSIVE NUTRIENT MANAGEMENT PLANNING.—A producer that develops a comprehensive nutrient management plan shall be eligible for any combination of technical assistance, incentive payments, and education.

(3) EDUCATION.—The Secretary may provide conservation education at national, State, and local levels consistent with the purposes of the program to—

(A) any producer that is eligible for assistance under the program; or

(B) any producer that is engaged in the production of an agricultural commodity.

(b) APPLICATION AND TERM.—With respect to practices implemented under this program—

(1) a contract between a producer and the Secretary may—

(A) apply to 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices; and

(B) have a term of not less than 3, or more than 10 years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract;

(2) a producer may not enter into more than 1 contract for structural practices involving livestock nutrient management during the period of fiscal years 2002 through 2006; and

(3) a producer that has an interest in more than 1 large confined livestock operation, as defined by the Secretary, may not enter into more than 1 contract for cost-share payments for a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by the large confined livestock feeding operation.

(c) APPLICATION AND EVALUATION.—

(1) IN GENERAL.—The Secretary shall establish an application and evaluation process for awarding technical assistance, cost share payments and incentive payments to a producer in exchange for the performance of 1 or more practices that maximize environmental benefits per dollar expended.

(2) COMPARABLE ENVIRONMENTAL VALUE.—

(A) IN GENERAL.—The Secretary shall establish a process for selecting applications for technical assistance, cost share payments, and incentive payments in any case in which there are numerous applications for assistance for practices that would provide substantially the same level of environmental benefits.

(B) CRITERIA.—The process under subparagraph (A) shall be based on—

(i) a reasonable estimate of the projected cost of the proposals described in the applications; and

(ii) the priorities established under the program, and other factors, that maximize environmental benefits per dollar expended.

(3) CONSENT OF OWNER.—If the producer making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the producer shall obtain the consent of the owner of the land with respect to the offer.

(4) BIDDING DOWN.—If the Secretary determines that the environmental values of 2 or more applications for technical assistance, cost-share payments, or incentive payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program established under the program.

(d) COST-SHARE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the cost-share payments provided to a producer proposing to implement 1 or more practices under the program shall be not more than 75 percent of the cost of the practice, as determined by the Secretary.

(2) EXCEPTIONS.—

(A) LIMITED RESOURCE AND BEGINNING FARMERS.—The Secretary may increase the amount provided to a producer under paragraph (1) to not more than 90 percent if the producer is a limited resource or beginning farmer or rancher, as determined by the Secretary.

(B) COST-SHARE ASSISTANCE FROM OTHER SOURCES.—Except as provided in paragraph (3), any cost-share payments received by a producer from a State or private organization or person for the implementation of 1 or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under paragraph (1).

(3) OTHER PAYMENTS.—A producer shall not be eligible for cost-share payments for practices on eligible land under the program if the producer receives cost-share payments or other benefits for the same practice on the same land under chapter 1 and the program.

(e) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform 1 or more practices.

(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall allocate funding under the program for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year.

(2) AMOUNT.—The allocated amount may vary according to—

(A) the type of expertise required;

(B) the quantity of time involved; and

(C) other factors as determined appropriate by the Secretary.

(3) LIMITATION.—Funding for technical assistance under the program shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

(4) OTHER AUTHORITIES.—The receipt of technical assistance under the program shall not affect the eligibility of the producer to receive technical assistance under other authorities of law available to the Secretary.

(5) INCENTIVE PAYMENTS FOR TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A producer that is eligible to receive technical assistance for a practice involving the development of a comprehensive nutrient management plan may obtain an incentive payment that can be used to obtain technical assistance associated with the development of any component of the comprehensive nutrient management plan.

(B) PURPOSE.—The purpose of the payment shall be to provide a producer the option of obtaining technical assistance for developing any component of a comprehensive nutrient management plan from a certified provider.

(C) PAYMENT.—The incentive payment shall be—

(i) in addition to cost-share or incentive payments that a producer would otherwise receive for structural practices and land management practices;

(ii) used only to procure technical assistance from a certified provider that is necessary to develop any component of a comprehensive nutrient management plan; and

(iii) in an amount determined appropriate by the Secretary, taking into account—

(I) the extent and complexity of the technical assistance provided;

(II) the costs that the Secretary would have incurred in providing the technical assistance; and

(III) the costs incurred by the private provider in providing the technical assistance.

(D) ELIGIBLE PRACTICES.—The Secretary may determine, on a case by case basis, whether the development of a comprehensive nutrient management plan is eligible for an incentive payment under this paragraph.

(E) CERTIFICATION BY SECRETARY.—

(i) IN GENERAL.—Only persons that have been certified by the Secretary under section 1244(f)(3) shall be eligible to provide technical assistance under this subsection.

(ii) QUALITY ASSURANCE.—The Secretary shall ensure that certified providers are capable of providing technical assistance regarding comprehensive nutrient management in a manner that meets the specifications and guidelines of the Secretary and that meets the needs of producers under the program.

(F) ADVANCE PAYMENT.—On the determination of the Secretary that the proposed comprehensive nutrient management of a producer is eligible for an incentive payment, the producer may receive a partial advance of the incentive payment in order to procure the services of a certified provider.

(G) FINAL PAYMENT.—The final installment of the incentive payment shall be payable to a producer on presentation to the Secretary of documentation that is satisfactory to the Secretary and that demonstrates—

(i) completion of the technical assistance; and

(ii) the actual cost of the technical assistance.

(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—

(A) the producer agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination is in the public interest.

(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

(a) IN GENERAL.—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to assistance and payments that—

(1) maximize environmental benefits per dollar expended; and

(2)(A) address national conservation priorities, including—

(i) meeting Federal, State, and local environmental purposes focused on protecting air and water quality, including assistance to production systems and practices that avoid subjecting an operation to Federal, State, or local environmental regulatory systems;

(ii) applications from livestock producers using managed grazing systems and other pasture and forage based systems;

(iii) comprehensive nutrient management;

(iv) water quality, particularly in impaired watersheds;

(v) soil erosion;

(vi) air quality; or

(vii) pesticide and herbicide management or reduction;

(B) are provided in conservation priority areas established under section 1230(c);

(C) are provided in special projects under section 1243(f)(4) with respect to which State or local governments have provided, or will provide, financial or technical assistance to producers for the same conservation or environmental purposes; or

(D) an innovative technology in connection with a structural practice or land management practice.

SEC. 1240D. DUTIES OF PRODUCERS.

(a) To receive technical assistance, cost-share payments, or incentive payments under the program, a producer shall agree—

(1) to implement an environmental quality incentives program plan that describes conservation and environmental purposes to be achieved through 1 or more practices that are approved by the Secretary;

(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;

(3) on the violation of a term or condition of the contract at any time the producer has control of the land—

(A) if the Secretary determines that the violation warrants termination of the contract—

(i) to forfeit all rights to receive payments under the contract; and

(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments, as determined by the Secretary; or

(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;

(4) on the transfer of the right and interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-share payments and incentive payments received under the program, as determined by the Secretary;

(5) to supply information as required by the Secretary to determine compliance with the program plan and requirements of the program;

(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan; and

(7) to submit a list of all confined livestock feeding operations wholly or partially owned or operated by the applicant.

SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(A) IN GENERAL.—To be eligible to receive technical assistance, cost-share payments, or incentive payments under the program, a producer of a livestock or agricultural operation shall submit to the Secretary for approval a plan of operations that specifies practices covered under the program, and is based on such terms and conditions, as the Secretary considers necessary to carry out the program, including a description of the practices to be implemented and the purposes to be met by the implementation of the plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan.

(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1240F. DUTIES OF THE SECRETARY.

(a) To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

(1) providing technical assistance in developing and implementing the plan;

(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;

(3) providing the producer with information, education, and training to aid in implementation of the plan; and

(4) encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private sources.

SEC. 1240G. LIMITATION ON PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the total amount of cost-share and incentive payments paid to a producer under this chapter shall not exceed—

(1) $30,000 for any fiscal year, regardless of whether the producer has more than 1 contract under this chapter for the fiscal year;

(2) $90,000 for a contract with a term of 3 years;

(3) $120,000 for a contract with a term of 4 years; or

(4) $150,000 for a contract with a term of more than 4 years.

(b) ATTRIBUTION.—An individual or entity shall not receive, directly or indirectly, total payments from a single or multiple contracts this chapter that exceed $30,000 for any fiscal year.

(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment to a producer under subsection (a)(1) if the Secretary determines that a larger payment is—

(1) essential to accomplish the land management practice or structural practice for which the payment is made to the producer; and

(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.

(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible for a payment under the program using social security numbers and taxpayer identification numbers, respectively.

SA 2848. Mr. LUGAR (for Mr. GRAMM) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

At the appropriate place insert the following:

(1) Title XII of H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106–387 is hereby repealed.

SA 2849. Mr. LUGAR (for Mr. GRAMM) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows;

At the appropriate place insert the following:

Section 1205 of the Hass Avocado Promotion, Research, and Information Act (contained in H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106–387) is amended—

(1) in paragraph (b)(2) by striking subparagraph (A) and inserting in lieu thereof:

''(A) IN GENERAL.—The order shall provide that the Secretary shall appoint the members of the Board, and any alternates, from among domestic producers and importers of Hass avocados subject to assessments under the order to reflect the proportion of domestic production and imports supplying the United States market, which shall be based on the Secretary's determination of the average volume of domestic production of Hass avocados proportionate to the average volume of imports of Hass avocados in the United States over the previous three years.

(2) in paragraph (b)(2)(B) by striking ''under subparagraph (A)(iii) on the basis of the amount of assessments collected from producers and importers over the immediately preceding three-year period'' and inserting ''under subparagraph (A)''.

(3) in paragraph (h)(1)(C)(iii) by striking everything in the first sentence following ''by the importer'' and inserting in lieu thereof ''to the respective importers association, or if there is no such association to the Board, within such time period after the retail sale of such avocados in the United States (not to exceed 60 days after the end of the month in which the sale took place) as is specified for domestically produced avocados.''; and

(4) in paragraph (9) by inserting at the end the following:

''(D) All importers of avocados from a country associated with an importers association based on country-of-origin activities shall be required to be members of such importers association, and membership in such importers association shall be open to any foreign avocado exporter or grower who elects to voluntarily join.''

SA 2850. Mr. LUGAR (for Mr. KYL (for himself, Mr. NICKLES, AND MR. HUTCHINSON)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows;

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON PERMANENT REPEAL OF ESTATE TAXES.

(a) FINDINGS.—

(1) The Economic Growth and Tax Relief Reconciliation Act of 2001 provided substantial relief from federal estate and gift taxes beginning this year and repealed the federal estate tax for one year beginning on January 1, 2010, and

(2) The Economic Growth and Tax Relief Reconciliation Act of 2001 contains a ''sunset'' provision that reinstates the federal estate tax at its 2001 level beginning on January 1, 2011;

(b) SENSE OF THE SENATE.—Therefore, it is the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax.

SA 2851. Mr. LUGAR (for Mr. DOMENICI) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

Strike section 132 and insert the following:

SEC. 132. NATIONAL DAIRY PROGRAM.

The Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 772(b) of Public Law 107–76) is amended by inserting after section 141 (7 U.S.C. 7251) the following:

''SEC. 142. NATIONAL DAIRY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DAIRY FARM.—

''(A) IN GENERAL.—The term 'dairy farm' means a dairy farm that is—

''(i) located within the United States;

''(ii) permitted under a license issued by State or local agency or the Secretary—

''(I) to market milk for human consumption; or

''(II) to process milk into products for human consumption; and

''(iii) operated by producers that commercially market milk during the payment period.

''(B) EXCLUSION.—The term 'dairy farm' does not include a farm that is operated by a successor to a producer.

''(2) ELIGIBLE PRODUCTION.—The term 'eligible production' means the quantity of milk that is produced and marketed on a dairy farm.

''(3) PAYMENT PERIOD.—The term 'payment period' means—

''(A) the period beginning on December 1, 2001, and ending on September 30, 2002; and

''(B) each of fiscal years 2003 through 2005.

''(4) PRODUCER.—The term 'producer' means the individual or entity that is the holder of the license described in paragraph (1)(A)(ii) for the dairy farm.

''(b) PROGRAM.—The Secretary shall make payments to producers.

''(c) AMOUNT.—Subject to subsection (h), payments to producers on a dairy farm under this section shall be calculated by multiplying—

''(1) the eligible production during the payment period; by

''(2) the payment rate.

''(d) PAYMENT RATE.—

''(1) IN GENERAL.—Subject to paragraph (2), the payment rate for a payment under this subsection shall be equal to $0.315 per hundredweight.

''(2) ADJUSTMENT.—The Secretary may adjust the payment rate under paragraph (1) with respect to the last fiscal year of the payment period if the Secretary determines that there are insufficient funds made available under subsection (h) to carry out this section for that fiscal year.

''(e) APPLICATION FOR PAYMENT.—To be eligible for a payment for a payment period under this section, the producers on a dairy farm shall submit an application to the Secretary in such manner as is prescribed by the Secretary.

''(f) TIMING OF PAYMENTS.—Payments under this section shall be made on an annual basis.

''(g) ADJUSTMENTS.—The Secretary may provide for the adjustment of eligible production of a dairy farm under this section if the production of milk on the dairy farm has been adversely affected by (as determined by the Secretary)—

''(1) damaging weather or a related condition;

''(2) a criminal act of a person other than the producers on the dairy farm; or

''(3) any other act or event beyond the control of the producers on the dairy farm.

''(h) FUNDING.—The Secretary shall use not more than $2,000,000,000 of funds of the Commodity Credit Corporation to carry out this section.''.

SA 2852. Mr. HARKIN (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . COMMERCIAL FISHERIES FAILURE.

(a) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there are appropriated to the Department of Agriculture $10,000,000 for fiscal year 2002, which shall be transferred to the Commodity Credit Corporation to provide, in consultation with the Secretary of Commerce, emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(b) PROGRAM REQUIREMENTS.—Amounts made available under this section shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that—

(1) is certified by the Secretary of Commerce to be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)); and

(2) permanently revokes multispecies limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program.

(c) APPLICATION OF INTERIM FINAL RULE.—The program shall be carried out in accordance with the Interim Final Rule under part 648 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereunder.

(d) SUNSET.—The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

SA 2853. Mr. HARKIN proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

At the appropriate place, add the following:

Amend Section 602 by adding after the word ''concern'' at the end of subsection 384I(c)(3)(C) the words ''and not more than 10 percent of the investments shall be made in an area containing a city of over 100,000 in the last decennial Census and the Census Bureau defined urbanized area containing or adjacent to that city''.

SA 2854. Mr. LUGAR (for Mr. MCCONNELL) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

On page 984, line 2, strike the period at the end and insert a period and the following:

SEC. 10___. BEAR PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Bear Protection Act of 2002''.

(b) FINDINGS.—Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(2)(A) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species listed on Appendix I or II; and

(B) the Parties to CITES adopted a resolution in 1997 (Conf. 10.8) urging the Parties to take immediate action to demonstrably reduce the illegal trade in bear parts;

(3)(A) thousands of bears in Asia are cruelly confined in small cages to be milked for their bile; and

(B) the wild Asian bear population has declined significantly in recent years as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

(c) PURPOSE.—The purpose of this section is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting interstate and international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

(d) DEFINITIONS.—In this section:

(1) BEAR VISCERA.—The term ''bear viscera'' means the body fluids or internal organs, including the gallbladder and its contents but not including the blood or brains, of a species of bear.

(2) CITES.—The term ''CITES'' means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(3) IMPORT.—The term ''import'' means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, regardless of whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) PERSON.—The term ''person'' means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State or political subdivision of a State; or

(iii) any foreign government; and

(C) any other entity subject to the jurisdiction of the United States.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(7) TRANSPORT.—The term ''transport'' means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

(e) PROHIBITED ACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person shall not—

(A) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(B) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(2) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subsection (d)(4)(B) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(A) is solely for the purpose of enforcing laws relating to the protection of wildlife; and

(B) is authorized by a valid permit issued under Appendix I or II of CITES, in any case in which such a permit is required under CITES.

(f) PENALTIES AND ENFORCEMENT.—

(1) CRIMINAL PENALTIES.—A person that knowingly violates subsection (e) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) CIVIL PENALTIES.—

(A) AMOUNT.—A person that knowingly violates subsection (e) may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(3) SEIZURE AND FORFEITURE.—Any bear viscera or any product, item, or substance imported, exported, sold, bartered, attempted to be imported, exported, sold, or bartered, offered for sale or barter, purchased, possessed, transported, delivered, or received in violation of this subsection (including any regulation issued under this subsection) shall be seized and forfeited to the United States.

(4) REGULATIONS.—After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this subsection.

(5) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this subsection in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(6) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this subsection shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

(g) DISCUSSIONS CONCERNING BEAR CONSERVATION AND THE BEAR PARTS TRADE.—In order to seek to establish coordinated efforts with other countries to protect bears, the Secretary shall continue discussions concerning trade in bear viscera with—

(1) the appropriate representatives of Parties to CITES; and

(2) the appropriate representatives of countries that are not parties to CITES and that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera.

(h) CERTAIN RIGHTS NOT AFFECTED.—Except as provided in subsection (e), nothing in this section affects—

(1) the regulation by any State of the bear population of the State; or

(2) any hunting of bears that is lawful under applicable State law (including regulations).

SA 2855. Mr. LUGAR (for Mr. KYL) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

On page 8, line 19, insert the following:

''(12) IMPLEMENTATION.—In carrying out the program, the Secretary shall—

''(A) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

''(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

''(C) comply with—

''(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

''(ii) all procedural and substantive State water law.''

On page 8, line 19, strike ''(12)'' and insert ''(13)''.

On page 9, line 16, strike ''(13) and insert ''(14)''.

On page 17, line 20, insert the following:

''(1) IN GENERAL.—Nothing in this section—

On page 17, line 21, strike ''(1)'' and insert ''(A)''.

On page 17, line 22, strike ''(2)'' and insert ''(B)''.

On page 18, line 1, strike ''(3)'' and insert ''(C)''.

On page 18, line 5, strike ''(4)'' and insert ''(D)''.

On page 18, line 7, insert the following:

''(2) IMPLEMENTATION.—In carrying out the program, the Secretary shall—

''(A) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

''(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

''(C) comply with—

''(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

''(ii) all procedural and substantive State water law.''

SA 2856. Mr. HARKIN proposed an amendment to amendment SA 2845 submitted by Mr. MCCONNELL and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

Strike all after the first word and insert the following:

SEC. 1___. REDUCTION OF COMMODITY BENEFITS TO ESTABLISH A PILOT PROGRAM FOR FARM COUNTERCYLICAL SAVINGS ACCOUNTS.

(a) INCOME PROTECTION PRICES FOR COUNTER-CYCLICAL PAYMENTS.—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (2) and inserting the following:

''(2) INCOME PROTECTION PRICES.—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

''(A) Wheat, $3.4460 per bushel.

''(B) Corn, $2.3472 per bushel.

