year to their producers. By comparison, we are providing $38 an acre for our producers. Europe is doing nearly 10 to 1 over and above what we are doing—nearly 10 to 1. Those are the very difficult circumstances our farmers face.

We are telling our farmers: You go out there and compete against the French farmer and the German farmer, and while you are at it, take on the French Government and the German Government as well.

That is not a fair fight.

That is just the first part of the equation. Let us go to export assistance. This chart shows that the European Union is flooding the world with agricultural export subsidies. The blue part of this chart is the European share of world agricultural export assistance. One can see the Europeans account for 83.5 percent of all the world's agricultural export subsidies. The U.S. share is that little red piece of the pie, 2.7 percent.

The Europeans are outgunning us on export assistance 30 to 1—10 to 1 on domestic support, internal support, and 30 to 1 on export assistance. We wonder why American agriculture is in trouble. We worry why Europe is gaining world market share. It is very clear if one does an analysis of why that is occurring. It is because they are providing much greater assistance to their producers than we are to ours.

Let us go to the next chart. Here is the history from 1991 to the year 2000. The green line is the prices farmers pay for inputs. That line goes up, up, and away. The red line is the prices farmers have received.

One can see that the peak of what farmers received was in 1996, right before we enacted the last farm bill. Since then, prices farmers have received have gone down, almost straight down.

The gap between the prices farmers pay and the prices on what they sell is growing, is dramatic, and is devastating. That is what has led to the crisis in American agriculture. That is what requires a response. That is why the Senator from Iowa is proposing this amendment. That is why we will propose an alternative that we think is superior, that is better, that has more funding because, very frankly, what the Senator from Iowa has offered is inadequate: $63.5 billion over 11 years will not come close to matching what the Europeans are doing. It will not come close.

Our amendment provides $97 billion over that 11-year period. We fund it in the first year, in the current budget year, out of the surplus and in the succeeding years out of the President's proposed tax cut. We would reduce the size of his tax cut slightly to provide additional support to agriculture.

Why don't we adopt the proposal of Senator GRASSLEY? Very simply because once again the proposal he is offering goes right into the Medicare trust fund to provide support for agriculture.

This next chart shows year by year. This is the problem I addressed on prescription drugs. It repeats itself. These are the year-by-year numbers in the Republican budget. In the year 2005, they only have $7 billion available without going into the Medicare trust fund. The next year they only have $12 billion available.

Senator GRASSLEY's proposal spends $9 billion in the year 2005 for this package. He is going into the Medicare trust fund to provide the resources for agriculture. We say, no. We want to provide the resources for agriculture. We have an amendment at the desk to do it. We provide 50 percent more so we can come close to matching our major competitors, the Europeans. We say, no, we are not going to tap the Medicare trust fund to do it. We are not going to tap the Social Security trust fund or the Medicare trust fund for any other purpose, we don't care how laudatory. We think it is wrong.

If any company in America tried to tap the retirement funds of their employees or the health care trust funds of their employees, they would be headed to a Federal institution, but it would not be the U.S. Congress. They would be headed to a Federal institution. They would be headed for a stretch. It is illegal. You can't raid the trust funds if you run a company. You can't raid the retirement funds of your employees. You can't raid the health care trust funds of your employees, and we shouldn't either. We have stopped this practice the last 3 years and we shouldn't take it back up. We ought to draw a bright line and say no raiding of the Social Security trust fund, no raiding of the Medicare trust fund, not in any year.

That is why we have a different proposal. Our proposal says very clearly, yes, additional assistance to agriculture and substantially more than is in the Grassley plan. We have $97 billion over 11 years; he has $64 billion over 11 years. I think the more important difference is we will not raid the Medicare trust fund to do it. In the first year, this current fiscal year, we take it out of the $96 billion of nontrust fund surplus that is available, and in the succeeding years, we take it by reducing slightly the President's proposed tax cut.

AMENDMENT NO. 176

(Purpsoe: To provide emergency assistance to producers of agricultural commodities in fiscal year 2001, and additional funds for farm and conservation programs during fiscal years 2002 through 2011)

Mr. CONRAD. Mr. President, I call up the Johnson amendment.

