

# HEINONLINE

Citation: 3 Bernard D. Reams Jr. & William H. Manz Federal  
Law A Legislative History of the Telecommunications  
of 1996 Pub. L. No. 104-104 110 Stat. 56 1996  
the Communications Decency Act S8092 1997

Content downloaded/printed from  
HeinOnline (<http://heinonline.org>)  
Wed Mar 20 15:48:44 2013

- Your use of this HeinOnline PDF indicates your acceptance  
of HeinOnline's Terms and Conditions of the license  
agreement available at <http://heinonline.org/HOL/License>
  
- The search text of this PDF is generated from  
uncorrected OCR text.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak for 15 additional minutes as in morning business.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

#### TELECOMMUNICATIONS BILL

Mr. KERREY. Mr. President, I thought we were finished earlier. I listened carefully to the senior Senator from Nebraska on this issue. I come to make final statements. I do not know if I will take the whole 15 minutes. I appreciate that the Presiding Officer and others were expecting to leave when the senior Senator was done.

I must say, as I have on a number of other occasions, I am not sure most Americans know what it is we are about to do. I expect this bill is going to be enacted sometime in the next 4, 5, 6 days. It is 146 or so pages long, I believe, and it is going to touch every single American. If you have a phone, if you have a cable, if you use broadcast, if you buy records, if you are connected at all to the information services industry, you will be affected by this law.

I have said, and I believe it to be the case, that it is not something that is occurring as a consequence of Americans saying we want to change our laws, we are unhappy with our phone service, we are unhappy with our cable service, we are unhappy with what we have. Typically, what we do around here is we try to make adjustments according to the agendas as we observe Americans saying that they have for themselves—the deficit, crime, education, all sorts of things that tend to dominate our debates.

This one is being driven by corporations who have a desire to do things they currently are prohibited from doing under our laws. So we are rewriting our laws. I do not object to that. In fact, I have been an advocate for a number of years of deregulating the telecommunications industry, and I am enthusiastic about doing so.

I just want to make it clear that the laws of this land will have ultimately an effect, and this law will have about as large an effect on the American people as anything that I have been a part of in the 7 years that I have been in the U.S. Senate. I do not want anybody to suffer under the illusion that we are just dealing with something relatively minor here.

I cannot, and I said it before, support this legislation in its current form. The debate that we were having earlier on the Department of Justice role—indeed, the compromise that was produced in this legislation was produced by the senior Senator from Nebraska in the committee to try to give DOJ, the Department of Justice, a role to consult as the application for permission to do long distance was being processed

by a regional Bell operating company or local telephone company trying to get into long distance.

But I must say, of all the things that had provoked interest in and by the American people, the title IV provision, the Communications Decency Act, sponsored by the senior Senator from Nebraska, has received the most interest. I will say directly that my own first amendment tendencies to support the first amendment cause me to sort of immediately say there must be something wrong with this thing.

I am not familiar with the things that were available that the senior Senator showed earlier in the blue book, but I am a regular user of the Internet and I have used E-mail and the computer for last 12 or so years and consider myself to be relatively literate, though I will say I am not familiar with the terms in question.

I am prepared to acknowledge, and I think we all should acknowledge, there is a serious problem here. I have noted with a considerable amount of concern, since the senior Senator from Nebraska was successful in getting this attached to this bill, that he has been subject to a considerable amount of abuse and a considerable amount of attacks and a considerable amount of criticism from all sorts of sources, I suspect many of whom are not terribly informed what is in his bill or what is available over the Internet.

Not surprisingly, the senior Senator from Nebraska has not withered under that fire and has not backed off from a legitimate concern, as I say, that may be one of the few real concerns that we are getting from the American people.

If you asked me today in the area of communications what is on people's minds, what sort of things are people bothered by, it may, in fact, be the violence, indecency in broadcasting that tops the list. It may be the only thing.

I ask my senior colleague, if you went to a townhall meeting, let us say in Broken Bow or Omaha, Lincoln, and you just raised the question of telecommunications and you define it as the media, telephone, so forth and ask them, "Of all the things about this, what's the problem for you," they may complain the rates are too high with cable, or they have some broadcast problems out in the western part of the State, like we had at Scottsbluff a couple years ago. But this one does come up in townhall meetings. This issue does get raised. Parents are concerned. Citizens at the local level are concerned about this particular subject.

I do not know exactly where the efforts to amend this legislation will go. I have not looked at the details of the changes the senior Senator has proposed, but I am not unmindful, at least in this particular area, of all the things we are debating, this is something regarded by citizens as something that needs to be addressed.

Earlier in the comments of Senator EXON, he used the word "punt" and brought up the Nebraska football team.

After Nebraska won the national championship, Senator EXON just sort of clapped his hands and thunderously here comes the team to Washington, down to the White House.