''(C) Grain sorghum, $2.3472 per bushel.

''(D) Barley, $2.1973 per bushel.

''(E) Oats, $1.5480 per bushel.

''(F) Upland cotton, $0.6793 per pound.

''(G) Rice, $9.2914 per hundredweight.

''(H) Soybeans, $5.7431 per bushel.

''(I) Oilseeds (other than soybeans), $0.1049 per pound.''.

(b) LOAN RATES FOR MARKETING ASSISTANCE LOANS.—

(1) IN GENERAL.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 123(a)) is amended to read as follows:

''SEC. 132. LOAN RATES.

''The loan rate for a marketing assistance loan under section 131 for a loan commodity shall be—

''(1) in the case of wheat, $2.9960 per bushel;

''(2) in the case of corn, $2.0772 per bushel;

''(3) in the case of grain sorghum, $2.0772 per bushel;

''(4) in the case of barley, $1.9973 per bushel;

''(5) in the case of oats, $1.4980 per bushel;

''(6) in the case of upland cotton, $0.5493 per pound;

''(7) in the case of extra long staple cotton, $0.7965 per pound;

''(8) in the case of rice, $6.4914 per hundredweight;

''(9) in the case of soybeans, $5.1931 per bushel;

''(10) in the case of oilseeds (other than soybeans), $0.0949 per pound;

''(11) in the case of graded wool, $1.00 per pound;

''(12) in the case of nongraded wool, $.40 per pound;

''(13) in the case of mohair, $2.00 per pound;

''(14) in the case of honey, $.60 per pound;

''(15) in the case of dry peas, $6.78 per hundredweight;

''(16) in the case of lentils, $12.79 per hundredweight;

''(17) in the case of large chickpeas, $17.44 per hundredweight; and

''(18) in the case of small chickpeas, $8.10 per hundredweight.''.

(2) ADJUSTMENT OF LOANS.—

(A) IN GENERAL.—The amendment made by section 123(b) is repealed.

(B) APPLICABILITY.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) shall be applied and administered as if the amendment made by section 123(b) had not been enacted.

SEC. 1___. PILOT PROGRAM FOR FARM COUNTER-CYCLICAL 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 income for all agricultural enterprises of a producer in a year, excluding revenue earned from nonagricultural sources, as determined by the Secretary—

''(A) by taking into account gross receipts from the sale of crops and livestock on all agricultural enterprises of the producer, including insurance indemnities resulting from losses in the agricultural enterprises;

''(B) by including all farm payments paid by the Secretary for all agricultural enterprises of the producer, including any marketing loan gains described in section 1001(3)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(3)(A));

''(C) by deducting the cost or basis of livestock or other items purchased for resale, such as feeder livestock, on all agricultural enterprises of the producer; and

''(D) as represented on—

''(i) a schedule F of the Federal income tax returns of the producer; or

''(ii) a comparable tax form related to the agricultural enterprises of the producer, as approved by the Secretary.

''(2) AGRICULTURAL ENTERPRISE.—The term 'agricultural enterprise' means the production and marketing of all agricultural commodities (including livestock but excluding tobacco) on a farm or ranch.

''(3) AVERAGE ADJUSTED GROSS REVENUE.—The term 'average adjusted gross revenue' means—

''(A) the average of the adjusted gross revenue of a producer for each of the preceding 5 taxable years; or

''(B) in the case of a beginning farmer or rancher or other producer that does not have adjusted gross revenue for each of the preceding 5 taxable years, the estimated income of the producer that will be earned from all agricultural enterprises for the applicable year, as determined by the Secretary.

''(4) PRODUCER.—The term 'producer' means an individual or entity, as determined by the Secretary for an applicable year, that—

''(A) shares in the risk of producing, or provides a material contribution in producing, an agricultural commodity for the applicable year;

''(B) has a substantial beneficial interest in the agricultural enterprise in which the agricultural commodity is produced;

''(C)(i) during each of the preceding 5 taxable years, has filed—

''(I) a schedule F of the Federal income tax returns; or

''(II) a comparable tax form related to the agricultural enterprises of the individual or entity, as approved by the Secretary; or

''(ii) is a beginning farmer or rancher or other producer that does not have adjusted gross revenue for each of the preceding 5 taxable years, as determined by the Secretary; and

''(D)(i) has earned at least $50,000 in average adjusted gross revenue over the preceding 5 taxable years;

''(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

''(iii) in the case of a beginning farmer or rancher or other producer that does not have average adjusted gross revenue for the preceding 5 taxable years, has at least $50,000 in estimated income from all agricultural enterprises for the applicable year, as determined by the Secretary.

''(b) ESTABLISHMENT.—For each of fiscal years 2003 through 2006, the Secretary shall establish a pilot program in 10 States (as determined by the Secretary) under which a producer may establish a farm counter-cyclical savings account in the name of the producer in a bank or financial institution selected by the producer and approved by the Secretary.

''(c) CONTENT OF ACCOUNT.—A farm counter-cyclical savings account shall consist of—

''(1) contributions of the producer; and

''(2) matching contributions of the Secretary.

''(d) PRODUCER CONTRIBUTIONS.—A producer may deposit 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 an individual producer under this subsection shall not exceed $5,000 for any applicable fiscal year.

''(4) MAXIMUM CONTRIBUTIONS FOR ALL PRODUCERS IN A STATE.—The total amount of matching contributions that may be provided by the Secretary for all producers under this program shall not exceed $70,000,000 for fiscal year 2003, $100,000,000 for fiscal year 2004, $140,000,000 for fiscal year 2005, and $200,000,000 for fiscal year 2006.

''(5) DATE FOR MATCHING CONTRIBUTIONS.—The Secretary shall provide the matching contributions required for a producer under paragraph (1) as of the date that a majority of the covered commodities grown by the producer are harvested.

''(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 a producer, in accordance with subsection (h); 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 years; minus

''(B) the adjusted gross revenue of the producer in that year.

''(2) RETIREMENT.—A producer that ceases to be actively engaged in farming, as determined by the Secretary—

''(A) may withdraw the full balance from, and close, the account; and

''(B) may not establish another account.

''(i) ADMINISTRATION.—The Secretary shall administer this section through the Farm Service Agency and local, county, and area offices of the Department of Agriculture.''.

SA 2857. Mr. REID (for Mr. CONRAD) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; as follows:

At the appropriate place insert the following:

Since both political parties have pledged not to misuse Social Security surplus funds by spending them for other purposes; and

Since under the Administration's fiscal year 2003 budget, the federal government is projected to spend the Social Security surplus for other purposes in each of the next 10 years;

Since permanent extension of the inheritance tax repeal would cost, according to the Administration's estimate, approximately $104 billion over the next 10 years, all of which would further reduce the Social Security surplus;

Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 12, 2002, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for fiscal year 2003 and the Future Years Defense Program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 12, 2002, at 10:00 a.m., to conduct a hearing on ''Accounting and Investor Protection Issues Raised by Enron and Other Public Companies.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President: I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 12, 2002, at 9:30 a.m., on the collapse of Enron in SR–253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 12 at 10:00 a.m., to conduct a hearing. The purpose of this hearing is to receive testimony on the FY 2003 budget requests for the Department of the Interior, the U.S. Forest Service, and the Department of Energy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the sessions of the Senate on Tuesday, February 12, 2002 at 2:30 p.m. to hold a hearing entitled, ''Theft of American Intellectual Property: Fighting Crime Abroad and at Home''.

Agenda

Witnesses

Panel 1: The Honorable Alan P. Larson, Under Secretary for Economic, Business, and Agricultural Affairs, Department of State, Washington, DC; the Honorable Peter F. Allgeier, Deputy U.S. Trade Representative, Office of U.S. Trade Representative, Washington, DC; and Mr. John S. Gordon, U.S. attorney, Central District of California, Los Angeles, CA.

Panel 2: Mr. Jeff Raikes, Group Vice President, Productivity and Business Services, Microsoft Corporation, Redmond, Washington; Mr. Jack Valenti, President and CEO, Motion Picture Association of America, Washington, DC; Ms. Hilary Rosen, President and CEO, Recording Industry Association of America, Washington, DC; and Mr. Douglas Lowenstein, president, Interactive Digital Software Association, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, February 12, 2002 at 10:15 a.m. (immediately following the first vote of the day) for a business meeting to consider the nominations of: 1) Nancy Dorn to be Deputy Director of the Office of Management and Budget; 2) Dan G. Blair to be Deputy Director of the Office of Personnel Management; and 3) John L. Howard to be Chairman, Special Panel on Appeals.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Early Education: From Science To Practice during the session of the Senate on Tuesday, February 12, 2002. At 9:30 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on OxyContin: Balancing Risks and Benefits during the session of the Senate on Tuesday, February 12, 2002. At 2:30 p.m.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Tuesday, February 12, 2002 at 3:00 p.m. in Dirksen 226.

Witness List

Panel I: Arthur ''Gene'' Dewey, Assistant Secretary of State for the Bureau of Population, Refugees, and Migration, Department of State, Washington, DC; and James Ziglar, Commissioner, U.S. Immigration and Naturalization Service, Washington, DC.

Panel II: Lenny Glickman, chairman, Refugee Council USA, New York, NY; Anastasia Brown, assistant director for processing operations, Migration and Refugee Services, U.S. Conference of Catholic Bishops, Washington, DC; and Bill Frelick, Director of Policy, U.S. Committee for Refugees, Washington, DC.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, February 12, 2002, at 9:30 a.m. for a hearing regarding ''Multilateral Non-proliferation Regimes, Weapons of Mass Destruction Technologies, and the War on Terrorism.''

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Jeannie Rhee, a fellow on the staff of Senator DASCHLE, be granted the privilege of the floor during debate on S. 1731.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Justin Buoen, who is an intern in my office, be granted the privilege of the floor for the duration of the debate today.

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

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and that the HELP Committee be discharged from further consideration of the nomination of William Leidinger, to be Assistant Secretary for Management at the Department of Education; that the nomination be confirmed, the motion to reconsider be laid on the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF EDUCATION

William Leidinger, of Virginia, to be Assistant Secretary for Management, Department of Education.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

COMMENDING PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 96 submitted earlier today by Senators BROWNBACK and WELLSTONE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 96) commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements thereon be printed in the RECORD with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 96) was agreed to.

The preamble was agreed to.

(The concurrent resolution with its preamble, is printed in today's RECORD under ''Statements on Submitted Resolutions''.)

ORDERS FOR TOMORROW, FEBRUARY 13, 2002

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour 9:30 a.m. tomorrow, Wednesday, February 13; that following the prayer and pledge the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the farm bill.

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

PROGRAM

Mr. REID. Mr. President, there is going to be a series of rollcall votes in the morning in relation to the farm bill. They will begin at about 9:50 a.m., give or take a minute or two.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:40 p.m., adjourned until Wednesday, February 13, 2002, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 12, 2002:

DEPARTMENT OF EDUCATION

WILLIAM LEIDINGER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION.

EXTENSIONS OF REMARKS

EXPRESSING SENSE OF HOUSE THAT SCHEDULED TAX RELIEF SHOULD NOT BE SUSPENDED OR REPEALED

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2002

Mr. TIAHRT. Mr. Speaker, we made a promise to the American taxpayer last year when Congress worked together with the President to return a portion of the excessive taxes the government collected. Now it seems some are calling for Congress to break that commitment and reverse some of the tax refunds. It is bad enough when the government collects too may taxes. But it is even worse when the government tries to take back money for the second time—money we have already promised to return.

Mr. Speaker, I have had hundreds of my constituents from the Fourth District of Kansas tell me that they were so grateful for the tax relief signed into law last year. I would hate to have to tell them that Congress has changed its mind, that we are not really going to return as much money as we originally agreed to do.

Taxpaying families pay too much as it is. Rather than raise taxes, we need to affirm that the Economic Growth and Tax Relief Reconciliation Act of 2001 was good for all Americans last year, and it is still good for all Americans this year. Congress worked hard with the President, in a bipartisan fashion, to return some of the excessive taxes to the working people of America. And we should declare that the tax relief should go on as scheduled over the next decade. More than that, Mr. Speaker, Congress should make the tax cuts permanent.

Today I call on my colleagues to join me in supporting H. Con. Res. 312, the resolution that affirms tax relief for all taxpayers. The American people need to know that we are serious about our commitments. And especially during this time of economic recession, we must declare our resolve to the hard-working men and women who pay taxes that we will not break our promise. We will not raise your taxes.

Mr. Speaker, keep the tax cuts in place.

TRIBUTE TO DR. MICHAEL FRANZBLAU

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my friend, Dr. Michael Franzblau, for his many accomplishments. Chief among them is his pursuit of justice as manifested in his efforts to expose Nazi war criminals with particular emphasis on those in the medical profession. Dr. Franzblau's persistence in revealing the misdeeds of Dr. Hans Joachim Sewering of Bavaria demonstrates this dedication. Sewering is known to have murdered infants and children in a doctor-drive project ''To Cleanse the Fatherland.'' A World War II veteran and an avowed enemy of perverted medical research, Dr. Franzblau successfully lobbied the AMA to back efforts to expose Sewering, leading to his resignation as President-elect of the World Medical Association. Michael Franzblau was also instrumental in developing legislation, H. Res. 557, that I sponsored, calling for an investigation into Sewering's war crimes; H. Res. 557 passed the House unanimously in 1998.

Dr. Franzblau had a full medical practice in Marin (Dermatology) and was a retired Professor of Dermatology at the University of California School of Medicine in San Francisco. He has lectured there and elsewhere on the ethics of health care in the Nazi era. Married to Donna Garfield Franzblau for 47 years and the father of three now grown children, Dr. Michael Franzblau has found the time to dedicate himself to other medical causes locally, nationally, and abroad. These include service on California's Medical Quality Review Committee, American Medical Association, and Marin Medical Society; international humanitarian work for Project Hope in Peru, Alliance for Health in Mexico, and a fact finding mission to Ethiopia regarding medical care for 26,000 Ethiopian Jews; assisting in the establishment of the Marin Community Clinic; and authoring bills for the California State Legislature to regulate tanning facilities and to exclude physician participation in executions at San Quentin. The American Cancer Society awarded him for arranging free skin cancer screening clinics in Marin. Dr. Franzblau also served his community on the United Way and Terra Linda Community Services Board.

Dr. Franzblau has devoted his considerable energy to Jewish causes. He served on the Anti-Defamation League, American Israel Public Affairs Committee, Jewish Community Federation Missions to Israel, Maimonedes Society (Marin and Sonoma), and the Marin Jewish Community Center. His passion and dedication have earned him a number of awards, including ''The Truth and Justice Award'' of the Anti-Defamation league and the ''Louis D. Brandeis Award'' of the Zionist Organization of America.

Mr. Speaker, Dr. Franzblau is an exemplary citizen and a model of the Hippocratic ideal. His dedication to important causes of justice and humanity, reinforced by the persistent hard work required to accomplish his goals, have earned him the admiration and respect of his community. Dr. Franzblau has long been a university lecturer, but his most important lesson to us goes far beyond the classroom: The health of the individual and the health of society are integrally related, and both are the responsibility of the physician.

ASSOCIATION HEALTH PLANS ARE NEEDED

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. THOMAS. Mr. Speaker, I rise today to urge that a conference on patient protection legislation be called immediately. The House passed this bill last year and the delay in its enactment is impacting people in my state and beneficiaries in my district. In particular, a recent unfortunate event in California only illustrates the need for timely action on patients' bill of rights legislation, particularly my amendment on association health plans (AHPs).

For several years, Sunkist, the world-renowned citrus and agriculture grower, contracted for a health benefit plan for its growers and workers. The SGP Benefit Plan, a multiple employer welfare arrangement, was regulated under California insurance law, which had some provisions for cash reserves and other protections.

Late last year, the SGP Benefit Plan collapsed and filed for bankruptcy. As a result more than 23,000 participants, including 4,000 Kern and Tulare county beneficiaries, were left without direct health coverage. This interruption of care troubles me, especially since timely passage of the House patient protection bill, supported by President Bush and bipartisan House Members, could have prevented the situation these families are facing today.

Under the House bill, these multiple employer welfare arrangements would be classified as AHPs and be subject to strict solvency standards, including requirements that AHPs have an indemnified back-up plan to prevent unpaid claims in the event of a plan termination, quarterly procedures to demonstrate financial health, and surplus reserve requirements that are on par or greater than similar state law.

Along with requiring higher standards for multiple employer welfare arrangements and other similar employer pool arrangements, the added benefit of my AHP legislation is that it could increase access to health care by reducing burdens and costs employer groups face from multiplicitous and divergent state mandates. Since AHPs would help small businesses work together to purchase health care for their employees and families, according to one study of this legislation, AHPs could reduce the number of uninsured Americans by an estimated 8.5 million people. This is especially timely, since the recent recession and terrorist attacks have affected national employment, thus having an effect on the health care of Americans who depend on employer-sponsored coverage.

In the 21st District of California that I represent, the unemployment rates in Kern and Tulare Counties recently hit 11 percent and 16 percent, respectively. With the District's dependence on agriculture, oil, dairy, and other small business, the potential for AHPs to help

provide access or improve health are to my constituents and the self-employed is great.

Sunkist's recent announcement, the rise in the number of uninsured, and the fact that patients, physicians, and other providers have waited too long for reforms are all compelling reasons why patient protection legislation must be enacted soon. Because the House legislation includes many common-sense improvements in patient access, coverage, and liability, along with the important AHP and medical savings accounts provisions, I urge that a conference on this bill be called immediately.

HONORING THE LIFE OF MACK TIMBERLAKE

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to pay homage to a dedicated man, husband, father and servant of God, Mack Timberlake. Bishop Timberlake died at the age of fifty-two on January 29, 2002. As senior pastor of the Christian Faith Center in Creedmoor, North Carolina, Mack's creed was to live life to the fullest while fulfilling the vision God has given us.

I extend my dearest sympathies to Mack's wife, Brenda, and their six children. She, like Mack, has devoted her life to serving our Lord and His children. Together, Mack and Brenda have authored seven books.

Bishop Timberlake and I worked together on promoting the faith-based initiative. It is sad that he will not be able to see the fruits of his labor, but I am certain he would be glad to know we are closer with each passing day to making that idea a reality. Serving the least of our brethren is a noble goal Mack never lost sight of. When I continue to work on this endeavor, I will most certainly think of him.

The career of Mack Timberlake was quite extensive. He served as regent on the Board of Trustees for Oral Roberts University, was given an honorary Doctorate of Divinity from Jameson Christian College, wrote a monthly column for ''Gospel Today,'' was the superintendent of nearly 300 students at the Christian Faith Center Academy, co-owned a boutique and served on the Board of Governors for the National Faith Based Initiative.

It is always difficult to say goodbye to a loved one. But it is always a blessing to have known someone who made a difference in people's lives. Mack Timberlake did indeed live life to its fullest while preaching the Gospel and working to make our country, one nation under God, a better one. For that, we are all blessed.

A TRIBUTE TO DAVE LESSTRANG

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to express my gratitude and appreciation for the hard work and dedication of Dave LesStrang, who for the past 17 years has been a highly-valued member of my office, first as press secretary, and then as deputy chief of staff and legislative director.