The PRESIDING OFFICER. The Grassley amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. JOHNSON, for himself, Mr. DASCHLE, Mr. HARKIN, Mr. DORGAN, and Mrs. LINCOLN, proposes an amendment numbered 176.

Mr. CONRAD. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. CONRAD. I ask unanimous consent Senator JOHNSON be shown as the prime sponsor, that I be shown as a cosponsor, along with Senators DASCHLE, HARKIN, DORGAN, and LINCOLN.

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

Mr. CONRAD. I yield the floor.

Mr. DOMENICI. Mr. President, I don't have anything further to say. I will have a chance tomorrow to speak again. I think we have a unanimous consent agreement that takes over.

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. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

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

THE CRISIS IN CHINESE-AMERICAN RELATIONS ON HAINAN ISLAND

Mr. AKAKA. Mr. President, the only way to resolve the current crisis in American-Chinese relations is the prompt and safe return of the 24 American airmen now being detained by the Chinese military on Hainan Island and by the swift return of the U.S. Navy's plane. Only after their return can we begin to discuss other issues with China over this and other incidents affecting our relations.

I am deeply disturbed by the delay in allowing American embassy personnel to meet with our service personnel, and I am concerned about press reports that they are being detained in separate areas. I understand our bilateral consular agreement requires the Chinese to provide full access to American citizens within four days but nothing precludes them from giving such access sooner. Indeed our consular agreement with China requires consular access to all American citizens within 48 hours of receipt of official notification of their detention. As Chinese officials issued statements concerning their detention on April 1, China may already be in violation of its consular agreement with us. The fact that American consular officials are already present on Hainan Island and the extraordinary circumstances surrounding our plane's emergency landing on Hainan provide the Chinese authorities with an opportunity to demonstrate their good will.

Press reports that Chinese personnel have entered our plane and removed equipment are also deeply disturbing. Under international law, the plane enjoys sovereign immune status as the incident took place in international air space and the plane should not have been entered or tampered with. There is no doubt about the location of the incident as even the Chinese Foreign Ministry press spokesman, Mr. Zhu Bang Zao, acknowledged that it took place 104 kilometers, or 65 miles, at sea.

This incident is the most recent in a series of serious episodes in American-Chinese relations since the establishment of diplomatic relations between our two countries. When the Chinese embassy was mistakenly bombed in Belgrade, we moved quickly to assume responsibility and to make appropriate amends. I hope that the Chinese are now willing to take similar steps to defuse the situation and restore the trust necessary between two great nations. It behooves both countries to exercise restraint and respect for each other. The first step towards resolution is for China to release our detained personnel and equipment. Perhaps they do not realize how profoundly affected Americans are by the perception that their fellow citizens are being mistreated or misused as tools of political propaganda. The seizure of the U.S.S. *Pueblo* by North Korea and the takeover of the American Embassy in Iran, as examples, remain sores in the American psyche. We deeply resent the mistreatment of Americans for simply being Americans doing their duty under the protection of international law and agreements. We can also understand China's concern over the loss of its pilot and plane. We regret their loss but prolonging this crisis can benefit neither country nor lead to a reconciliation between us.

A first step needs to be taken. I hope the leaders of our two countries do so soon by opening a direct dialogue. May God bless our servicemen and women who are now suffering this time of trial. Our thoughts and prayers are with them constantly.

THE BIPARTISAN CAMPAIGN REFORM ACT OF 2001

Mr. KERRY. Mr. President, yesterday, at long last, the United States Senate voted to take a first step toward reforming our campaign finance system. This long awaited vote comes after years of partisan delay tactics which have long prevented us from taking an up-or-down vote on this bill. It also comes after an election in which $3 billion was spent in an effort to elect or defeat candidates. Today we have the chance to pass reform which at the very least demonstrates that we've learned a lesson from years of scandal and year upon year of runaway spending.