It was a very moving moment for those of us who waited a long time for this to happen. In a conversation with Coach Osborne that I had that day at the White House, I asked Coach Osborne—he is the football coach for the University of Nebraska. He has been giving many speeches and expressed some real concern of what is going on with young people today, particularly in Nebraska but throughout the country, since he recruits throughout the country.

I do not know if the senior Senator had just introduced the bill at that time, but he said he did not know if this particular piece of legislation was good or not because he had not read the details of it, but it addressed a problem that he thought was real and present at the local community. It addressed a problem that he himself is personally terribly concerned about.

Mr. President, I hope that in the process starting Monday, Tuesday, Wednesday—whenever it is we reach a final vote—that we will begin to generate some enthusiasm amongst Americans to pay attention to these 146 pages that we are about to enact in some shape or form.

I personally hope, though I know it is going to be difficult to do, and I am here to put out an appeal to the Presiding Officer and the senior Senator from Nebraska who were very much a part of the committee's deliberation—I am not on the Commerce Committee; I was allowed to have a staffer sit in on much of the deliberation—I hope that we can get a good-faith effort to narrow the differences between the Dorgan amendment and the Thurmond amendment on this DOJ role.

It is a very serious matter. It is a very serious matter to me personally. I cannot support this legislation unless there is a role for the Department of Justice. I intend to oppose it strongly unless there is.

I am very much concerned about what is going to happen to the American consumer as we move from a regulated monopoly at the local level to competition at the local level—very much concerned about it.

As I paid attention, I must say, this has been my dominant concern right from the opening bell. I do not know if the senior Senator from Nebraska has any way to try to help us bring Senator THURMOND and Senator DORGAN together and maybe perhaps bring a majority around some increase in strength in the role for DOJ, but it seems to me we can do it in a fashion that addresses the concerns of the senior Senator from South Dakota.

The chairman of the committee has expressed over and over concerns for duplication, excess bureaucracy. We drafted at least that portion of the

amendment that deals with bureaucracy, so there is a time period, a 90-day commitment.

The Senator from South Carolina, Senator THURMOND, has decreased some of the role for the FCC, not dramatically but enough.

It seems to me what we are trying to do is address the problems that some have, and I think they are legitimate concerns, for tying down and tying up companies too much as they try to get into long distance.

But, Mr. President, if the consumers of America, who are truly, in my judgment, likely to be unaware of what we are about to do, if they are really going to benefit from the corporations' new rights to get into long distance, if they are truly going to benefit from competition, then the benefits are going to have to come from entrepreneurs that do not exist today, businesses that will be startup businesses, that will be coming into households and offering services that will be packaged.

The only way, in my judgment, that we are going to get decreased prices and increased quality is if you get ferocious competition at the local level. As much as I am enthusiastic about the 14 points that are required, the 14 actions that are required by the Bell operating companies before they can make an application, I am troubled that we do not have any case law on it. I fear we are going to have lots of litigation on it. And I fear as well that rather than having immediate competition, you are going to have a slowing of entry into competition, and, as a consequence, we are going to find ourselves with consumers, citizens, voters, taxpayers, who are not terribly pleased with the net result.

Once again, I look forward next week to the continuation of this debate. I hope it is constructive and that it does, in the end, lead to a piece of legislation that I am able to enthusiastically support.

Mr. President, I yield the floor.

Mr. EKON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EKON] is recognized.

Mr. EKON. Mr. President, I am going to be very brief. I thank my friend and colleague from Nebraska for his remarks. I simply say that I did not use coach Tom Osborne's name. He has called me on the telephone and written me a letter. He does support this legislation. And for whatever that is worth, I think you and I have the highest respect for Tom Osborne, the man, as well as Tom Osborne, the football coach, and for what he has done for young people.

I want to ask my colleague from Nebraska a question with regard to the matter that he just brought up. We are going to vote next week on the amendments being offered by the Senator from North Dakota, and I think co-sponsored by my colleague from Nebraska, with regard to the Justice Department.

I have been following this, and I am not quite sure I understand the Senator's objections. I had a great deal to do with this during the last 2 years—the whole bill, in the Commerce Committee.

On page 8 of S. 652, there was specifically put in the legislation on line 20, section 7:

Effect on other law. A, antitrust laws. Except as provided in subsection B and C, nothing in this act shall be construed to modify, impair, or supersede the actions of the antitrust laws.

I am sure that my colleague from Nebraska knows of that provision. I have always thought that was put in there specifically to make certain that the Justice Department of the United States would maintain their traditional role of enforcing the antitrust laws in America. Does that not satisfy the concerns of the Senator from Nebraska, or does he feel that that particular quote from the law impairs, in any way, the responsibility that the Justice Department has under the antitrust laws, that they will have the full right, as I understand it, to pursue in the future as they have in the past?