Dave LesStrang came to work for me in 1985, a newly-minted 21-year-old college graduate, filled with the zeal and fervor that can only come from participation in college political groups like the Young Americans for Freedom. We hired him as a press secretary, hoping he would grow into the job over time.

It didn't take long for Dave to show the flair for organizing and completing big projects that has marked his career as a congressional staff member. One of my constituents, Hulda Crooks, completed her 21st climb of Mt. Whitney at the age of 89. When I congratulated her, I remarked that I would like to join her if she wanted to try again at 90. She said ''sure,'' and within a few days called to ask if I was getting ready for the hike. I asked Dave to take on the job of organizing the event. He spent long hours working out details and convincing major media of its importance—with the result that the Los Angeles Times carried my photo on its cover for one of the few times in my career in the House.

Years later, Dave helped me convince the Interior Department to name a mountain near Mt. Whitney as Crooks' Peak in honor of that outstanding lady.

Dave indeed grew into the job as press secretary. He is an excellent writer, and over the years has produced thousands of press releases, speeches, constituent letters and other important correspondence that often defines the character of a congressional office. Members of the media praised my office for providing clear and dependable information, a highly valued reputation that we gained in no small part because of Dave's efforts.

He also came to intimately know the needs and character of the Inland Empire and High Desert areas of California, which I have represented for the past two decades. He has personally taken on the cause of an untold number of constituents, ensuring that federal agencies meet their responsibilities and provide top service. A typical example occurred just last year: One of my constituents asked for help in gaining recognition for her father, a pioneer engineer in space technology, from the National Aeronautics and Space Administration. Dave not only got NASA's attention, he helped convince the agency to award the constituent's father the Distinguished Service medal, the highest to be given to civilians.

Dave's willingness to go the extra mile and get spectacular results was also evident on a number of larger-scale projects.

When I was named as chairman of the Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies, I was committed to finding ways for more people to reach the American dream of owning their own home. I decided that it would be a powerful symbolic gesture for members of Congress to help build some houses for low-income residents of our nation's capital.

I asked Dave to take on the project, and it soon blossomed into one of the most high-profile charitable efforts ever attempted by House members. Working with Habitat for Humanity, and with the enthusiastic support of Speaker Newt Gingrich and Fannie Mae, Dave organized the Houses That Congress Built, a nationwide campaign that saw nearly all 435 house members personally help build homes in their districts. The effort provided a tremendous boost for the effort to provide affordable homes to low-income Americans. And true to his spirit of going above and beyond, Dave has personally volunteered for hundreds of hours on his own working on Habitat for Humanity houses.

Most of the colleagues from California will remember Dave for the other major success he helped accomplish in recent years: The organizing of our delegation into an effective, cooperative force for the people of California.

When I became chairman of the California Republican Congressional Delegation in 1995, there was little cooperation even among members of my conference, let alone across the aisle in our delegation. Members were divided by personalities, geography and partisanship, and the entire delegation had not come together on an issue since it had been grown beyond 50 members in 1980. Dave helped to reverse that historical trend. As the only staff member serving all California Republicans, he spent hundreds of hours meeting with staff from other California offices and personally walked miles in our congressional buildings winning signatures for delegation-wide letters. Within a year, we had the first letter signed by all 52 members—a feat that is now repeated regularly as our members have learned the value of working together on behalf of our state.

Since he became my legislative director in 1999, Dave has helped me complete many major projects serving our district. Congress has agreed to the expansion of the Army's National Training Center at Fort Irwin, completing a decades-long effort in support of the world's finest training facility. The Seven Oaks Dam has been dedicated along the Santa Ana River, providing flood control protection for millions of people in Southern California. And the new national parks in our desert are becoming good neighbors for the constituents who live around them.

I have always felt that members of my staff are like members of my family, and it has been a pleasure to watch Dave mature in his personal life even as he has become a consummate professional in his job. We were delighted when he met and married Elaine Dalpiaz nine years ago, and thrilled again when he and Elaine became parents to Matthew nearly two years ago.

Mr. Speaker, after 17 years in my office providing these invaluable services to my constituents—and indeed to all Californians and Americans—Dave LesStrang is moving on to a new career working for the EMC Corporation, a cutting-edge firm providing data storage to help protect the records of private industry and government. Please join me in thanking him for his dedication and years of service, and in wishing him and Elaine well in all of their future efforts.

HONORING THE STUDENTS OF THE GRANT HIGH SCHOOL WE THE PEOPLE CLASS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. BLUMENAUER. Mr. Speaker, On May 4-6, 2002, more than 1,200 students from across the United States will visit Washington,

D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. This is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that a class from Grant High School in my congressional district will represent the state of Oregon in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The three-day national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students testimony is followed by a period of questioning by the judges who probe the depth of their understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the We the People . . . program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. It is inspiring to see these young people advocate the fundamental ideals and principles of our government in the aftermath of the tragedy on September 11. There are the ideals that identify us as a people and bind us together as a nation. It is important for our next generation to understand these values and principles that we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

The class from Grant High School is currently preparing for their upcoming participation in the national competition in Washington, D.C. I wish these young ''constitutional experts'' the best of luck at the We the People . . . national finals. They represent the future leaders of our nation.

NEW YORK FIREFIGHTER'S TRIBUTE AT NATIONAL PRAYER BREAKFAST

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. WOLF. Mr. Speaker, I was honored to attend the annual National Prayer Breakfast last Thursday morning, Feb. 7, and to hear the moving words of Joseph Finley, a member of Tower Ladder 7 of the Fire Department of New York, among the first responders to the World Trade Center on September 11.

I want to share his inspiring remarks with our colleagues, which includes the names of the heroes from his firehouse who made the ultimate sacrifice that fateful day.

In a letter to me, he called the prayer breakfast an ''incredible experience'' for his wife Maryellen and himself, but it was also ''bittersweet.'' As he noted, ''We wouldn't have been there to experience it if not for September 11th.''

He also said, ''It was inspiring and reassuring to see that the leaders of our nation have a genuine devotion to God. I believe this will help make our great country an even better place for our children.''

Mr. Speaker, Joseph Finley's remarks follow:

Mr. President and Mrs. Bush, it is an honor to be here with you and all of these distinguished guests. I am humbled and privileged to be representing the courageous firefighters of New York City. I am sad, however, for the reason for my participation. I wish that September 11th had never happened.

Prior to that tragic day, the greatest loss of firefighters at any one time in the entire United States occurred in 1966, when 12 firemen lost their lives in the 23rd Street Fire in Manhattan. My father, Lieutenant John Finley of Ladder 7, was one of them. I was 10-years-old.

When people run out of a burning building, we firemen run in. That's what we do. But none of us thought, when we joined the fire department, that we would some day be called upon to fight in a war—a war against terrorism.

For the New York City firefighter, there is an inconsolable wound in our hearts that will never heal. Three hundred forty-three of my ''brothers'' were murdered. Nine men from my firehouse are gone. We will never forget the evil that has been unjustly unleashed upon us.

When the Twin Towers collapsed, the Fire Department called in every single firefighter in the city. Thousands of us converged on the World Trade Center. Burning paper rained down, grit scratched our eyes, the thick smoke made us cough. Everything was covered in gray ash. The huge plume of smoke was mind-boggling. Our footsteps were muffled by the layers of dust and paper. There was an eerie silence. Who could imagine downtown Manhattan, in the middle of the day, with no one around and we were the only sign of life. the silence was beyond description. No sounds, no sirens, no survivors, just ash, flames and smoke. As we trudged through the wreckage, unable to speak, I literally thought the world was coming to an end.

It was surreal. There were no words to speak, except the prayer in my heart, which said ''Lord Jesus, have mercy upon us.''

In the midst of that brooding silence and despair and the wreckage of the Towers—something absolutely amazing happened. Church bells started to ring all over downtown. And we realized that we were not alone. Those ringing bells became a poignant reminder of hope.

Our neighbor, the New York Yankees' Chaplain, has stopped by our firehouse almost every day since 9–11. He helped us to remember that we have been left with a great legacy of courage, faith, hope and love. Scripture says ''greater love hath no man than to lay down his life for his friends.''

One century ago, Edward Crocker, chief of the Fire Department of New York, said:

''I have no ambition in this world but one,
And that is to be a fireman.
The position may, In the eyes of some, appear to be a lowly one;
But those who know the work which a fireman has to do believe his is a noble calling.
Our proudest moment is to save...lives.
Under the impulse of such thought the nobility of the occupation thrills us and stimulates us to deeds of daring,
Even of supreme sacrifice.''

Mr. President, I was personally heartened by your own words when you said, ''Grief and tragedy and hatred are only for a time. Goodness, remembrance and love have no end.''

As a child who lost my own father in the line of duty, I am here as proof that we can get through the anguish and the grief. By returning to the Lord, we will survive. With His help, we will prevail.

And now, an Old Testament reading from the book of Hosea, Chapter 6, verses 1 through 3:

''Come, let us return to the Lord.
He has torn us to pieces
But he will heal us;
He Has injured us
But he will bind up our wounds.
After two days he will revive us;
On the third day he will restore us,
That we may live in his presence.
Let us acknowledge the Lord;
Let us press on to acknowledge him.
As surely as the sun rises,
He will appear;
He will come to us like the winter rains,
Like the spring rains that water the earth.''

Amen. Thank you.

The following men from my firehouse were among the 343 firefighters who made the supreme sacrifice on September 11, 2001, at the World Trade Center in New York City:

Battalion Chief John Moran
Captain Vernon Richard
Lieutenant Kenneth Phelan
Firefighter George Cain
Firefighter Robert Foti
Firefighter Charles Mendez
Firefighter Richard Muldowney
Firefighter Douglas Oelschlager
Firefighter Vincent Princiotta

TERRORISTS IN PHILIPPINES MUST RELEASE MARTIN AND GRACIA BURNHAM

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. TIAHRT. Mr. Speaker, today marks the 262nd day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

As we are riding Afghanistan of the notorious Taliban, let me introduce you to another organization that has been terrorizing the world and Americans since 1991.

The Abu Sayaf group, known as the ASG, is the smallest yet most radical of the Islamic separatist groups operating in the Southern Philippines. They have known ties to Osama bin Laden's al Qaeda organization. Some ASG members have studied or worked in the Middle East and developed ties to mujahidin while fighting and training in Afghanistan. Activities of the group include bombings, assassinations, kidnapings and extortion payments to promote an independent Islamic state in the Southern Philippines.

ASG has been blazing a bloody trail of murders, abductions, rapes, mutilations, arsons, and other heinous crimes that is possible to match in terms of callous cruelty. I am pleased that we have sent troops to the Philippines who will advise their military. Together with the Philippine government we have an obligation to rid the world of these ''evil does''' and free our fellow Americans from this interminable nightmare.

TRIBUTE TO MS. M. MAUREEN PERKINS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a constituent in the 6th District of New Jersey. It is with great pleasure that I introduce and honor Ms. M. Maureen Perkins as she retires from the Department of Defense, CECOM, Fort Monmouth, NJ.

Ms. Perkins retired on January 3, 2002, as a Department of Defense civilian. As a Logistics Management Specialist, she has retired from the Command and Control Systems and Avionics Branch, Force Modernization Division, Readiness Directorate, Logistics and Readiness Center, CECOM, Fort Monmouth.

While in this Branch, Mrs. Perkins has served as Action Officer, Team Leader, Section Chief and Branch Chief for civilians, military and contractor personnel. Her technical and managerial skills were recognized by receipt of numerous performance awards.

Mrs. Perkins' career started in Finance and Accounting at Fort Monmouth. She was promoted a year later to Health Services Command at Patterson Army Hospital, Fort Monmouth, NJ, in the Medical Supply Branch.

After 4 years in Medical Supply, Mrs. Perkins relinquished her career to support her husband's, retired Lieutenant Colonel Franchot Perkins, Army career. She not only provided support to her husband's career, and the raising of their two sons, but she actively participated in the Officer's Wives Club, in which she served a term as a board member. As a military wife, Mrs. Perkins supported the American Red Cross and became a Red Cross volunteer dental assistant at the Dental Clinic in Fort Huachuca, Arizona.

Mrs. Perkins resumed her career at ERADCOM, Fort Monmouth where she received several commendations and honorary awards. Years later, she accepted a promotion, as Chief, Equipment Management Branch, which returned her to Health Services Command at Patterson Army Hospital, Fort Monmouth, NJ.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Mrs. M. Perkins' retirement and her significant accomplishments throughout her career in Command and Control Systems and Avionics Branch, Force Modernization Division, Readiness Directorate, Logistics and Readiness Center, CECOM and the United States Army.

A PROCLAMATION RECOGNIZING JASON DWAIN MITCHELL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. NEY. Mr. Speaker, whereas, Jason Dwain Mitchell has devoted himself to serving others through his membership in the Boy Scouts of America Troop 145; and

Whereas, Jason Mitchell has shared his time and talent with the community in which he resides; and

Whereas, Jason Mitchell has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jason Mitchell must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Jason Dwain Mitchell for his Eagle Scout Award.

CONGRATULATIONS TO HADASSAH ON ITS 90TH ANNIVERSARY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. FRANK. Mr. Speaker, one of my early memories is of my mother going off to Hadassah meetings. When I was 6 or 7—meaning that these meetings happened during the first half of Hadassah's existence—I was a little resentful. But when I came as an adult to learn of the extraordinarily important work that Hadassah does, I have retroactively given my enthusiastic support for my mother's participation.

I am very familiar with the work of Hadassah, which is the women's Zionist organization, both here in the U.S. and in Israel. In Israel, the medical care provided by the generosity and the diligence of Hadassah members is extremely important and has been particularly valuable during that young nation's history. Here in the U.S., Hadassah has an unequaled role as an advocate for important Jewish values, including support for the state of Israel, and also for a humane and open American society; it does significant community service work; and it is an important educational institution. One of the impressive things about Hadassah is the intergenerational nature of its work.

Mr. Speaker, I am very proud that my mother was a Hadassah member more than 50 years ago, and I am proud as well of my own record in cooperating with this very important organization during my own public career. I am delighted to extend a Mazel Tov to Hadassah as it celebrates its 90th birthday this month.

AUTHORIZE A NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to authorize a national tsunami hazard mitigation program for all United States coastal States and insular areas.

Tsunamis are waves generated by vertical movement of a large mass of ocean water. The word ''tsunami'' is Japanese and means wave in a harbor. Generally, an earthquake will have to be stronger than a magnitude 7.0 to generate a tsunami, and not all large earthquakes generate tsunamis. Tsunamis can be caused by vertical movement of the ocean floor, landslides into or under the water, volcanoes, and large meteorites.

Tsunamis can have a destructive impact near their point of origin, or far from their origin. In the open ocean, a tsunami will pass through a given point as a small to moderate wave, but as the water becomes more shallow the destructive force increases. It is in harbors and other low-lying coastal areas that tsunamis do the most devastation.

The Pacific region average about three destructive tsunamis per century. In recent history, there have been three Alaska earthquakes which generated destructive tsunamis. In 1946, a tsunami was over 100 feet high on Unimak Island; in 1958, a tsunami was over 1700 feet high in Lituya Bay; and in 1964, a tsunami was over 200 feet high in Shoup Bay. In Hawaii, significant tsunamis have occurred in 1868 and 1975.

In an effort to mitigate the hazards caused by tsunamis in the Pacific, in 1994 the Senate Committee on Appropriations directed the National Oceanic and Atmospheric Administration (NOAA) to establish a Pacific tsunami hazard mitigation program. Since then the program has developed to the extent that there are two tsunami warning centers, one in Alaska, and one in Hawaii. Based on information gathered at these two centers from data collected from around the region, tsunami warnings are broadcast throughout the Pacific.

The primary duties of the two tsunami warning centers are to provide tsunami warnings, help coastal communities prepare for future tsunamis through mapping of areas of potential inundation and community education, and to improve the timeliness and accuracy of the warnings through research and development.

The legislation I am introducing today will expand this program to include the coastal states on the Pacific, Atlantic and Gulf coasts, and all of the inhabited territories of the United States. I believe this is necessary assistance which should be provided to our coastal communities. Through effective planning and timely warnings, this program will pay for itself with a significant reduction in federal disaster assistance costs.

I urge my colleagues to support this bill and ask that it be given prompt consideration by the committee of jurisdiction.

CONGRATULATING LAWRENCE BARTELSON ON HIS RETIREMENT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. NADLER. Mr. Speaker, I rise today to congratulate Lawrence Bartelson on the occasion of his retirement from American International Group (AIG) after thirty years of dedicated service. Born in Brooklyn on March 6, 1941, Larry graduated from Lafayette High School in 1958. After attending the Baruch School of Business and Public Administration at the City College of New York, Larry began his professional career in accounting at the Home Insurance Company. In 1971, Larry joined AIG where he worked as an accounting manager in the Investment Accounting Department. On December 3, 2001, the company honored Larry with a retirement luncheon attended by his fellow employees and friends of AIG.

For most of his life, Larry lived in Brooklyn, where his sister and other family members still reside. In 1993, Larry moved to Manhattan's West Village, where he joined a local block association to promote neighborhood well-being and community preservation. Among Larry's many notable community activities is his involvement in the New York Public Library, where he has been recognized as a member of the Bigelow Society. He is also an active member of the SAGE Forty Plus Group at the Gay, Lesbian, Bisexual and Transgender Community Center in Manhattan.

Larry is devoted to his close-knit family. Larry plans to spend his retirement years in New York City as well as his apartment in Hollywood, Florida, pursuing his various interests and enjoying the things he loves with family, friends and his partner, Bill Hevert. I am pleased to join with my friend, Lewis Goldstein, in congratulating Larry on this milestone. I wish him a productive and enjoyable retirement.

TRIBUTE TO REV. DR. A. EDWARD DAVIS, JR.

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. BLAGOJEVICH. Mr. Speaker, it is an honor for me to rise today to pay tribute to the Honorable Reverend Dr. A. Edward Davis, Jr., Pastor of St. John Missionary Baptist Church in Chicago, Illinois. Pastor Davis preached his first sermon in 1969 and was called to the pastorate of St. John Missionary Baptist Church in 1976. Since that time, God, through him, has made and continues to make a difference in many lives.

Under his leadership and vision, St. John's membership has grown to almost four thousand five hundred members. He preaches two Sunday services and is making preparations to build a new church building which will include an Educational Facility with a full-time Day Care Center. Over thirty-three years of untiring service, faithful dedication to the community and strong leadership have earned him the deserved respect and admiration of all whose lives he has touched.

Pastor Davis has been instrumental in shaping the future of the community, state and country. I applaud his leadership and commend him for toiling so long to provide the type of guidance which has empowered so many to make meaningful contributions to the community. His accomplishments are far too numerous to list but I applaud him for each and every one of them and for having the dream and desire to use his faith as a vehicle to effect social, political and economic change. He is a true testament to his faith and an asset to our country. I commend Pastor A. Edward Davis and wish him many more years of exemplary service to the Lord.

