

what kind of conduct I think is or is not constitutionally protected.

Specifically, I am concerned with the provisions of BCRA that limit the ways in which some organizations can contribute funds within certain time frames before an election. Under BCRA, labor unions and corporations, which include trade associations and interest groups as diverse as the ACLU and the NRA, are limited to only contributing PAC funds within 30 days of a primary and 60 days of a general election. These limitations apply to contributions for what are known as "electioneering communications," which are any broadcast, cable, or satellite communications that refer to a clearly identified Federal candidate and that reach 50,000 or more people in the relevant district or State.

I believe that Congress can go beyond what the Supreme Court's decision in *McCannell v. FEC* envisions as what is constitutionally protected speech and that Congress should provide further first amendment protections for organizations wanting to make political contributions. This is why today I am introducing the First Amendment Restoration Act. This bill would repeal those provisions of BCRA that limit corporations and labor unions from making any other contributions than those run through political action committees within the 30- and 60-day periods set out in the act. I am proud to say that Senators JIM INHOFE, GEORGE ALLEN, and TRENT LOTT have agreed to cosponsor this bill. I look forward to the debate on the First Amendment Restoration Act and on issues of campaign-finance reform in general, as we see how the restrictions we place on speech really play out in the real world.

By Mr. BIDEN (for himself and Mr. DEWINE):

S. 2705. A bill to provide assistance to Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. 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. 2705

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 "Comprehensive Peace for Sudan Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of Sudan has engaged in an orchestrated campaign of genocide in Darfur, Sudan, and has severely restricted humanitarian and human rights workers' access to Darfur in an attempt to inflict further harm on the Fur, Masalit, and Zaghawa people of Darfur and to prevent the collection of evidence of war crimes and crimes against humanity.

(2) As a result of this campaign, as many as 30,000 people have been killed, more than 1,000,000 people have been displaced within Sudan, and approximately 200,000 have been made refugees in Chad.

(3) As many as 320,000 people may die unless humanitarian aid is immediately delivered to the affected individuals.

(4) The United Nations High Commissioner for Human Rights issued a report which "identified... massive human rights violations in Darfur perpetrated by the Government of Sudan and its proxy militia, which may constitute war crimes and/or crimes against humanity".

(5) The Government of Chad, under President Idriss Deby, has served an important role in facilitating a renewable "humanitarian cease-fire" between the Government of Sudan and the two rebel groups challenging that Government in Darfur, the Justice and Equality Movement and the Sudan Liberation Movement, and has been a crucial partner in permitting humanitarian assistance to reach refugees who have crossed from Darfur to Chad in the tens of thousands.

(6) The cooperation and mediation of the SPLM is critical to bringing about a political settlement between the Government, the Sudanese Liberation Army, and the Justice and Equality Movement.

(7) Practical implementation of a comprehensive peace agreement between the SPLM and the Government of Sudan is impossible without the implementation of a peace agreement for Darfur.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) SPLM.—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 4. SENSE OF CONGRESS REGARDING ACTIONS TO ADDRESS THE CONFLICT IN DARFUR.

It is the sense of Congress that—

(1) the United Nations Security Council should immediately pass a resolution—

(A) condemning the actions of the Government of Sudan in Darfur; and

(B) setting out specific actions that such Government must take to avoid the reimposition of sanctions;

(2) the United States Ambassador at Large for War Crimes should travel to the region to investigate allegations of war crimes, crimes against humanity, and genocide brought against the Government of Sudan;

(3) the President should immediately name a new Special Envoy to Sudan whose responsibilities include support for conflict mitigation throughout Sudan;

(4) the SPLM should take advantage of the opportunity afforded by the May 26, 2004, signing of the three protocols to help broker a political settlement to the conflict in Darfur;

(5) restrictions pursuant to Executive Order 13067 (50 U.S.C. 1701 note) should not be lifted unless there is peace in Darfur; and

(6) upon implementation of a peace agreement in Darfur, the signing of a comprehensive peace agreement between the SPLM and the Government of Sudan, and full cooperation from the Government of Sudan on the war against terrorism, the Government of the United States should immediately begin discussions of the necessary steps to normalize relations with Sudan, including the lifting of all economic and political sanctions.

SEC. 5. ASSISTANCE FOR SUDAN.

(a) HUMANITARIAN ASSISTANCE FOR CHAD AND DARFUR.—The President is authorized to provide \$200,000,000 in fiscal year 2005 in assistance to meet the humanitarian crisis in Chad and Darfur pursuant to section 491 of

the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) to provide shelter, health, water and sanitation, protection of vulnerable populations, food, and other appropriate relief items.

(b) ASSISTANCE TO SUPPORT A COMPREHENSIVE NORTH-SOUTH PEACE AGREEMENT.—Notwithstanding any other provision of law, and subject to subsection (d), the President is authorized to provide \$800,000,000 in assistance to support a comprehensive North-South peace agreement in Sudan for purposes including commercial assistance, infrastructure rehabilitation, disarmament and demobilization of fighters, and training and technical assistance to integrate members of the SPLM into the interim Government of Sudan.

(c) CERTIFICATION.—The President shall submit a certification to the appropriate congressional committees not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, that the Government of Sudan has—

(1) ensured that the armed forces and the militias, known as the Janjaweed, are not attacking civilians;

(2) taken significant demonstrable and verifiable steps to demobilize and disarm the Janjaweed in Darfur;

(3) ceased harassment of aid workers, including those who report human rights abuses, and allowed unfettered humanitarian access to Darfur; and

(4) fully cooperated with the deployment and operation of the African Union monitoring team for Darfur.

(d) PROHIBITION AND SUSPENSION OF ASSISTANCE.—

(1) PROHIBITION.—If the President does not submit the certification described in subsection (c) then the President may not provide the assistance authorized in subsection (b).

(2) SUSPENSION.—If, on a date after the President submits the certification described in subsection (c), the President determines such Government has ceased taking such actions, the President shall immediately suspend the provision of the assistance authorized in subsection (b) until the date on which the President certifies that such Government has resumed taking such actions.

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) MEASURES AND SANCTIONS IN SUPPORT OF PEACE.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1)—

(1) the President shall implement the measures set forth in section 6(b)(2) of the Sudan Peace Act (50 U.S.C. 1701 note); and

(2) notwithstanding section 428(b) of the Homeland Security Act of 2002 (6 U.S.C. 236(b)), the Secretary of State shall prohibit the granting of a visa to—

(A) a senior member of the Government of Sudan;

(B) a senior official of the military of Sudan; or

(C) a family member of an individual described in subparagraph (A) or (B).

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108-199; 118 Stat. 143) shall remain in place until the President makes the certification described in subsection (c)(1).

(c) CERTIFICATION.—The certification referred to in subsections (a) and (b) is a certification submitted by the President to the appropriate congressional committees not