But let me be clear about something: despite the rhetoric we have heard on the Senate floor, the bill we vote on today is not sweeping reform that will give one party or the other the edge when it comes to funding campaigns. Instead, this bill simply restores, to a certain degree, the campaign finance reform laws that we enacted more than 25 years ago. Back then, in the post-Watergate era, we recognized that it was time to prevent secret stashes of cash from infiltrating our political system. We succeeded in that effort, and I believe the system worked reasonably well for some time, until the recent phenomena of soft money and sham issue advocacy overtook the real limits we had established for our campaign system.

I want to take a minute, to talk about how we got to this point in which our system so desperately needs this modest reform bill. Federal law has prohibited corporations from contributing to federal candidates since 1907. This nearly hundred-year-old ban was enacted in recognition of the fact that corporations accumulate great wealth that could be used to distort electoral outcomes. Labor unions likewise have been barred from contributing to candidates since 1943. In addition, the post-Watergate campaign finance law capped individual contributions to candidates, parties and PACs. These limits were put in place after the country learned a hard lesson about the corrupting influence of money in politics.

Unfortunately, the Federal Election Commission and the courts opened the loopholes that ultimately eviscerated our reform efforts. Soft money first came into play in 1978 when the FEC, the toothless watchdog of our campaign finance laws, opened the door to the cascade of soft money by giving the Kansas Republican State Committee permission to use corporate and union funds to pay for a voter drive benefitting federal as well as state candidates. The costs of the drive were to be split between hard money raised under federal law and soft money raised under Kansas law. The FEC's decision in the Kansas case gave parties the option to spend soft money any time a federal election coincides with a state or local race.

Sham issue advocacy too, has a history that defies the intent of campaign finance laws. In what remains the seminal case on campaign finance, Buckley v. Valeo, the Supreme Court held that campaign finance limitations applied only to ''communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office.'' A footnote to the opinion says that the limits apply when communications include terms ''such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" The phrases in the footnote have become known as the ''magic words'' without which a communication, no matter what its purpose or impact, is often classified as issue advocacy, thus falling outside the reach of the campaign finance laws.

Until the 1992 election cycle, most for-profit, not-for-profit, and labor organizations did not attempt to get into electoral politics via issue advocacy. However, that year a group called the Christian Action Network ran an ad that stretched the distinction between express advocacy and issue advocacy to its limits. The ad, which was broadcast at least 250 times just before the presidential election, was described by a court as giving candidate Bill Clinton a ''sinister and threatening appearance'' before finally wiping his image from the screen. The 30-second spot, entitled ''Clinton's Vision for a Better America,'' denounced what the Christian Action Network labeled Clinton's ''homosexual agenda.'' The ad never used Buckley's ''magic words'' and the Court of Appeals decided that the ad was a discussion of issues related to ''family values'' rather than an exhortation to vote against Clinton in the upcoming presidential election.

The ad by the Christian Action Network and others like it opened the flood gates to more so-called issue advocacy in later elections, resulting in the half-a-billion dollars in sham issue ads that influenced the 2000 elections.

Soft money and sham issue advocacy became predominant features of our campaign finance system even though neither was intended to play a role in our campaigns when the post-Watergate reform laws were written. The result? Last year approximately $1 billion in soft money contributions and sham issue ad expenditures influenced our federal elections. Many who oppose reform will argue that both soft money and sham issue ads are constitutionally protected and should be allowed to continue unfettered. I would like to take just a moment to address those arguments.

We have been told that the ability to donate hundreds of thousands of dollars in soft money is constitutionally protected. The truth is, banning soft money contributions does not violate the Constitution. The Supreme Court in Buckley held that limits on individual campaign contributions do not violate the First Amendment. If a limit of $1000 on contributions by individuals was upheld as constitutional, then a ban of contributions of $10,000, $100,000 or $1 million is also going to be upheld. It simply cannot be said that the First Amendment provides an absolute prohibition of any and all restrictions on speech. When state interests are more important than unfettered free speech, speech can be narrowly limited. Speech is limited in cases of false advertising and obscenity. In addition, we are not, as the saying goes, free to yell ''fire'' in a crowded movie theater. In those cases, there is a compelling reason to limit speech. Buckley, too, said that the risk of corruption or the appearance of corruption warranted limits on individual campaign contributions. Soft money contributions to political