PAYING TRIBUTE TO RICH PERLBERG, NEW PRESIDENT OF THE MICHIGAN PRESS ASSOCIATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Rich Perlberg of Brighton, Michigan, who was recently installed as 2002 president of the Michigan Press Association.

Rich Perlberg and his family have been dedicated for three generations to continuing America's tradition of a free press. The Perlberg family also works to keep the newspaper industry viable in a highly competitive era and is fully committed to enhancing the communities they serve.

Rich Perlberg, publisher and general manager of Home Town Newspapers, is both a second generation president and the third Perlberg to head Michigan's volunteer, statewide organization of newspapers. His father, Ed Perlberg was president in 1982, and his brother Bob served in 1992. Actually, the Perlberg family tradition goes back even farther. Rich's grandfather, Floyd, once served as a board member of the now 300-member association.

Rich Perlberg understands that community newspapers are the historians of American life, as well as the watchdogs of community well-being and a cornerstone of the community economy.

Perlberg assumes the Michigan Press Association presidency at a critical time. While newspapers that reflect their communities are the very backbone of a the community, the backbone of these publications is retail advertising. Without that revenue, it would be nearly impossible for newspapers to serve their communities. The recent dip in the economy and other media competition for advertising revenue, present Perlberg with a major challenge in the new year.

Perlberg's family tradition in community newspapers and his successful newspaper career make him the right man for Michigan's newspaper industry in 2002. He began his career sweeping floors, proofing ads and writing copy at his father's paper in Bay City, Michigan. He has since risen to lead one of the state's most respected and successful community newspaper groups. He is well-prepared to assume responsibility for the association.

We congratulate Rich Perlberg on his new opportunity and wish him and the Michigan Press Association the very best in the coming year.

THOUGHTS OF RABBI ISRAEL ZOBERMAN ON HIS RECENT TRIP TO THE MIDDLE EAST

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. FORBES. Mr. Speaker, on September 11 and in the weeks that followed, it seemed inconceivable that anyone in the world would ever be able to return to true normalcy. The horror of that day would—as well it should—live forever in our hearts and minds. But, in parts of the world, old hatreds have been revived and violence has once again become an everyday occurrence. In particular, the Middle East has again become a tinderbox.

Rabbi Israel Zoberman of the Congregation Beth Chaverim in Virginia Beach, a congregation that draws people from all over the Tidewater area, recently traveled to Israel for the Israel Bonds Rabbinic Conference Solidarity Mission. As someone who had grown up in Israel before coming to the United States to preach, Rabbi Zoberman is regrettably well accustomed to the daily routine of violence in the Middle East. But, he is far from desensitized to its effects on human lives. He published his thoughts on the recent violence in the National Jewish Post, and he has shared them with me. I commend his article to my colleagues' attention as well.

As an early supporter of mutual accommodation between the Israelis and the Palestinians, I urged in the wake of the 1982 Lebanon War—in an article inserted into the Congressional Record by then Senator Charles Percy of Illinois—for responding creatively to the Palestinian question while guaranteeing Israel's security. Indeed, the 1993 historic handshake between the late Prime Minister Rabin and Chairman Arafat at the south lawn of the White House vindicated those believing in the necessity of peace between the long warring parties. However, the past 16 months have painfully impacted the peace camp following Arafat's initiation of the Second Intifada, violently rejecting former Prime Minister Barak's wide proposal at Camp David to fully end the historic conflict.

While on an Israel Bonds Rabbinic Conference Solidarity Mission, we watched on Israeli TV the captured ship ''Karine A,'' packed with fifty tons of Iranian offensive weapons ordered by the Palestinian Authority. Major General Shlomo Gazit (Res.) who headed the Israeli Army Intelligence branch, described to us the action as the most daring commando raid since the 1976 Entebbe Operation, also meant to save Jewish lives. All that while General Anthony Zinni was in the region receiving cynical assurances from the Palestinian of their commitment to implement a cease-fire.

U.S. Ambassador Daniel Kurtzer, the second consecutive American Jew to serve in the important post replacing Ambassador Martin Indyk, greeted us most warmly and unequivocally state, ''there is a connection between the ship and the Palestinian Authority for which it should answer.'' Jerusalem's Mayor Ehud Olmert, thanking us heartfeltedly as did Israelis at large for visiting at a trying time, emphasized that the ship's episode illustrates the gap ''between Arafat's declarations and deeds'' with peace remaining elusive.

Israel's President Moshe Katsav movingly welcoming us in his official residence was highly critical of Arafat's conduct since the Peace Process began, and stressed the internal division the latter created in Israeli society. He emphatically announced, acknowledgingly borrowing President Lincoln's famous phrase, ''Mr. Arafat, you cannot fool all the people all the time.'' The President spoke of the need to vigorously fight terrorism while asserting the meeting points of common interests between Palestinians and Israelis.

Deputy Defense Minister, Dalia Rabin-Pelossof, daughter of the slain Yitzhak Rabin, bemoaned the transition ''from hope

to despair,'' calling on Arafat to cease engaging in violence as well as teaching Palestinian children the language of hate and suicide bombing. She regards economic development essential and finds the ultimate solution to be political rather than military. Jacob Perry, who led the Shin Bet, Israel's internal security service, reflected on Israel's long encounter with Arab terrorism even as recently Islamic fundamentalism ''openly challenged the West.'' He praised American Intelligence capability, the failure of September 11th notwithstanding, explaining the difficulty of penetrating the compartmentalized and religiously extreme Muslim terror cells.

Dr. Raanan Gissin, Prime Minister Sharon's Media Advisor, analyzed Arafat's inability to change course and shed off his life's identity as a terrorist, thus bound to remain such. His present forced confinement to West Bank's town of Ramallah will extend till he turns in the murderers of government minister Rehavam Zeevi. Yet Gissin shared, ''we have to find a way to live with Arabs'' without compromising Israel's overwhelming right to its land, keeping Jerusalem united. He voiced enthusiastic support for President Bush's war on terrorism by unstoppable ''democracy on the march.'' Rabbi Binyamin Elon, assassinated Minister Zeevi's party colleague who jointed the government in his stead as Tourism Minister, cautioned of the need to be strong in face of an enemy regarding Israel's moral code as a weakness. Limor Livnat, Education Minister, refuses to view Arafat as a peace partner in the midst of his waging war against Israel, denying Jerusalem's centrality for the Jewish people.

Encountering the families, fellow soldiers and the classmates of terror victims, including twenty-two immigrant Russian students from Tel Aviv's Shevah Mofet School, we witnessed with horror the bullet-ridden bus where ten Israelis found their death at Emanuel town's entrance. Tearfully facing freedom's high price, we were reassured by the resiliency of the human spirit coupled by Israeli resolve. The bond with America's own pain became most evident. In the deadly stalemate caused by the absence of a negotiated settlement, there is the option of a unilateral separation by Israel with a demilitarized Palestinian entity. The venerated vision of genuine peace will follow, some day, with both sides prayerfully seeking and creating sacred windows of opportunity. Meanwhile, will Chairman Arafat who has inflicted profound anguish on Israelis and Palestinians alike, betraying the precious though fragile essence of transforming and uniting hope of so many, kindly return the Nobel Peace Prize he no longer deserves?

YUCCA MOUNTAIN IS THE BEST OPTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 5, 2002, Norfolk Daily News. The editorial stresses the need to move forward on the construction of a nuclear waste site at Yucca Mountain in Nevada. As the editorial indicates, the Yucca Mountain location has been thoroughly studied and reviewed. Now that it has been chosen as the preferred location, Congress should approve the decision and facilitate the development of this site. Such an action would greatly enhance national safety and security.

FURTHER DELAY NOT AN OPTION—YUCCA MOUNTAIN NOW OFFICIALLY DECLARED BEST NUCLEAR WASTE SITE

Nearly 40 years after the federal effort began to find a permanent place to store high-level nuclear waste, a suitable site has been identified. It is now 20 years after Congress promised to have such a facility opened; five years after Congress named the preferred location—Yucca Mountain 90 miles northwest of Law Vegas, Nev.

Exhaustive scientific review has affirmed that site's suitability. The federal Department of Energy has now officially declared that the Nevada site meets the stringent standards prescribed for storing 70,000 tons of high-level, long-lived radioactive waste.

It does not mean transfer of such materials from 130 separate sites across the nation, much of it from nuclear power plants, will occur soon. The next step in the process is for President Bush to approve the recommended site and apply for a federal license. Nevada officials aim to derail the project, and a 1987 law gives that state veto power. Congress can then override the veto.

The process will still consume years, rather than months. And so will design work and construction once an irreversible decision is made. While it is projected now that the repository could be ready to accept waste by 2010, experience proves that is an optimistic timeline.

Opponents lack a key argument, however: that there surely are other, better sites available in the continental United States. Those were weighed long ago, and the sparsely-settled mountainous desert terrain in Nevada, already probed, tunneled and extensively surveyed for its stability, was chosen on justifiable scientific grounds. That the state has a small population might have been a political plus, but determined opposition on the part of its leadership has kept the issue in doubt long after the site should have been ready.

Now it is up to Congress once again to reaffirm its earlier decision, and to offer the best protection against future risks from nuclear waste by proceeding with deliberate speed to store the nuclear waste where it can be monitored carefully for the safety of generations of Americans yet to come.

The sensible majority of today's national political leaders must recognize that the greater good for the greater number is the issue. One state cannot have veto power over 49 others in a matter of vital national importance. Further delay only increases the risks and makes the nation more vulnerable to terrorists and the hazards that nuclear waste represents.

A PROCLAMATION RECOGNIZING JUSTIN DWIGHT MITCHELL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. NEY. Mr. Speaker, whereas, Justin Dwight Mitchell has devoted himself to serving others through his membership in the Boy Scouts of America Troop 145; and

Whereas, Justin Mitchell has shared his time and talent with the community in which he resides; and

Whereas, Justin Mitchell has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Justin Mitchell must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Justin Dwight Mitchell for his Eagle Scout Award.

TRIBUTE TO MR. GERALD R. REED

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. PALLONE. Mr. Speaker, since 1926 Americans have recognized black history annually, first as ''Negro History Week'' and later as ''Black History Month.'' February was chosen because the month marks the birthdays of two men who seriously impacted the African American, Frederick Douglass and Abraham Lincoln. This year's month long celebration's theme is, ''The Journey to Freedom: The Struggles, Trials and Triumphs.''

I would like to call the attention of my colleagues to a man who embodies the characteristics of a leader of the African American Population. It is with great pleasure that I introduce and honor Gerald R. Reed as he celebrates his tenth year as a member of Blacks in Government (BIG) and his third year as its president.

In 1992 Mr. Reed began his leadership role within the BIG as President of the Pentagon Chapter. The following year he was the honored recipient of the prestigious BIG National Distinguished Service award.

In 1994, only two years after he joined the organization, Mr. Reed became the President of the Region XI Council. During the three years of his presidency the Council was awarded the bids for the BIG Annual National Training Conference in 1994, 1997, 1998 and year 2000. Additionally, Mr. Reed served on influential BIG National Committees and instituted many major conference improvements as the Co-Chairperson of the BIG National Training Conference in 1997 and 1998.

Furthermore in 1994, during his first year as National President, Mr. Reed successfully implemented many initiatives for BIG, including a partnership with the United States Department of Agriculture Graduate School and several organizational infrastructure improvements.

Mr. Reed is also affiliated with the Black Leadership Forum, the National Coalition for Equity in Public Service, the Leadership Council on Civil Rights, and a VIP member of the Joint Center for Political and Economic Studies.

Mr. Reed is presently employed with the Network Infrastructure Services Agency, Pentagon, (NISA–P) as the Branch Chief for the Systems Applications Development Branch. He holds several degrees including a Master of Science degree in Administration with a concentration in Software Engineering from Central Michigan University. He is a veteran of the United States Army and also the author of ''Building A Masterpiece with Simple Poetry.''

Many events have been planned in conjunction with this month's Festivities in my district. Mr. Reed has been selected as the guest speaker at this year's Mentors Chapter of Blacks in Government (BIG) annual Black History Month Luncheon in Forth Monmouth, New Jersey.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Mr. Reed and his significant accomplishments throughout his career, his work

with Blacks in Government and his service to the African American Community.

HONORING THE CHINESE NEW YEAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Ms. PELOSI. Mr. Speaker, I rise today to acknowledge the celebration of the Lunar (or Chinese) New Year—the most important of all Chinese festivals. Part of the Asian philosophy includes the belief that as the turning of the new year, you clean your home, sweep away misfortune and welcome in the new year with hopes for prosperity and good luck. We should all take advantage of this opportunity to explore this tradition and embrace the richness of our diversity.

It is the year 4699 by the Chinese calendar, the Year of the Horse. The Lunar New Year is celebrated on the New Moon of the 1st day of the year and ends on the Full Moon 15 days later. It is popularly recognized as the Spring Festival, and is celebrated just before planting begins in the spring, with hopes for a good harvest in the coming year. Family is a major focus of the celebration, especially on New Year's Eve and New Year's day. A ritual paying homage to ancestors is performed in order to unite living family members with those who have departed. Much respect is paid to these ancestors who were responsible for laying the foundations for the fortune and glory of their families. The festivities conclude with the Lantern Festival, on the last night of the celebration, consisting of a parade of people carrying lanterns, and of young men performing a dragon dance.

In San Francisco, the Chinese-American community is a vital, historic and vibrant component of our world-renowned diversity. Chinese-Americans have played a significant role in all aspects of American life including our arts, education, sports, medicine, religion, and politics. Recognition of these gifts and of the cultural diversity in America today was recently symbolized when once again the United States Postal Service issued its annual commemorative stamp honoring the wonderful tradition of the Chinese New Year. I am honored to participate in Chinese New Year celebrations, and I wish all a Gong Hay Fat Choy.

INDIA: CANDIDATE FOR A TERRORIST STATE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. BURTON of Indiana. Mr. Speaker, it is disappointing to note that India's actions of late have had the effect of undermining our war against terrorism. India's massive military buildup has forced Pakistan to pull troops away from the Afghan border, creating a potential opportunity for Taliban and Al Qaeda leaders to escape.

India claims that this act is in response to Pakistan's failure to turn over alleged terrorists to them, but Pakistan has been cracking down on terrorists and has jailed many of them so far. It will not turn over non-Indians to India, however. India also blames Pakistan for the attack on its parliament, even though India has a record of committing acts of terrorism in the guise of various minorities. Two independent investigations have proven that they did so in Chithisinghpora in March 2000, when they murdered 35 sikhs. The book Soft Target asserts that the Indian government was responsible for shooting down an Air India airliner in 1985, killing 329 people. In addition, India created the militant Liberation Tigers of Tamil Eelam (LTTE), which our government has labeled a ''terrorist organization,'' and put up its leaders in Delhi's finest hotel, according to India Today, India's leading newsmagazine. Internet journalist Justin Raimondo has reported that Defense Minister George Fernandes supplied money and arms to the LTTE. On January 2, columnist Tony Blankley, writing in the Washington Times, reported that the Indian government sponsors cross-border terrorism in the Pakistani province of Sindh.

The time has come for India to release its political prisoners. According to the Movement Against State Repression (MASR), India admitted to holding 52,268 Sikhs as political prisoners in ''the world's largest democracy.'' In addition, according to Amnesty International, tens of thousands of other minorities are also being held in jail.

India has also been guilty of terrorism against the minorities within its own borders. The newspaper Hitavada reported on November 1994 that the Indian government paid $1.5 billion to the late governor of Punjab, Surendra Nath, to foment terrorist activity in Kashmir and Punjab, Khalistan.

If we are going to win the war on terrorism, we must eliminate it wherever it shows up. That includes countries that claim to be democratic. I call on the White House to urge India to end its support for terrorism. In addition, it is time to cut off U.S. aid to India and to declare our support for a free and fair plebiscite in Punjab, Khalistan, in Christian Nagaland, in Kashmir, and in the other minority nations under Indian occupation on the subject of independence.

Mr. Speaker, on January 7, the Council of Khalistan published a press release urging that India be declared a terrorist state. I would like to place it into the RECORD at this time.

[Press Release from the Council of Khalistan, Jan. 7, 2002]

DECLARE INDIA A TERRORIST NATION—IT SPONSORS DOMESTIC AND INTERNATIONAL TERROR

INDIA MUST FREE OVER 52,000 SIKH POLITICAL PRISONERS

WASHINGTON, DC.—''The time has come to declare India a terrorist nation,'' Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, said today. The Council of Khalistan leads the Sikh Nation's struggle for independence and is the government pro tempore of Khalistan, the Sikh homeland, which declared its independence from India on October 7, 1987. ''India pays lip service to the war on terrorism, but it is a terrorist nation itself,'' Dr. Aulakh said. ''If America is committed to eradicating terrorism everywhere, that must include India, a major sponsor of international and domestic terrorism,'' Dr. Aulakh said.

Columnist Tony Blankley, writing in the Washington Times on January 2, wrote that India sponsors cross-border terrorism in the Pakistani province of Sindh. Internet journalist Justin Raimondo recently reported that Indian Defense Minister George Fernandes raised money for the militant Liberation Tigers of Tamil Eelam (LTTE), which the U.S. government has labelled as a ''terrorist organization,'' and provided arms for them. Journalist Tavleen Singh, writing in India Today, India's premier newsmagazine, reported that the Indian government created the LTTE and put up its leaders in the finest hotel in Delhi.

The Deccan Chronicle reported on December 14 that the Indian government knew of the terrorist attack on its Parliament, which killed 13 people, in advance and that the government did nothing to stop it. No Members of Parliament were killed in the attack, but the victims were lower-caste people. This shows government involvement in the incident. India seeks to use this attack as a pretext for a war against Pakistan. Indian cabinet members have said that Pakistan should be incorporated into India. ''Sikhs and Kashmiris will be the main victims of war,'' said Dr. Aulakh. ''This is part of India's design. India is putting the stability of the entire South Asian region at risk for its own hegemonic ambitions,'' he said.

''We condemn terrorism in all forms, wherever it comes from,'' he said. ''It is time for India to release more than 52,000 Sikh political prisoners and the tens of thousands of other political prisoners and end its repression,'' Dr. Aulakh said . . . According to a report in May by the Movement Against State Repression, India admitted that 52,268 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. ''I call on the Sikh leadership in Punjab to stop making coalitions with the Indian government and work for freedom for the Sikhs and the other minority nations of South Asia,'' he said.

The book Soft Target, written by two respected Canadian journalists, shows that the Indian government blew up its own airliner in 1985 to provide a pretext for more repression against Sikhns. In November 1994, the newspaper Hitavada reported that the government paid the late governor of Punjab, Surendra Nath, $1.5 billion to generate terrorist activity in Punjab and Kashmir. The Indian government has murdered over 250,000 Sikhs since 1984. Over 75,000 Kashmiri Muslims have been killed since 1988. In May, Indian troops were caught red-handed trying to set fire to a Gurdwara (a Sikh temple) and some Sikh houses in Kashmir. Two independent investigations have proven that the Indian government carried out the March 2000 massacre of 35 Sikhs in Chithisinghpora. In August 1999, U.S. Congressman Dana Rohrabacher said that for Sikhs, Kashmiri Muslims, and other minorities ''India might as well be Nazi Germany.''

India has also repressed Christians. More than 200,000 Christians have been killed since 1947. Priests have been murdered, nuns have been raped, churches have been burned. Christian schools and prayer halls have been destroyed, and no one has been punished for these acts. Militant Hindu fundamentalists allied with the RSS, the pro-Fascist parent organization of the ruling BJP, burned missionary Graham Staines and his two young sons to death. In 1997, police broke up a Christian religious festival by firing their weapons at it.

''Now is the time for Sikhs, Kashmiris, Nagas, and other nations to claim their freedom,'' he said. ''Now is the time for a Shantmai Morcha (peaceful agitation) for the independence of Khalistan,'' he said. ''If India is truly the democracy it claims, then it should allow a free and fair vote on this issue,'' Dr. Aulakh said. ''Sikhs are a separate nation and ruled Punjab up to 1849 when the British annexed Punjab. The nations and

peoples of South Asia must have self-determination now.''

CONGRATULATIONS TO TAIWAN PRESIDENT CHEN AND HIS NEW CABINET

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. ENGLISH. Mr. Speaker, as Asians all over the world prepare to celebrate the lunar New Year, I would like to extend good wishes to all my Asian constituents and friends. I would especially like to wish Taiwan President Chen Shui-bian and the people of Taiwan good luck in this year of the Horse, along with continuing economic success and meaningful political reforms.

Since President Chen's inauguration in May 2000, he has made many gestures of good will. This includes encouraging Beijing to start meaningful discussions between Taiwan and Chinese mainland on the issues separating them. It is my hope that both Taiwan and the Chinese mainland will soon begin a dialogue on reunification, leading to a peaceful co-existence, hence, maintaining stability and prosperity in the Asia-Pacific region.

Also, I would like to extend my good wishes to President Chen's new cabinet. Mr. Yu Skyi-kun has been appointed the new premier. Mr. Yu possess a wide range of administrative experience and diplomatic skills which will help bring all political factions together. Other top cabinet posts includes Dr. Lee Ying-yuan, former deputy representative to the United States. In his new role as Secretary-General of the Executive Yuan, Dr. Lee will keep relations between the executive and the legislative branch working smoothly. Another excellent cabinet choice is the new foreign minister Dr. Eugene Chin. Before appointment, he was a diplomat and in previous administrations, he was Minister of Transportation and of Environmental Protection. Last but not least, my best wishes go to Ambassador C.J. Chen. A distinguished career diplomat, he is Taiwan's chief representative in Washington. He is industrious, courteous, and more importantly, experienced. His briefings are crisp, witty, and well-informed. Like many of my colleagues on the Hill, I enjoy working with both him and his knowledgeable and friendly staff. They are wonderful representatives for the Republic of China on Capitol Hill.

Again, my best wishes in the coming year.

TRIBUTE TO COLORADO EDUCATOR MRS. BARB VOGEL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. TANCREDO. Mr. Speaker, I rise today to mark a sad development in my district. I recently learned that one of Colorado's great educators will be retiring at the end of the current school year. Mrs. Barb Vogel will soon be leaving her post at Highline Community Elementary School in Aurora, Colorado. Barb is an outstanding teacher in all respects, but her passion to end slavery around the world, Mr. Speaker, has given me great strength during my short time here in Congress.

Mrs. Vogel and her class of fourth and fifth graders learned of the slave trade in Southern Sudan in 1998 after reading an article about it. Her students, outraged at the realization that slavery still exists in the world today, began to raise money to free Sudanese slaves by manning lemonade stands and collecting change in a jar. In remarkably little time, Mrs. Vogel's ''little abolitionists'' had raised enough money to free one thousand slaves. The class formed the ''Slavery That Oppresses People (STOP)'' campaign to help educate students around the world about the horror of slavery as it still exists in Sudan and elsewhere.

When I first came to this body, determined to try to do something about the horrific war in Sudan, remarkably few of my colleagues knew the details of the conflict or the extent of the suffering taking place there. The STOP group has helped immeasurably in the fight against that lack of awareness, with two trips to Washington, including one to give testimony to the Senate Foreign Relations Committee, and one to meet with senior administration officials.

I cannot help but wonder, Mr. Speaker, whether the efforts of Barb Vogel and the STOP campaign have done more to free Sudan from slavery and oppression than have three years of legislative and diplomatic wrangling. In the process of doing so, Barb succeeded in teaching scores of her students that a determined few who are willing to work hard can change the hearts and minds of millions. It is no small feat that she helped her students to prove to the world that one need not be rich or powerful or even grown-up to take a stand against evil.

I have no doubt that the work of the STOP Campaign, led by Mrs. Vogel, will continue after she leaves the classroom in June, and for that, Mr. Speaker, we should all be grateful. I wish Mrs. Vogel the happiest of retirement, for she has certainly earned it.

RECOGNIZING KSEE 24 PORTRAITS OF SUCCESS HONOREES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize NBC affiliate KSEE 24 and its Portraits of Success program celebrating African-American History Month. Currently in its eighth year, this program combines public service announcements, a five-part news series, and an awards luncheon to recognize the contributions of distinguished local leaders. This year's honorees are Reuben Phillips, Britt King, Bessie Miller, Walter Pierce, and Dr. Mae Rogers.

Reuben Phillips has worked in and served Fresno since he opened his auto part sales store in 1946. Phillips became the first African-American to serve in Fresno's Finance Department in 1977. He has also volunteered at 25 disaster sites with the Fresno-Madera Chapter of the American Red Cross.

Britt King was named the women's basketball head coach at California State University, Fresno in 1998. Since then she has been building a winning program and bringing talent to the team from all over the Nation. King's impressive resume includes being named Providence College Athlete of the Year in 1986 and Black Coaches' Sports Magazine's Coach of the Year in 1995.

Bessie Miller encourages young people to achieve their dreams through her work as Senior Advisor with Leadership West Fresno. Miller is a Site Manager for the State of California Employment Development Department. She has developed a great rapport with the youth and helps them find the motivation they need to succeed.

Walter Pierce began his work at Fresno State as the university's first affirmative action director. He works through the Office of Advising Services to help students reach their academic goals. Pierce also serves the Athletic Department as an advisor to athletes and a mentor to coaches.

Dr. Mae Rogers began an after-school multi-level learning program during her work with the Affordable Housing Development Corp. Rogers now works with community school students ordered by the court to find an alternative school program.

Mr. Speaker, I rise today to commend KSEE 24 for their Portraits of Success program and honor Reuben Phillips, Britt King, Bessie Miller, Waler Pierce, and Dr. Mae Rogers for the work they have done in the community. I invite my colleagues to join me in wishing these honorees many more years of continued success.

CONGRATULATIONS LANSDOWNE VOLUNTEER FIRE ASSOCIATION #1, INC. ON 100TH ANNIVERSARY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Lansdowne Volunteer Fire Association #1, Inc. on their 100th anniversary.

In response to several local fires that needlessly consumed area homes, citizens of Lansdowne gathered together on February 14, 1902 and resolved to create their own fire department that would protect and preserve the safety and well-being of the entire community. And so, began the history of the Lansdowne Volunteer Fire Association—a history rich with examples of determination, courage, and above all, selflessness.

The Association's members have responded to the call of duty whenever their community, their neighboring community, or their nation needed them. They exemplify the virtues of citizenship. No blizzard, no hurricane, no disaster was ever too great to hinder the members from serving their neighbors.

To this day, the spirit of community that sparked its founders burns relentlessly among the members of the Lansdowne Volunteer Fire Association. I hope my colleagues will join me in saluting the bravery and fortitude that is the essence of the Lansdowne Volunteer Fire Association's service.

RETIREMENT OF MAJOR GENERAL MOORMAN

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. HYDE. Mr. Speaker, I would like to bring to your attention today the exemplary work and most commendable public service of one or our country's outstanding military leaders, Major General William A. Moorman, the Judge Advocate General of the United States Air Force. General Moorman will be retiring after an especially distinguished military career on May 1, 2002:

RETIREMENT OF MAJOR GENERAL WILLIAM A. MOORMAN

General Moorman entered the Air Force in 1971 through the Air Force Reserve Officer Training Corps program. His early assignments included Richards-Gabaur Air Force Base, Missouri, Yokota Air Base, Japan, Homestead Air Force Base, Florida, Luke Air Force Base, Arizona, and at the Pentagon here in Washington, D.C. He later served as the Staff Judge Advocate for 12th Air Force and U.S. Southern Command Air Forces, Bergstrom Air Force Base, Texas; as the first Staff Judge Advocate of U.S. Strategic Air Command, Offutt Air Force Base, Nebraska; Staff Judge Advocate U.S. Air Forces in Europe, Ramstein Air Base, Germany; Commander Air Force Legal Services Agency, Bolling Air Force Base, Washington, D.C.; Staff Judge Advocate Air Combat Command, Langley Air Force Base, Virginia; and finally his current position as The Judge Advocate General of the United States Air Force, where he serves in the Pentagon.

General Moorman was born and raised in Chicago, and his father and mother, James and Mary Moorman, still reside in its suburbs. General Moorman earned a Bachelor of Art's degree in history and economics at the University of Illinois, and then went on to attend the University of Illinois College of Law. He is a graduate of Squadron Officer School, a Distinguished Graduate of Air Command and Staff College, Maxwell Air Force Base, Alabama, and a graduate of the National War College, Fort McNair, Washington, D.C. General Moorman is admitted to practice before the U.S. Court of Appeals for the Armed Forces, the United States District Court for the Seventh Circuit and the Illinois State courts. His military decorations include the Distinguished Service Medal, the Legion on Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters, and the Armed Forces Expeditionary Medal for his service in Panama during operation JUST CAUSE. General Moorman was also recognized as the Outstanding Young Judge Advocate of the Air Force in 1979, winning the Albert M. Kuhfeld Award, and as the Outstanding Senior Attorney of the Air Force in 1992, winning the Stuart R. Reichart Award.

Since 1999 General Moorman has served as The Judge Advocate General of the Air Force. In that capacity, he led and inspired an organization of over 3000 military and civilian lawyers, paralegals, and support personnel. General Moorman's dynamic leadership, sound judgment, personal and professional integrity and unwavering devotion to duty were instrumental in the successful resolution of numerous difficult issues facing the JAG Department and the Air Force. At the same time, he was a key and trusted advisor to two Air Force Chiefs of Staff who relied on his sound, timely and cogent advice in resolving a host of complex legal and policy issues they encountered as the military leaders of the Department of the Air Force.

A visionary leader, Bill Moorman's tenure as The Judge Advocate General was marked by innovation and an unwavering focus on serving the needs of his Air Force client, wherever and whenever the mission required. From the outset of his assignment as the Judge Advocate General, he set about to leverage technology, particularly the use of electronic media and communications capabilities, and focus the efforts of his Department on a common vision for its evolution in the coming years. He drew upon the collective expertise of his most knowledgeable senior leaders to create several cornerstone publications, including the first ever judge advocate doctrine, and the ''TJAG Vision for the 21st Century.'' These documents articulate a common understanding of the unique and increasingly critical capabilities military legal professionals bring to bear in support of air and space operations and will ensure the momentum his efforts generated continue beyond his tenure.

Another hallmark of General Moorman's leadership was his sustained initiative to maintain the high levels of skill and competency of the legal professionals who comprise the Department. His efforts were instrumental in enactment of legislation authorizing continuation pay for judge advocates, a measure that is reversing a perennial recruiting and retention problem by ameliorating spiraling student loan financial burdens that previously had prevented many of our best and brightest law school graduates from electing to serve in the nation's armed forces.

Perhaps General Moorman's greatest legacy will be his commitment to ensuring the Air Force Judge Advocate General's Department operates in a fashion that seamlessly merges its diverse, traditional fields of practice into the Expeditionary Aerospace Force model. He orchestrated numerous programs to ensure judge advocates are skilled in advising commanders on the application of air and space power across the spectrum of military conflict and also oversaw the creation of a comprehensive guide covering the application of air and space power across the full range of combat and noncombat operations.

In the midst of the tragedy of September 11th, his first thoughts turned to care for the injured at the Pentagon. He used his personal van as an ambulance and drove a wounded civilian employee to Arlington Hospital. He then returned to duty and led the remarkable effort to consider the unique legal issues involved in our homeland defense and the global war on terrorism. His efforts during and after the Pentagon attack underscore the force multiplying effect reliable legal counsel will bring to armed conflict in the 21st century.

Mr. Speaker, I ask that you join me, our colleagues and General Moorman's many friends and family in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Bobbie, and his family are extremely proud of his accomplishments. It is fitting that the House of Representatives honors him today.

TRIBUTE TO REVEREND J.C. CURRY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a great man, Reverend J.C. Curry. Reverend Curry passed away last Thursday in Flint, Michigan. I am deeply saddened by this event as Reverend Curry was a dear friend. I will miss his guidance, wisdom and joy.

Reverend Doctor Curry was the Pastor of Macedonia Missionary Baptist Church for forty years but his influence extended beyond the walls of the church. He saw every person as a mirror of God and he responded with love and kindness to all. He worked tirelessly to improve Flint. Through his efforts Macedonia Missionary Baptist Church is a vital and vibrant force in the community. Reverend Curry opened doors and invited all persons to join him in spirit filled worship of Jesus Christ.

From his humble beginnings in DeKalb, Mississippi, Reverend Curry began working at the age of eight to support his mother and 11 brothers and sisters. Adversity only fueled his drive to succeed. For four years he served as a minister during World War II. He moved to Flint, earning his high school diploma and working for General Motors for 10 years. He became a full-time pastor and a cherished inspiration to all that knew him.

Reverend Curry epitomized the teachings of Christ contained in Matthew Chapter 6 Verse 3, ''But when you do a charitable deed, do not let your left hand know what your right hand is doing.'' Even though recognition did find him, Reverend Curry worked to reflect the glory of God, not for worldly praise. From the small act of giving a dime to strangers so they could call loved ones or the large act of bringing the words of Jesus Christ to the homebound via WFLT–AM, Reverend Curry sought to demonstrate the compassion and jubilation of Christians. He was a kind, considerate man, always thinking of others before himself.

Mr. Speaker, I ask the House of Representatives to join me in offering condolences to his son, Josiah, and his daughters, Patricia, Louella, and Ondria, his grandchildren, great grandchildren, nieces and nephews. The Flint community has lost one of its cornerstones with Reverend Curry's death. I will mourn his passing.

IN RECOGNITION OF DR. JOHN J. FARRELL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Dr. John J. Farrell who has spent his distinguished career serving and protecting the community. Now, more than ever, we recognize the men and women who dedicate their lives to law enforcement.

During his outstanding career, Dr. Farrell has served Queens in a variety of capacities. After graduating from John Jay College of Criminal Justice, Dr. Farrell became a police officer. Dr. Farrell exemplifies all that is best about New York's Finest: hardworking, talented, and intelligent, he served New York bravely and was promoted to the rank of Inspector. After 30 years of service, Dr. Farrell retired from the police force and went into private practice. He worked as a private investigator and returned to John Jay College of Criminal Justice to earn his doctorate in Forensic Criminology and Investigation.

Aside from his career in law enforcement Dr. Farrell has also specialized in the field of stress management, providing counsel to such businesses as General Motors of Queens and Grubb and Ellis of New York. In 1999 he opened his own hypnotherapy practice.

Dr. Farrell has been a resident of Queens, NY, for more than 38 years. He has been a committed member of the community at large, lending his talents and energy to a wide variety of organizations. He has served as executive director of the Queens Flag Day Committee. He is a board member of the Long Island City YMCA. Dr. Farrell also works as an officer advisor for the U.S. Merchant Marine Academy in Kings Point and as a Family Help Advisor with the U.S. Navy.

Dr. Farrell's outstanding accomplishments have earned him special recognition from organizations as varied as the U.S. Secret Service, the U.S. Postal Service, the F.B.I., the New York Archdiocese, and the Brooklyn Archdiocese, to name a few. He was also awarded a special certificate of appreciation by A.C. Tuller Queensboro North for his service during the tragic events of September 11, 2001.

Mr. Speaker, for his many contributions, I ask that my colleagues join me in saluting Dr. John J. Farrell.

IN SUPPORT OF H.R. 700, ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 700, the Asian Elephant Conservation Reauthorization Act of 2001.

The plight of the Asian elephant is not new. Today there are only about 40,000 wild Asian elephants in 13 countries in South and Southeast Asia. Half of the elephants live in India, while on the other end of the spectrum, there are 40 wild elephants in Nepal. With only 14 fairly large populations, scientists are concerned that the long-term viability of the species has already been significantly reduced.

In 1997, after a precipitous drop in the population of the Asian elephants, Congress passed the Asian Elephant Conservation Act with a 5-year authorization. Since that time, Congress has appropriated approximately $2 million toward Asian elephant conservation, and foreign nations, local authorities and conservation organizations have contributed an additional $1 million. These funds have been used to finance 27 Asian elephant conservation projects in nine nations.

The types of projects funded under the 1997 conservation act have varied with the location and have included construction of antipoaching camps, promotion of elephant conservation, and the study of mobility patterns, population dynamics and feeding patterns of elephants. Projects have also included equipping field staff working in protected areas in India and educating school age children in Asia in the importance of conserving Asian elephants.

H.R. 700 is consistent with other successful legislative efforts including the 1988 African Elephant Conservation Act, the 1994 Rhinoceros and Tiger Conservation Act, and the Great Ape and Neo-Tropical Migratory Bird conservation acts. Passage would authorize funding to the Interior Department's Multi-National Species Conservation Fund for Asian elephants for an additional 5 years, authorize the Department of the Interior to establish an advisory panel to increase public participation in the program, and reauthorize the National Fish and Wildlife Foundation for 3 years.

I urge my colleagues to support the bill.

TRIBUTE TO JOHN W. GADSON, SR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to John W. Gadson, Sr. of South Carolina, who is retiring as Director of the Small Business Development Center at South Carolina State University in Orangeburg, South Carolina. Mr. Gadson's long and impressive career spans over forty-seven years and includes many outstanding accomplishments.

Mr. Gadson began his career in 1953, when he joined the United States Army. After serving three years, he was discharged as a Sergeant, and in 1956, enrolled at Clafin College in Orangeburg, South Carolina. Mr. Gadson received a Bachelor's degree in Chemistry Education from South Carolina State College in 1960. He later received a Master's degree in Science Education from Fisk University in Nashville, Tennessee.

His desire to help others lead him to a teaching career. His first teaching job was at Robert Smalls High School in Beaufort, South Carolina. In 1969, he left the classroom to serve as Director of the Beaufort-Jasper Neighborhood Youth Corps Project. This program, which offered work experience and training, was funded by the United States Department of Labor. It allowed Mr. Gadson to demonstrate his administrative skills and management abilities.

The Directorate of Penn Community Services, Inc., located on St. Helena Island, South Carolina, took note of Mr. Gadson's skills and hired him to direct its programs. The historic center served as a critical educational and community development site during the civil rights activities of the 1960's and often hosted Martin Luther King, Jr. and the SCLC staffers.

Included among his many achievements at Peen Center was the establishment of the first Minority Business Development Center in South Carolina in 1972, through the U.S. Department of Commerce Office of Minority Business Enterprise. The center provided numerous services to more than 140 blacks seeking to become entrepreneurs. That same year, he established the Penn Center Black Land Services, Inc.

Mr. Gadson left Penn Center in 1976 to work as a Ford Foundation Fellow at the State Reorganization Commission and later as a Research Assistant and Research Director on the Commission's staff. One of his projects resulted in passage of the new state procurement code, which laid the foundation for the State of South Carolina's increases in the amount of funds spent with minority-owned businesses. Mr. Gadson also served as a member of the Governor's Senior Advisory Team. In 1986, Mr. Gadson was awarded the Order of Palmetto, which is the highest honor that the Governor can give a citizen of the state.

Mr. Speaker, I ask you and my colleagues to join me today in honoring John W. Gadson, Sr. for the incredible service he has provided to the students of South Carolina State University and the citizens of South Carolina.

HONORING A BUFFALO SOLDIER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. ROSS. Mr. Speaker, today I have the honor to share with you a touching story of dedication to country under extraordinary conditions.

I recently had the pleasure of visiting with a constituent who has dedicated her life to education, teaching and helping others, Mrs. Eunice Davis Pettigrew. Mrs. Pettigrew, now in her 80s, is a former small business owner and retired teacher and counselor at the University of Arkansas at Pine Bluff. Over the past several years, she has continued her lifelong quest for academic excellence by researching the life of her grandfather, Isaac Johnson, who grew up as a slave on a southern plantation and later served in one of the first regular army regiments of African-Americans on the American frontier following the Civil War.

When I visited with Mrs. Pettigrew, she shared with me a heartfelt narrative she recently completed about her grandfather's journey from slave to soldier. Not only did her grandfather overcome a childhood of slavery, he chose to serve his country even in the face of racial prejudice and inequalities as a member of the U.S. Calvary in a regiment that come to be known as the famous ''Buffalo Soldiers.''

Hearing this story reminded me that we should never forget the challenges our predecessors faced to preserve this great nation. The Civil War ended the nightmare of slavery, but we must all continue to work, together and as individuals, each day to make sure that our country truly is a community of all people.

As this month we celebrate Black History, we should take a moment to remind those like Isaac Johnson and the many others who came before us and made this nation strong, free, and prosperous. It is with humbleness and gratitude that I share with you and submit to the CONGRESSIONAL RECORD Mrs. Pettigrew's narrative about her grandfather, Isaac Johnson, and how he overcame significant challenges to become a true American patriot.

ISAAC JOHNSON, A SLAVE—A BUFFALO SOLDIER

This is a narrative of the life Isaac Johnson, the experiences he had as a slave on a North Carolina plantation as well as his experiences as a soldier on the Western Frontier. It is a study of the development and the survival of one Buffalo Soldier in particular, an unusual combination of events such as the impact that slavery had on Isaac Johnson's life, the Emancipation Proclamation and grandpa's role in the Buffalo Soldiers. It is hoped this writing will make known my

grandpa's accomplishments during his life time.

PURPOSE

My name is Eunice Davis Pettigrew. I am Isaac Johnson's grand-daughter. While consulting many secondary materials on the history of the Buffalo Soldiers, the information detailing Isaac Johnson's life comes directly from me. This writing is to make known the facts as documented by my research in the Pine Bluff-Jefferson County Library, The Arkansas Historical Commission and The National Archives. I also have a collection of pictures, notes and the family Bible that I have kept over a period of about forty years. A pictorial tour will reveal some of the injustices that black solders endured. I have researched in eight states namely: Kansas, Missouri, Mississippi, Georgia, Tennessee, Texas, Alabama and Arkansas.

I was about nine (9) years old when my grandmother passed in 1926. My grandpa came to live with us in Pine Bluff Arkansas after my grandmothers' death. Our family eventually moved to Forrest City, Arkansas. During the years that Grandpa lived with my family, he told me many stories of his life as a slave and as a soldier. I was fifteen (15) years of age when my grandpa died on December 7, 1931.

ISAAC JOHNSON'S LIFE SKETCH

My grandpa was born about 1846, a slave in Charlottesville, North Carolina. He was never told his real age. He had only one (1) family member, a sister, who was sold from him at a very early age. Grandpa's mother died during childbirth as well as a twin sister.

To understand the bond that Isaac Johnson and his sister shared, I think first we must examine the slave family. The slave family had no standing in law. Marriages among slaves were not legally recognized and masters rarely respected slaves in selling adults or children. The male's sole purpose was to breed in order to maximize the number of offspring. Slave holders would also take sexual advantage of the female slaves, most of the time with the master's wife's knowledge. This created a multitude of biracial babies and an even larger number of human beings to be used for servitude. Slave owners had little or no regard for the emotional needs of slaves. The slave holder, not the parents, decided at what age children began to work in the fields. The slave family could not offer its children shelter or security, rewards or punishments. Despite all of this, my grandpa spoke on many occasions of the close relationship that he and his sister shared. Grandpa worked as a water boy on the plantation while his sister worked as a wet nurse. She nursed all of the slave babies while the slave women worked the fields. She was also responsible for nursing the master's babies. Grandpa told me about his sister making small bags of sugar and butter called sugar ticks that were used to pacify the babies between feedings. The babies were housed in a tee-pee like structure with pallets all around the walls. My grandpa's sister still found time in her busy day to show him love and affection.

Isaac Johnson remembered never leaving the plantation, so when the opportunity finally arrived he was excited to say the least. On the journey, he remembered looking outside of the covered wagon and thinking out loud what a big world it was. He noticed his sister sitting with her eyes closed and tears streaming down her face. He could not understand her tears at the time because there was so much excitement in the air. He asked her continuously, what was wrong but got no response. It was not until they reached their destination did grandpa's excitement start to fade away. Confusion began to set in for Grandpa, who was approximately two or three years of age at the time. He observed his sister on the auction block and being held up for public display to be sold. On completion of the bidding, his sister was led away blindfolded never to be seen by Grandpa again. What he observed was a very humiliating and degrading experience for his sister. Grandpa cried when he realized she had been taken away from him. The loss that Grandpa felt from this experience would be incomparable to anything else that he would endure in life. No longer did he have that strong family bond of someone to love him.

Grandpa often told me stories of life on the plantation. One incident in particular, a group of slaves had been chained together for a march when a woman went into labor. She was loosed from the chains and left alone to deliver the baby while the others continued on their journey.

To ensure the slaves obeyed the rules as set forth by the Slave Codes and the will of the master, whenever someone was found in violation of a rule, all the salves were called to the ''Big House'' to watch the punishment of the slave in question. Grandpa told me that he observed many of these beatings. He described to me a large platform with a square cut out of the center in which slaves were placed face down and beat repeatedly with a whip. Violations of these rules were dealt with in a variety of ways. Mutilation and branding were not unknown. However, most violators were whipped. A slave owner was immune from prosecution for any physical abuse against slaves. This was due largely in part to the fact that slaves could only testify against other slaves accused of a crime. Alabama, as a store clerk. During this time he lived with Emma Clark, a white woman. Emma Clark was the head of her household and had a two-year-old daughter at the time. It is my belief that Grandpa was Emma Clark's slave. Clark's daughter's name was Maretta Clark, so I believe this was Emma Clark's married name and that her maiden name was Johnson. I further believe my grandfather having no slave family's name to take, took his owner's family name.

My grandpa entered the Army while living in Montgomery, Alabama. He enlisted on the 6th day of May, 1867. He was a private in Company K, 24th Regiment of Infantry. Grandpa was transferred to Company 38 Infantry. He fought in the war with the Comanche Indians in the territory of the Texas Frontier. Isaac Johnson was shot in the right shoulder by a Comanche Indian, while escorting mail from Fort Harker to Fort Union. The wound was received near Cow Creek, Kansas in the Spring of 1868. He was treated at Fort Selden, New Mexico and at Fort Harker by Surgeon McClindon. My grandpa, Isaac Johnson, was honorably discharged at Fort Selden, New Mexico, on about May 6, 1870, due to the injury he received in the Spring of 1868. Grandpa returned to Montgomery, Alabama and to Emma Clark's household. He worked as a hotel employee until he reenlisted in the Army on June 14, 1878. He served in the Colored Cavalry of Saint Louis, Missouri. Isaac Johnson served in the Army for a period of five years but due to his previous injury, complicated by other medical problems, he was honorably discharged at Fort Stanton, New Mexico. He last served in the Company F–9 Regiment Cavalry.

After my grandpa's service in the Army, he lived in several areas including Montgomery, Alabama, Walls, Mississippi, Austin, Mississippi, Plummerville, Arkansas, and Menifee, Arkansas. Grandpa applied for bounty land and this undeveloped land was given to him in the township of Menifee, Arkansas. His family (The Johnsons), his sister-in-law's family (The Williamsons) and the Tally families were among the first settlers of this township. Menifee, Arkansas was my grandpa's home until the death of my grandmother, Sallie Walls Johnson, in 1926.

Isaac Johnson lived with my family in Pine Bluff, Arkansas and then Forrest City, Arkansas until his death on December 7, 1931. He was memorialized and buried at his church, Philadelphia Baptist in Menifee, Arkansas. He is buried in the Community Cemetery with some of his descendants.

HONORING MR. FRANK K. TURNER, PRESIDENT OF AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION FOR VISIONARY LEADERSHIP IN THE RAILROAD INDUSTRY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Frank K. Turner of Gainesville, Virginia, for visionary leadership in the railroad industry on the occasion of his retirement.

Mr. Turner currently serves as the President of American Short Line and Regional Railroad Association (ASLRRA), a post he has held for some three years. This trade association ably represents 425 short line and regional railroads providing local rail service throughout the United States. Turner's work as a liaison between member railroads and the large railroads of this nation has been extraordinary.

During his tenure, Turner has served as a transportation expert on the Transportation Advisory Group, which advises the Bush Administration on numerous transportation matters of importance. Further, he represents the interests of short line and regional rail systems before Congress, Federal, and State Regulatory Agencies as well as on policy and technical committees of the U.S. Railroad industry.

With a wealth of railroad experience dating back to 1969, Turner has held several key positions throughout the industry, including Vice President of Operations for CSX Intermodal; President and Chief Operating Officer for Midsouth Railroad; and Key-Operating Officer with Norfolk and Western Railway.

A graduate of New Mexico Military Institute and Texas A&M University at Commerce, Turner also served as an officer in the U.S. Marine Corps for eight years and is a Vietnam Veteran.

He is always available to offer a wealth of insight and knowledge into the railroad industry. His love and enthusiasm for rail travel is evident from his longtime commitment to this mode of transportation. With more than thirty years of experience and expertise, Frank Turner has served railroad interests and riders throughout our country well.

BUSH BUDGET BASHES PILT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. RAHALL. Mr. Speaker, as February 14th approaches it seems appropriate to examine the budget proposed by President Bush to see who gets Valentines and who does not. The lucky ones include the very wealthy who stand to receive huge windfalls as part of the President's massive tax cut. Those who stand to lose include average taxpayers. Take, for example, the President's unwise cuts to the PILT Program.

The federal government owns or manages about 30 percent of the land in this country. Unlike private land owners, however, Uncle Sam is not required to pay property taxes to counties or local governments. Given that such property taxes are the lifeblood of many county budgets, Congress created the Payments in Lieu of Taxes, or PILT, Program. PILT is a formula grant program which reimburses local governments for these lost property tax revenues. Created in 1976, the program accounts for a substantial share of many county budgets, particularly in Western states where the percentage of federal ownership is highest.

Now, there are obviously advantages to having the federal government as a neighbor. Many local communities thrive thanks to tourism dollars attracted by National Parks or federally managed recreation areas. And we all benefit when federal land managers work to protect and preserve our natural resources for future generations to enjoy. But the revenue loss experienced by some local communities is very real and by proposing to slash the amount available to reimburse these communities, the Bush Administration is not being a good neighbor at all.

Such a cut is really just a tax increase on local taxpayers. PILT funds replace lost county revenue and if the Federal Government no longer pays its share, those governments have no choice but to raise local property taxes. Apparently, the President feels that while wealthy Americans' income taxes are too high, local property taxes are not high enough.

This is particularly surprising given that the President claims to be a champion of local government. PILT funding flows directly to local communities and is available for any government purpose, no strings attached. In my home state, the President's plan means that the counties in West Virginia which receive PILT would have $287,000 less to spend on schools, public safety and other local needs.

Perhaps the President is counting on Congress to come to the rescue. The Bush Administration proposed cutting PILT last year and Members of Congress, who care about their counties, stepped in and restored the funding. If that is the plan, next time you hear that the President wants to save money and Congress wants to spend it, remember that PILT is part of the President's ''savings.''

In my view, the Federal Government should continue striving to be a good neighbor and maintain PILT payments at their current levels. Unfortunately, the Bush Budget plan hits the wealthy with Cupid's arrow but gives local taxpayers the shaft.

TRIBUTE TO WILLIAM R. MILLS, JR.

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to and honor the accomplishments of William R. Mills, Jr., of Yorba Linda, California.

Bill graduated from the Colorado School of Mines with a degree in engineering in 1959, and earned his masters degree in civil engineering from Loyola University in Los Angeles in 1976.

Bill spent seventeen years with the engineering firm, Planning Research, before breaking off to become an independent water consultant. For the past fourteen years he has presided over the Orange County Water District as its General Manager. Bill is a Diplomate for the American Academy of Environmental Engineers, and Fellow for the American Society of Civil Engineers.

Bill is world renowned for the ''Water Factory 21'' water filtration system used to purify water used in irrigation in Southern California. This groundwater renovation reservoir provides about 75 percent of the water for the area's 2 million citizens. He has helped promote this technology as far away as Saudi Arabia and has effectively demonstrated this technology to be main stream in the water industry.

Bill's accolades include being named Water Leader of the Year in 1992, Outstanding Member of the WateReuse Association of California in 1994, and the Orange County Engineer of the Year in 1996. He earned the Outstanding Member of the American Desalting Association in 1994 and was later awarded their Presidential Award for Distinguished Service in 1996. Bill's work also earned him the Leadership in Engineering award for Water Resources from the Institute for the Advancement of Engineering in 1999.

Perhaps Bill's greatest accomplishment, though, is his family. Bill and his wife have reared three fine sons who have rewarded him with his greatest pleasure. Bill looks forward to retirement most so that he can begin to enjoy time with his three grandchildren.

I would like to thank Bill for his dedicated service to Southern California and his progressive leadership in addressing the area's tremendous water concerns. I wish him the best in his retirement.

TRIBUTE TO NEA CHAIRMAN, MICHAEL P. HAMMOND

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. HORN. Mr. Speaker, with the passing of Michael P. Hammond, the arts community has lost a true gentleman and first-rate leader. After only one week at his post as chairman of the National Endowment for the Arts, Chairman Hammond left us before he had the chance to apply his wide-ranging knowledge, leadership and vision to the betterment of the arts community.

Just last month, I had the pleasure of meeting with Michael Hammond. He shared with me some of his goals for his new role as NEA chairman. He helped to attract more children to the arts community at an earlier age. And he wanted to generate broader interest in the arts among the general public. I have no doubt that he would have accomplished those goals. He just had that rare gift that you just knew would make a difference. His unique accomplishments as a musician, educator, and advocate for the arts will be very difficult to replace.

Michael Hammond dedicated his life to his love of music and the arts. He was a renowned conductor, composer, and educator and had a keen interest in the relationship between neuroscience and music. He was the former dean of Rice University's Shepherd School of Music and was the founding Dean of Music for the new arts campus of the State University of New York at Purchase, New York, where he later served as president of the University.

A Rhodes scholar at Oxford, and educated at Lawrence University and Delhi University in India, Michael Hammond also taught neuroanatomy and physiology at the University of Wisconsin. As a composer and conductor, he wrote numerous scores for theatre here and abroad. He founded the Prague Mozart Academy in the Czech Republic and served on the Board of the Houston Symphony.

Mr. Speaker, we struggle to express feelings of grief, sorrow and appreciation for his extraordinary man who gave so much to the arts community and was taken from us far too early in life. It would be a fitting tribute to Michael Hammond for those of us who share his passion for the arts to do all we can to carry on his vision to build a greater appreciation for the arts in this country.

TRIBUTE TO HILDA GIBBS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to Hilda Gibbs on her 87th birthday. Hilda has been a pillar of the Plaza Westport community of Kansas City since moving there in 1962. She is currently President of the Plaza Westport Neighborhood Association and has held this post for over 10 years. Her genuine concern and caring for her neighbors have made her tenure as a president a gift that her fellow residents will treasure for a long time.

Hilda Gibbs was born Hilda Lutz in Freiburg, Germany in 1915. After growing up in Germany, she emigrated to France where she trained as a secretary for two years. Upon leaving France, Hilda emigrated to England and served as a nanny. In 1939, she came to New York to join her sister, Ida. She underwent training to become a hostess because at this time you could not waitress in a restaurant without formal training. While in New York, Hilda met and fell in love with her late husband, Bob Gibbs. They were married for 42 years. He was the love of here life, and she of his.

In 1962, Hilda moved with Bob to Kansas City where she has lived ever since. Since becoming the President of the Plaza Westport

Neighborhood Association, Hilda has been one of the most vocal and informed advocates for the citizens of Kansas City. Her determination to see things done right has resulted in many memorable victories for the residents she loves so dearly. Whatever the task, Hilda is not afraid to fight until her community wins. She is so involved in her community that she accompanies the codes inspectors as they comb the neighborhood in search of full compliance. This activist spirit has also extended into politics. Hilda has used her informed status to support candidates she feels are the best for Kansas City and the State of Missouri.

Activism is not the only way Hilda is involved in her community. For several years, she and her late husband would spend Fridays as volunteers at the Truman Medical Center, and Hilda continues this ritual today. She is also an avid promoter and proponent of other arts community of Kansas City. Rarely does she miss a performance, but she also used her nights out in Kansas City to teach young women about the arts. Often she invites a young woman to accompany her to various artistic productions throughout the city giving the young woman the opportunity to broaden her cultural horizons.

Mr. Speaker, I ask you to join me in saying ''Happy Birthday'' to Hilda Gibbs as she turns 87. Her birth in 1915 has given the Kansas City community the gift of a loving, caring individual with commitment and dedication to making the community a better place through activism and service.

TRIBUTE TO MRS. CINDY WALL BEARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Cindy Wall Beard of South Carolina, a remarkable woman who, despite her battle with cancer, is a leader, a mentor and an inspiration to those in the community.

Mrs. Beard, a native of Scranton, South Carolina, received her high school diploma from The Carolina Academy. She later earned a Bachelor's degree in Administration from Limestone College. After college she worked as an administrator for Wall Home Health Care. She currently resides in Florence, South Carolina, but spends much of her time in nearby Lake City where she is an active member of Lake City Pentecostal Holiness Church exercising her leadership abilities as a Sunday School Teacher, leader of Discipleship, and coordinator of a local non-denominational prayer group called TEARS. In 1996, Mrs. Beard founded the Lake City chapter of the March for Jesus and has organized activities for the celebration every year since.

In May 2001, Mrs. Beard established Project Blessing, a program designed to assist children of families in low-income housing in Lake City. The impact Mrs. Beard has had on members of her community is best exemplified in the story of the Brown Street kids. The birthday of each child on Brown Street has been celebrated. Complete with cake, presents, and enough pizza for the neighborhood, every party was made possible by Mrs. Beard and cooperation from area businesses. She collaborated with Hilton Head residents to make sure Brown Street kids got the gifts on their Christmas wish lists. Always dedicated to her faith, Mrs. Beard established the backyard Sunday School program for Brown Street and other Project Blessing neighborhoods. The impact she has had on the lives of people in the community is immeasurable.

Though these accomplishments would be impressive under any circumstances, perhaps what is most remarkable is Mrs. Beard has contributed all this to the community while fighting a battle against cancer. In 1998 she became a published author with her book, His Messages, a statement of hope and inspiration to others with cancer.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Mrs. Cindy Wall Beard, a women who has touched innumerable lives in her community in countless ways. I commend her on her tireless dedication to others and wish her all the best in the future.

RECOGNIZING THE BATTLING BISHOPS OF OHIO WESLEYAN UNIVERSITY, NCAA DIVISION III WOMEN'S SOCCER NATIONAL CHAMPIONS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. TIBERI. Mr. Speaker, I would like to congratulate the Battling Bishops of Ohio Wesleyan University for their first NCAA Division III women's soccer national championship. This victory caps a tremendous season that includes an astounding twenty-one straight wins.

Ohio Wesleyan University is an independent undergraduate liberal arts institution in Delaware, Ohio, with an enviable reputation for education excellence. As an institution renowned for its commitment to teaching and mentoring of the highest quality that nurtures and prepares students to be leaders and informed and involved citizens, Ohio Wesleyan University has reached and maintained a ranking as one of the top liberal arts universities in the country.

I remember well the excitement over the 1988 men's basketball and 1998 men's soccer national championships. Like those earlier teams, the Ohio Wesleyan University women's soccer national championship team has represented their school, their team and themselves with distinction and in the finest tradition of sportsmanship.

DONALD GOULET RETIRING AFTER DISTINGUISHED SERVICE CAREER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. OXLEY. Mr. Speaker, it is my honor today to salute a good American, Donald Goulet, at the close of his 30-year career as a U.S. Customs Inspector and an FBI Agent.

Don's distinguished service to his nation began in 1966, when he joined the United States Marine Corps. Although as a college student he was exempt from military service, his patriotism and love of country led him to this service. In Vietnam, Don earned the National Defense Service Medal, the Vietnam Service Medal with One Star, two Purple Hearts, and numerous other citations and decorations. Honorably discharged in 1967, Don returned to the University of Maine to continue his educational career, graduating in 1972.

Don joined the Customs Service shortly after his graduation, first serving as an inspector at the border crossing in St. Aurelie, Maine. Over the next decade, he worked at various Customs checkpoints, including a two-year stint in Montreal, Quebec.

In 1982, Don was selected for FBI service and attended the FBI Academy in Quantico, Virginia. After assignment in Boston, Muncie, and New York City, he returned to Maine and worked in the Bangor office for much of the 1990s. Don's last assignment, a three-year tour in Boston, ends this month.

A devoted public servant, Don is even more dedicated to his family. He and his wife of thirty-two years, Donna, are the proud parents of Karen, Keith, and Kristen. An avid hunter and fisherman, Don will have plenty to keep him busy in retirement. He especially enjoys cheering on the Red Sox, the Bruins, and Super Bowl champions New England Patriots.

As a former FBI agent myself, it is my honor to recognize Don Goulet for his selfless service to the Bureau and to our nation. He is rightly proud of his years of service as a Marine, a Customs Inspector, and an FBI agent. I am honored to join his family, friends, and colleagues in thanking him for his dedication and saluting his distinguished career.

TRIBUTE TO WILLIAM J. ALEXANDER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to recognize a good friend from the Inland Empire, William J. Alexander. On February 13, 2002, Bill will be celebrating his 59th birthday.

Mr. Alexander is currently Mayor for the City of Rancho Cucamonga, California and has able served on the Council since 1994. Bill is a graduate of Montclair High School and Chaffey College. Bill is a retired Fire Captain from the City of Ontario where he brought forth his services for more than 35 years. He is a member of the Foothill Fire Protection District Board of Directors and he has served as a member of the Public Safety Commission for Rancho Cucamonga. He is also a Certified Bomb Technician having graduated from the FBI Regional Center in Huntsville, Alabama.

Mayor Alexander and his wife have six children and five granddaughters. He has been a resident of western San Bernardino County for more than 40 years. Bill enjoys spending time with his family and makes that a priority even with his demanding schedule. He loves the community that he serves and plans on seeking another four-year term.

Happy 59th birthday, Bill.

TRIBUTE TO MR. FRED GADDIS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. PICKERING. Mr. Speaker, I rise today to recognize and pay tribute to Mr. Fred Gaddis, Sr., a former businessman and mayor of Forest, MS. Mr. Gaddis was beloved by the citizens in his community for his vision and dedication to improving the quality of life for all those around him. His death was devastating to those who knew him and certainly affected the town of Forest and Scott County.

Mr. Gaddis attended both Mississippi State University (MSU) and the University of Southern Mississippi (USM). At MSU, he was a classmate of our beloved 3rd District Congressman G.V. ''Sonny'' Montgomery. He left USM to serve our country in the Navy during World War II as a pilot. After his service to the Nation, he returned to Forest and Scott County where he began his legacy as a pioneer in the poultry industry. He started his first poultry plant with under $1,700 and then built Gaddis Industries, which included 38 poultry farms and several other farming industries. His vision has helped make Scott County the fifth-largest poultry-producing county in America.

He has been recognized at State, national, and world levels for his work in the poultry industry. He even represented the United States Government at the World's Food Fair in Tokyo and Hong Kong. For his pioneering efforts and success in the poultry industry, his picture hangs today in the Mississippi State University Poultry Hall of Fame, and in the Mississippi Agricultural Museum in Jackson.

Besides being a successful and visionary businessman, Mr. Gaddis served the city of Forest as mayor for 32 years where his mission was always serving the people. He fulfilled his mission by improving the quality of life for those in Forest and Scott County. During his tenure as mayor, a new community center, library, fire station, airport, coliseum, and city hall were built. He also personally bought a bus for the school system when they could not afford it, and paid for lunches out of his own resources for the students in the Forest schools before the Federal lunch program was established. As a tribute to his many contributions one of the city parks in Forest is named for him.

Mr. Gaddis was particularly active in community and religious activities. He served as a deacon at Forest Baptist Church, and sponsored the building and furnishing of a cottage in the Baptist Children's Village in Clinton, that houses 14 boys. He is the recipient of the Silver Beaver award from the Boy Scouts and the Troop 63 Eagle Class is named in his honor. Mr. Gaddis is also a Mason and past president of the Lions Club.

Survivors include his wife of 58 years, Mary (better known as ''Tweency''), sons Michael and David, daughter Beverly, two sisters, 12 grandchildren, and four great-grandchildren. The citizens of Forest and Scott County will sorely miss him.

Fred Gaddis's resume may span several pages for his successful business, and his vision as a mayor for Forest and service to his community. However, the legacy he leaves behind cannot fully be expressed by what he did, but rather by the people he touched and the way he lived his life. He had a deep love for God, family, friends, and community. I extend my sympathy to his family and all those in Scott County who have been affected by this loss. I am very appreciative of Mr. Gaddis's legacy, and am hopeful that it will encourage others to follow in his footsteps of public service for a better community and concern for others.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. FRELINGHUYSEN. Mr. Speaker, I was unable to be present for rollcall votes on February 5, 6, and 7. Had I been present, I would have voted ''yea'' on rollcall votes Nos. 6, 7, 8, 9, 10, 11, 12, 13, and 14.

NATIONAL EYE DONATION MONTH

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. BROWN of Ohio. Mr. Speaker, you and I and Americans throughout the country have the power to help restore sight to thousands of people in need. That is the potential inherent in eye donation. By signing a donor card and telling our loved ones about our wish to donate, each of us can give the precious gift of sight to people like Harold Urick from Cleveland, Ohio. Mr. Urick lost his eyesight as a brave soldier during World War II and later received the gift of sight after a cornea transplant—allowing him to see his family again.

March is National Eye Donor Month. It is an opportunity to celebrate the gift of sight, to honor past donors and their families, and to raise public awareness regarding the importance of eye donation.

Last year, through the miracle of corneal transplantation, 47,000 individuals had their sight restored. This year, thousands of Americans will require sight-restoring cornea transplants. We in Congress can help ensure a sufficient supply of precious corneas by educating the public about the importance of eye donation and encouraging more Americans to become donors.

Our nation's eye banks, along with the Eye Bank Association of America, work tirelessly to restore sight through the advancement and promotion of eye banking. Through meticulous screening procedures, accredited eye banks ensure that Americans in need of a cornea transplant receive safe tissue. Eye banks have developed an informal national distribution system that ensures that tissue can be available whenever a cornea is needed for surgery, but each year the demand for tissue increases.

As National Eye Donation Month approaches, I encourage my colleagues to work with their local eye banks and the Eye Bank Association of America to promote eye donation and provide more people like Mr. Urick with the miracle cornea transplantation provides. There is no gift more meaningful, more profoundly important, than the gift of sight.

TRIBUTE TO KATHRYN WILLIAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Kathryn Williams of South Carolina, a respected lawyer and the first woman ever to lead the forty-four year old South Carolina Trial Lawyers Association. Ms. Williams career achievements and accomplishments are exemplified in her extraordinary contributions to the State of South Carolina.

Ms. Williams was born in Fort Mill, South Carolina. She received her undergraduate degree from Clemson University and her law degree from the University of South Carolina School of Law. She started her own practice in 1989, not long after graduation.

In 1993, Ms. Williams was named Greenville Likable Lawyer, during a local celebration of law week. Ms. Williams serves on the Board of Governors of the South Carolina Trial Lawyers Association. During her years of involvement in the South Carolina Trial Lawyers Association, Ms. Williams has held various offices, including Editor, Secretary, Treasurer, Vice President and President Elect.

As President of the Trial Lawyers Association for one year Ms. Williams will lead a 1,300-member group of plaintiffs attorneys dedicated to keeping South Carolina's families safe and improving the plaintiffs bar.

Mr. Speaker, I ask you to join me today in honoring Ms. Kathryn Williams for the outstanding service she has provided to the legal profession and citizens of South Carolina. I wish Ms. Williams good luck and Godspeed in her new position.

HONORING THE LATE RICHARD ''DICK'' DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the memory of Richard ''Dick'' Day, a man who walked his talk with both integrity and good humor, and whose life should encourage every citizen working for a better community.

Born in Idaho of a large and boisterous family 67 years ago, Dick Day matured in the hot political atmosphere of the California of the 60's. Not one to fear overwhelming odds, the young Dick Day chaired John F. Kennedy's presidential campaign in the Republican heartland of Orange County. Later, Day attended U.C. Berkeley's Boalt School of Law balancing his studies with a whimsical campaign for a seat in the California legislature, which he lost handily.

After graduation in 1968, the 32-year-old lawyer moved to the fast growing city of Rohnert Park in Sonoma County. The next year, Day moved to Santa Rosa and won election to the Sonoma County Board of Education. In 1970 he lost an election to the Sonoma County Board of Supervisors. In 1979, Day was selected by Governor Jerry Brown to fill a vacancy on the Sonoma County Municipal Court, a position he lost in a mid-year election a year later.

Dick Day's destiny was not to be an officeholder, but to be a man who seized on important issues from the grassroots. Day joined with Bill Kortum, Chuck Rhinehart and others to fight against an attempt by private developers to block 13 miles of spectacular coast from coastal access. As the attorney for Californians Organized to Acquire Access to State Tidelands (COAAST), Day was able to convince the state Supreme Court to overturn a county supervisor decision favorable to developers; and later become instrumental in the passage of a statewide measure that guaranteed public access to beaches in the state and formed a new agency, the California Coastal Commission which is chartered to protect California's coastline from over development.

In an ongoing fight against unrestrained growth, Day served on the board of Sonoma County Tomorrow; was a founder of a coalition of Santa Rosa neighborhood groups and became chair of the Committee to Oppose Warm Springs Dam. Later he helped form Concerned Citizens for Santa Rosa, which became an influential player in Santa Rosa politics and a training ground for several future leaders, including current California Assemblywoman Pat Wiggins. Day was also a founder of Sonoma County Environmental Action, an effective grassroots political organization that helped elect numerous environmental progressives to Sonoma County city and county government. Fighting against sprawl, Day pushed for city-centered transit as a founder of the Sonoma County Transportation Coalition and for downtown revitalization as a member of Heart of Santa Rosa.

Dick Day provided both legal advice and political savvy to all of these groups. Always outspoken, he learned he was most effective in a background role. When there was press release, a letter to the editor, a legal challenge to be written, Dick Day was always ready to serve. He didn't always carry the day, but working with others, he won significant victories in protecting the Russian River against dredging, limiting campaign contributions in local elections, creating greenbelts around the county's cities, and defeating tax measures to widen highways without developing public transit. Representing the Sierra Club he won a settlement from the Santa Rosa City Council in the early 80's, after charging that the Council acted improperly in providing tax incentives to the developers of a shopping center.

Dick Day had many opponents, but no real enemies. It was clear that he was coming from a place of integrity. He was a gregarious man, always armed with a quip. He loved to hold court in Mac's Delicatessen in downtown Santa Rosa, advise and josh his friends, and debate and trade barbs with folks of other political persuasions. Politics was play to Dick as much as it was serious business.

He was blessed with long and loving relationship with his wife, Jean, who was a partner in all of his endeavors, and helped provide a home full of warmth, good conversation and books. Jean died last year, and Dick carried on bravely though his heart was broken.

We will miss Dick Day. His activism showed us that dedicated, informed citizens can make democracy work. And clearly, for all who knew him, Dick Day has been elected to our hearts for life.

THE ''ONLINE CRIMINAL LIABILITY STANDARDIZATION ACT''

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. GOODLATTE. Mr. Speaker, no single issue will have a greater impact on the future of the Internet than the resolution of how the government will regulate conduct and content on the Internet. That is why I am introducing today, the ''Online Criminal Liability Standardization Act'', legislation that would create a uniform standard limiting service providers' liability for content that third parties have stored or placed on their systems.

Criminal statutes regulating online criminal activity have taken varied approaches to the liability of service providers. This has created uncertainty for service providers as they wade through the myriad of criminal statutes and the various standards to which they are held liable. Service providers are expected to choose the correct law, from among many competing jurisdictions, and apply it to each of the millions of activities that occur daily on their networks.

Instead of focusing on those who initiate or profit from illegal activity, some proposals would hold service providers criminally liable for the conduct, activities, and decisions of third parties who use their services. Under many of these proposals, culpability would arise regardless of whether a service provider has any relationship with the user or the offending site, or intends to facilitate the illegal activity. These approaches will not work. There are more effective and responsible ways to combat illegal conduct on the Internet. Instead of targeting service providers, solutions should focus on those who engage in unlawful activity.

The ''Online Criminal Liability Standardization Act'' would amend the criminal code by clarifying that an interactive computer service provider would generally not be liable under federal criminal law for the actions of third party users. This limitation is narrowly constructed, however. First, it applies only to corporations and not to individuals, who perpetrate the vast majority of computer crimes. Second, it applies only to content provided by third parties—not to content that the provider creates or develops jointly with another person. Third, it applies only to communications functions performed in the ordinary course of the corporation's business—so that interactive computer services would not be protected if they undertook a new business venture that was illegal. Fourth, the limitation does not apply in instances where a senior employee of a corporation has actual knowledge of the illegal activity. Fifth, it does not apply to employees of a corporation who may engage in illegal activity. And finally, it does not apply to violations of federal criminal copyright laws.

I urge each of my colleagues to support this important legislation to give service providers certainty and clarity by creating a uniform standard limiting service providers' liability for content that third parties have stored or placed on their systems.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S597–S674

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1932–1936, S. Res. 207, and S. Con. Res. 96. **Page S660**

Measures Passed:

Commending Pakistan President: Senate agreed to S. Con. Res. 96, commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

Pages S673–74

Federal Farm Bill: Senate continued consideration of S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, taking action on the following amendments proposed thereto: **Pages S597–S653**

Adopted:

Harkin (for Grassley) Amendment No. 2837 (to Amendment No. 2835), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter. (By 46 yeas to 53 nays (Vote No. 23), Senate earlier failed to table the amendment.)

Pages S597–S604, S608

Craig Amendment No. 2835 (to Amendment No. 2471), to provide for a study of a proposal to prohibit certain packers from owning, feeding, or controlling livestock. **Pages S597, S608**

Reid Further Modified Amendment No. 2842 (to the language proposed to be stricken by Crapo/Craig Amendment No. 2533), to promote water conservation on agricultural land.

Pages S598, S604–06, S608, S611–12

Baucus Amendment No. 2839 (to Amendment No. 2471), to provide emergency agriculture assistance. **Pages S597, S606–08, S609–10**

Enzi Amendment No. 2843 (to Amendment No. 2471), to require the Secretary of Agriculture to provide livestock feed assistance to producers affected by disasters. **Pages S598, S625–26**

Enzi Amendment No. 2846 (to Amendment No. 2471), to authorize the President to establish a pilot emergency relief program under the Agricultural Trade Development and Assistance Act of 1954 to provide live lamb to Afghanistan.

Pages S612–13, S625–26

Wellstone Amendment No. 2847 (to Amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and insert a payment limitation. **Pages S613–16, S624–25, S625, S626**

Helms Amendment No. 2822 (to Amendment No. 2471), to exclude birds, rats of the genus Rattus, and mice of the genus Mus from the definition of animal under the Animal Welfare Act.

Pages S616–17, S628

Feinstein Modified Amendment No. 2829 (to Amendment No. 2471), to make up for any shortfall in the amount sugar supplying countries are allowed to export to the United States each year.

Pages S597, S622–24, S628–29

Lugar (for McConnell) Amendment No. 2854 (to Amendment No. 2471), to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera. **Pages S620, S629**

Lugar (for Kyl) Modified Amendment No. 2855 (to Amendment No. 2842), to insert provisions relating to the implementation of water conservation programs. **Pages S621, S629**

Santorum Further Modified Amendment No. 2542 (to Amendment No. 2471), to improve the standards for the care and treatment of certain animals. **Pages S597, S629–36**

Lugar (for Gramm) Modified Amendment No. 2849 (to Amendment No. 2471), to provide equity and fairness for the promotion of imported Hass avocados. **Pages S616, S636**

McConnell Amendment No. 2845 (to Amendment No. 2471), to reduce certain commodity benefits and use the resulting savings to improve nutrition assistance. **Pages S610–11, S626–27, S636**

Miller Further Modified Amendment No. 2832 (to Amendment No. 2471), to increase the rate for compensation of peanut quota holders.

Pages S618–19, S621, S636–37

Harkin Amendment No. 2853 (to Amendment No. 2471), to modify the limits on the types of communities in which Rural Business Investment Companies may invest. **Page S637**

Leahy Modified Amendment No. 2834 (to Amendment No. 2471), to authorize the Secretary of Agriculture to issue an order that provides for a program of generic promotion, research, and information regarding organic products. **Page S619**

Rejected:

Crapo/Craig Amendment No. 2533 (to Amendment No. 2471), to strike the water conservation program. (By 55 yeas to 45 nays (Vote No. 24), Senate tabled the amendment.) **Pages S597, S604, S608–09**

By 17 yeas to 80 nays (Vote No. 26), Harkin Amendment No. 2856 (to Amendment No. 2845), of a perfecting nature. **Pages S627–28, S636**

Withdrawn:

Lugar (for Gramm) Amendment No. 2848 (to Amendment No. 2471), to repeal the Hass Avocado Promotion, Research, and Information Act of 2000.

Pages S616, S637

Inhofe Amendment No. 2825 (to Amendment No. 2471), to require the Secretary of Agriculture to provide marketing assistance loans and loan deficiency payments for each of the 2003 through 2007 crops of peanuts. **Pages S620, S638**

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute. **Pages S597–S653**

Daschle motion to reconsider the vote (Vote No. 377–107th Congress, 1st Session) by which the second motion to invoke cloture on Daschle (for Harkin) Amendment No. 2471 (listed above) was not agreed to. **Page S597**

Lugar (for Kyl/Nickles) Amendment No. 2850 (to Amendment No. 2471), to express the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax.

Pages S616, S637–38, S638–45, S645–48

Lugar (for Domenici) Modified Amendment No. 2851 (to Amendment No. 2471), to require the Secretary of Agriculture to make payments to milk producers. **Pages S617–18, S645, S648–53**

Harkin (for Kerry/Snowe) Amendment No. 2852 (to Amendment No. 2471), to provide emergency disaster assistance for the commercial fishery failure with respect to Northeast multispecies fisheries.

Page S619

Reid (for Conrad) Amendment No. 2857 (to Amendment No. 2471), to express the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

Pages S619–20, S645

During consideration of this measure today, Senate also took the following action:

By 69 yeas to 30 nays (Vote No. 25), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 205 of H. Con. Res. 290, Congressional Budget Resolution of 2001, with respect to the emergency designation contained in Baucus Amendment No. 2839 (to Amendment No. 2471), listed above. Subsequently, a point of order that the amendment was in violation of section 205 of H. Con. Res. 290 failed, and the point of order fell.

Pages S609–10

A unanimous-consent-time agreement was reached providing for further consideration of Lugar (for Kyl/Nickles) Amendment No. 2850 (to Amendment No. 2471) and Reid (for Conrad) Amendment No. 2857 (to Amendment No. 2471), both listed above, at 9:50 a.m., on Wednesday, February 13, 2002, with votes to occur on or in relation to the amendments.

Pages S644–45

A unanimous-consent-time agreement was reached providing for further consideration of Lugar (for Domenici) Amendment No. 2851 (to Amendment No. 2471) and Harkin (for Kerry/Snowe) Amendment No. 2852 (to Amendment No. 2471), both listed above, on Wednesday, February 13, 2002, with votes to occur on or in relation to the amendments. **Page S645**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, February 13, 2002. **Page S674**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the National Drug Control Strategy for 2002; to the Committee on the Judiciary. (PM–70) **Page S658**

Nominations Confirmed: Senate confirmed the following nomination:

William Leidinger, of Virginia, to be Assistant Secretary for Management, Department of Education. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.) **Pages S660, S673, S674**

Messages From the House: **Page S658**

Enrolled Bills Presented: **Page S658**

Executive Communications: **Pages S658–60**

Executive Reports of Committees: **Page S660**

Additional Cosponsors: **Pages S660–61**

Statements on Introduced Bills/Resolutions: Pages S661–66

Additional Statements: Pages S656–58

Amendments Submitted: Pages S666–72

Authority for Committees to Meet: Pages S672–73

Privilege of the Floor: Page S673

Record Votes: Four record votes were taken today. (Total—26) Page S608, S609, S609–10, S636

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:40 p.m., until 9:30 a.m., on Wednesday, February 13, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S674.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, and the Future Years Defense Program, after receiving testimony from Thomas E. White, Secretary of the Army; Gordon R. England, Secretary of the Navy; and James G. Roche, Secretary of the Air Force.

ACCOUNTING AND INVESTOR PROTECTION

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies, including overseeing capital markets, designing successful reforms, improving transparency of information, financial statement auditing accuracy, and encouraging better governance of accounting firms and corporations, after receiving testimony from Arthur Levitt, Jr., and Richard C. Breeden, Richard C. Breedan and Co., both of Greenwich, Connecticut, David S. Ruder, Northwestern University School of Law, Chicago, Illinois, Harold M. Williams, Los Angeles, California, and Roderick M. Hills, Hills Enterprises Ltd, Washington, D.C., each a former Chairman, Securities and Exchange Commission.

2003 BUDGET

Committee on the Budget: Committee resumed hearings on the President's proposed budget request for fiscal year 2003, focusing on the State Department's foreign policy objectives, including winning the war on terrorism and protecting Americans at home and abroad, receiving testimony from Colin L. Powell, Secretary of State.

Hearings continue tomorrow.

ENRON COLLAPSE

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the collapse of the Enron Corporation, focusing on the investigation of potentially questionable Enron's partnership transactions, receiving testimony from Kenneth L. Lay, Piper, Marbury, Rudnick and Wolfe, Washington, D.C., former Chairman/CEO, Enron Corporation; and William C. Powers, Jr., University of Texas Law School, Austin, on behalf of the Board of Directors of Enron Corporation Special Investigative Committee.

Hearings recessed subject to call.

INTERIOR/FOREST SERVICE/ENERGY BUDGET

Committee on Energy and Natural Resources: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2003 for the Department of the Interior, the U. S. Forest Service, and the Department of Energy, after receiving testimony from J. Steven Griles, Deputy Secretary, and P. Lynn Scarlett, Assistant Secretary for Policy, Management, and Budget, both of the Department of the Interior; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; and Bruce M. Carnes, Chief Financial Officer, Department of Energy.

INTELLECTUAL PROPERTY CRIME

Committee on Foreign Relations: Committee concluded hearings to examine the theft of American intellectual property at home and abroad, focusing on the Department of State's and U.S. Trade Representative's role in policy and enforcement, and recent trends in intellectual property protection, including implementation of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement the and "Special 301" review, after receiving testimony from Alan P. Larson, Under Secretary of State for Economic, Business and Agricultural Affairs; Peter F. Allgeier, Deputy U.S. Trade Representative; John S. Gordon, U.S. Attorney, Central District of California, Department of Justice; Jeffrey Raikes, Microsoft Corporation, Redmond, Washington; and Jack Valenti, Motion Picture Association of America, Hilary Rosen, Recording Industry Association of America, and Douglas Lowenstein, Interactive Digital Software Association, all of Washington, D.C.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the nominations of Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget, Dan Gregory Blair, of the

District of Columbia, to be Deputy Director of the Office of Personnel Management, and John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals.

WEAPONS OF MASS DESTRUCTION

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine multilateral nonproliferation regimes, weapons of mass destruction technologies, and the War on Terrorism, focusing on measures for enhancing the ability of these multilateral treaties to prevent the acquisition of chemical and biological weapons by both national and subnational groups, after receiving testimony from Elisa D. Harris, University of Maryland Center for International and Security Studies, and Amy E. Smithson, Henry L. Stimson Center, both of Washington, D. C.; Jim Walsh, Harvard University John F. Kennedy School of Government, Belfer Center for Science and International Affairs, Cambridge, Massachusetts; and Dennis M. Gormley, International Institute for Strategic Studies, London, England.

EARLY EDUCATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine early education issues, focusing on quality educational programs, parent involvement in early childhood development, and separation of education for children with special needs, after receiving testimony from Elisabeth Schaefer, Massachusetts Department of Education, Malden; Jack P. Shonkoff, Brandeis University Heller School for Social Policy and Management, Waltham, Massachusetts; Edward Zigler, Yale University Child Study Center, New Haven, Connecticut; Dorothy S. Strickland, Rutgers University Graduate School of Education, New Brunswick, New Jersey; Rob Reiner, I Am Your Child Foundation, Hollywood, California; Susan Russell, University of North Carolina Child Care Services Association, Chapel Hill; and Sharon E. Rhodes, Parents as Teachers National Center, St. Louis, Missouri.

OXYCONTIN ABUSE

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the effects of the painkiller Oxycontin, focusing on Federal, State and local efforts to decrease abuse and misuse of this product while assuring availability for patients who suffer daily from chronic moderate to severe pain, after receiving testimony from John K. Jenkins, Director, Office of New Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, and H. Westley Clark, Director, Center for Substance Abuse Treatment, Substance Abuse Mental Health Services Administration, both of the Department of Health and Human Services; Richard Payne, Memorial Sloan-Kettering Cancer Center, New York, New York; Art Van Zee, Lee Coalition for Health, St. Charles, Virginia; Nancy Green, Neighbors Against Drug Abuse, Calais, Maine; William R. Bess, Virginia State Police, Wytheville; and Paul D. Goldenheim, Purdue Pharma L.P., Stamford, Connecticut.

U.S. REFUGEE PROGRAM

Committee on the Judiciary: Subcommittee on Immigration held hearings to examine issues surrounding the U.S. Refugee Program, including the effects of recent crises in Afghanistan and Africa on the refugee populations, security concerns in the aftermath of September 11, 2001, use of joint voluntary organizations to relieve refugee processing burdens, family reunification, and case backlogs, receiving testimony from Arthur E. Dewey, Assistant Secretary of State for the Bureau of Population, Refugees, and Migration; James W. Ziglar, Commissioner, Immigration and Naturalization Service, Department of Justice; Leonard S. Glickman, Refugee Council USA, New York, New York, on behalf of the Hebrew Immigrant Aid Society; and Anastasia Brown, U.S. Conference of Catholic Bishops Migration and Refugee Services, and Bill Frelick, U.S. Committee for Refugees, both of Washington, D.C.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 17 public bills, H.R. 3714–3730; and 4 resolutions, H. Con. Res. 324–327, were introduced. **Pages H283–84**

Reports Filed: No reports were filed today.

Recess: The House recessed at 1:18 p.m. and reconvened at 2 p.m. **Page H239**

Presidential Message—National Drug Control Strategy: Read a message from the President wherein he transmitted the 2002 National Drug Control Policy—referred to the Committees on the Judiciary,

Agriculture, Financial Services, Energy and Commerce, Education and the Workforce, Government Reform, International Relations, Armed Services, Resources, Transportation and Infrastructure, Ways and Means, Veterans' Affairs, and the Permanent Select Committee on Intelligence. **Pages H255–56**

Recess: The House recessed 3:49 p.m. and reconvened at 5:35 p.m. **Page H256**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Holocaust Days of Remembrance: H. Con. Res. 325, Permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; **Pages H240–42**

Tom Bliley Post Office, Richmond, Virginia: H.R. 1748, to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building;" **Pages H242–46**

Bob Davis Post Office, St. Ignace, Michigan: H.R. 2577, to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Bob Davis Post Office Building;" **Pages H245–47**

Commending President Pervez Musharraf of Pakistan: H. Con. Res. 324, commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States; **Pages H247–49**

Radio Free Afghanistan: Agreed to the Senate amendment to H.R. 2998, to authorize the establishment of Radio Free Afghanistan (agreed to by a yea-and-nay vote of 421 yeas to 2 nays, Roll No. 15) clearing the measure for the President; **Pages H250–51, H264–65**

Crash of Transporte Aereo Militar Ecuatoriano Flight 120: H. Con. Res. 313, Expressing the sense of Congress regarding the crash of Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002; **Pages H251–53**

Assistance to the Homeless: H.R. 3699, to revise certain grants for continuum of care assistance for homeless individual and families (agreed to by a yea-and-nay vote of 421 yeas with none voting "nay," Roll No. 16); and **Pages H253–54, H265–66**

National Child Passenger Safety Week: H. Con. Res. 326, commending the National Highway Traffic Safety Administration for their efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week. **Pages H254–55, H266**

Consideration of Bipartisan Campaign Reform Act: The House agreed to H. Res. 344, the rule providing for consideration of H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform by voice vote. Pursuant to Sec. 6, H. Res. 203 was laid on the table. **Pages H256–64, H266**

Subsequently agreed to the Reynolds unanimous consent request that during consideration of the Bipartisan Campaign Reform Act, pursuant to H. Res. 344, the Chair shall alternate recognition to offer the amendments specified in section 3 between the Majority Leader, or his designee, and Representative Shays or Representative Meehan, or a designee of either, in the following order only:

Majority Leader for one amendment; Representatives Shays or Meehan for one amendment; Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; Majority Leader for two amendments in sequence; Representatives Shays or Meehan for one amendment; and Majority Leader for one amendment; and

Under section 3(a) of H. Res. 344, a Member listed in section 3(b) may designate another member to announce, in accordance with section3(c), the intention to offer any amendment allotted to him under section 3(b). **Page H266**

Senate Messages: Message received from the Senate today appears on page H233.

Referral: S. 1206 was held at the desk.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H285–H335.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H264–65 and H265–66. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 12:36 a.m. on Wednesday, February 13, 2002.

Committee Meetings

DOD BUDGET PRIORITIES

Committee on the Budget: Held a hearing on the Department of Defense Budget Priorities Fiscal Year 2003. Testimony was heard from the following officials of the Department of Defense: Paul D. Wolfowitz, Deputy Secretary; and Dov S. Zakheim, Under Secretary (Comptroller); and a public witness.

PATRIOT ACT OVERSIGHT

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''PATRIOT Act Oversight: Investigating Patterns of Terrorist Financing.'' Testimony was heard from Juan C. Zerate, Deputy Assistant Secretary, Terrorism and Violent Crime, Office of Enforcement, Department of the Treasury; Mary Lee Warren, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

ACCOUNTABILITY FOR PRESIDENTIAL GIFTS

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on ''Accountability for Presidential Gifts.'' Testimony was heard from William H. Taft IV, Legal Advisor, Department of State; and public witnesses.

CYBER SECURITY ENHANCEMENT ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 3482, Cyber Security Enhancement Act of 2001. Testimony was heard from John G. Malcom, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

OVERSIGHT—NATIONAL FORESTS—ECO-TERRORISM AND LAWLESSNESS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Eco-terrorism and Lawlessness on the National Forests. Testimony was heard from Representatives Walden, Hooley of Oregon, and Nethercutt; James F. Jarboe, Section Chief, Counterterrorism Division, Domestic Terrorism/Counterterrorism Planning Section, FBI, Department of Justice; and public witnesses.

EXPORT ADMINISTRATION ACT

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Export Administration Act of 2001. Testimony was heard from departmental witnesses.

CIA'S COUNTERTERRORISM ISSUES

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to hold a hearing on CIA's Counterterrorism Issues. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *of February 7, 2002, p. D73)*

S. 1762, to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders. Signed on February 8, 2002. (Public Law 107–139)

S. 1888, to amend title 18 of the United States Code to correct a technical error in the codification of title 36 of the United States Code. Signed on February 8, 2002. (Public Law 107–140)

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 13, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on active and reserve military and civilian personnel programs, 9:30 a.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the President's proposed budget request for fiscal year 2003 for the Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on the Budget: to continue hearings to examine the President's proposed budget request for fiscal year 2003 and revenue proposals, 10 a.m., SD–608.

Committee on Environment and Public Works: to hold hearings to examine the President's proposed budget request for fiscal year 2003 for the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine sectoral trade disputes, focusing on lumber and steel, 1:30 p.m., SD–215.

Full Committee, business meeting to mark up an original bill establishing energy tax incentives, 4 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine future efforts in the U.S. bilateral and multilateral response, focusing on halting the spread of HIV/AIDS, 10:15 a.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the implementation and enforcement of the Kimberly Process Agreement (to ban the source of income from illicit diamonds), 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the limits of existing laws, focusing on protection against genetic discrimination, 2 p.m., SD–430.

Committee on Indian Affairs: to hold oversight hearings on the implementation of the Native American Housing Assistance and Self-Determination Act, 2 p.m., SR–485.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: to hold hearings to examine the application of federal antitrust laws to Major League Baseball, 10 a.m., SD–226.

Subcommittee on Administrative Oversight and the Courts, to hold a briefing to examine the threat of a cyber terror attack, 2 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review the implementation of the Agricultural Risk Protection Act, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on the Secretary of Agriculture, 9:30 a.m., 2362A Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on the Secretary of State, 1 p.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services and Education, on the Secretary of Labor, 9:45 a.m., 2358 Rayburn.

Subcommittee on Transportation, on the Federal Motor Carrier Safety Administration, 10 a.m., and on the Office of Inspector General, 1 p.m., 2358 Rayburn.

Committee on Armed Services, to continue hearings on the fiscal year 2003 National Defense Authorization budget request, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing on ''Enron and Beyond: Enhancing Worker Retirement Security,'' 2 p.m., 2175 Rayburn.

Subcommittee on Select Education and the Subcommittee on 21st Century Competitiveness, joint hearing on ''Responding to the Needs of Historically Black Colleges and Universities in the 21st Century,'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Challenges Facing Amateur Athletics,'' 9:30 a.m., 2322 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled ''The Effect of the Bankruptcy of Enron on the Functioning of Energy Markets,'' 1:30 p.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing on the proposed budget of the Department of Housing and Urban Development for fiscal year 2003, 1 p.m., 210 Cannon.

Committee on Government Reform, to hold a hearing entitled ''The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?'' 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on Communist Entrenchment and Religious Persecution in China and Vietnam, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H.R. 3288, Fairness in Antitrust in National Sports (FANS) Act of 2001, 10:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on Individual Fishing Quotas (IFQs), 1 p.m., 1334 Longworth.

Committee on Science, hearing on the R&D Budget for Fiscal Year 2003: An Evaluation, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on the Administration's Proposed Budget for the SBA for Fiscal Year 2003, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Port Security: Credentials for Port Security, 2 p.m., 2167 Rayburn.

Subcommittee on Highways and Transit, hearing on the Reauthorization of the Office of Pipeline Safety, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the Department of Veterans Affairs Fiscal Year 2003 budget, 10 a.m., 334 Cannon.

Committee on Ways and Means, hearing on Health Care Tax Credits to Decrease the Number of Uninsured, 10:45 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, hearing on Milosevic Trial, 10:30 a.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, to discuss Speaker-mandated Report, 4 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, February 13

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 1731, Federal Farm Bill, with votes to occur on or in relation to certain amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, February 13

House Chamber

Program for Wednesday: Consideration of H.R. 2356, Consideration of Bipartisan Campaign Reform Act. (structured rule, one hour of debate).

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