Mr. KERREY. That provision is very important. That language the Senator mentioned is a very important provision. It would make certain that the Department of Justice continues to have its historical antitrust role. That is very important.

The problem that I have with that being sufficient is that it does not go as far as 1822 did last year, in that it is after the fact.

In other words, let us pick the regional Bell operating company in our area, U.S. West. Let us say U.S. West now does all 14 of the things that are required in order to get into the interLATA, in order to do the long distance, and they come to the FCC and get permission to do long distance service. Well, the problem is, if the Department of Justice wants to take action, they have to take action after the fact, after permission is granted; after they are in long distance, then they have to come and take action. What I would feel more comfortable with is if we had DOJ involved, as 1822 did, in a parallel fashion, not in addition to. What I was most interested in was making sure that there was a parallel process with a time certain. And in the language of the Dorgan amendment, as amended, as well by the Senator from South Carolina, there is a 90-day time certain, and a parallel process occurs. You do not file to one and then go to the other.

The precedent that I am trying to use repeatedly—and I think it is a good one—is that in 1984 the Department of Justice was the one that managed the transition from a monopoly to a competitive environment in long distance.

Mr. PRESSLER. Mr. President, I would like to be able to enter into this colloquy. What is the parliamentary situation?

The PRESIDING OFFICER. At present, if I might state it, there is a

previous order that we were to recess after the senior Senator from Nebraska completed his statement, which has been completed.

Mr. KERREY. Should I be asking unanimous consent to speak until the presiding officer has to leave?

Mr. PRESSLER. Mr. President, would like to get into this colloquy.

Mr. KERREY. I ask unanimous consent that the earlier unanimous-consent order be revised and that we will go out at 4:30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRESSLER. Will my friend yield so I can get a question in?

Mr. KERREY. Yes, if I can first finish the answer I was giving to Senator EKON.

I deeply hope that this colloquy can result in you helping me. I am not trying to get you to necessarily say, gee, yes, I am going to vote for this amendment. But I am trying to enlist your help in getting a larger role for DOJ to allay the concerns that I have that permission is going to be granted to get into the long distance service, and then the only opportunity that consumers would have to make sure that there is competition is to be for an action to be filed after the fact.

Again, what I am expressing is a concern that we may not have real local competition. What the committee did—and I think it was good work—was come up with this 14-part checklist and say this is going to replace the VIII(c) test we had in last year's legislation. This will be sort of in lieu of. It is quite good. It does not give me confidence. I know that the senior Senator understands this as well, that when it comes time to starting a business as an entrepreneur, typically, you do not have enough money to be able to hire your own lawyer. These larger companies have whole dump trucks full of lawyers that work for them.

When you are dealing in that kind of environment, I want to make sure that this entrepreneur that wants to come to Omaha, Grand Islands, or Hastings, or Scottsbluff, and come to the household and say I want to deliver a competitive information product, which the playing field allows them to do it, I want to make sure they have the Department of Justice signing off in a parallel process to do so.

Mr. PRESSLER. If my friend will yield for a question, is there another area of the Justice Department where they have a decisionmaking role? Earlier this year, we had this process that we went through, and both Senators from Nebraska had their staffs there and could have been their personally, night after night, and they both did a good job. They wrestled with this Justice Department thing over and over and could not find another area of American life where the Justice Department has a decisionmaking role, such as this amendment wants to add.

Mr. KERREY. You have asked me a question; let me answer. We have had

this colloquy a couple of times before. My answer, with great respect—and I am not trying to argue—I am trying to, hopefully, get some change that enables me to support the legislation. What I said before I will say again—we had a role with the Department of Justice when we did this thing once before 10 years ago. The Department of Justice had the most important role in taking us from a monopoly in long distance to a competitive marketplace.

The answer to your question is that the Department of Justice had the principal role. We are not asking the— in this proposal we are not giving the Department of Justice the ability to manage this thing unnecessarily. We are simply saying that there is a review process and they have the authority to sign off on it, and they have to answer in a 90-day period.

Mr. PRESSLER. If my friend will yield, there is no other area of American economy—and it is true since Judge Greene's order, and he has 200 staff attorneys over there, basically. But there is no need to continue having that just for one sector of our economy in the Justice Department, a decision-making role.

Mr. KERREY. If there is a need for this law—the law is unprecedented. We are doing something extremely unprecedented. Ask the ratepayers, the taxpayers and citizens in the households. We are taking your comfortable telephone service, your comfortable cable service—you have it now and it is a monopoly, you know it is there—and subsidize rates and keep the rates down in residential. We are transitioning where those protections are not going to be there any longer. It is an unprecedented move from a monopoly to a competitive environment.

I am suggesting that because of that lack of precedent, it is reasonable to look for an unprecedented way to manage, as the bill itself describes—manage from that monopoly situation to a competitive situation. I believe that it is possible and perhaps, even desirable, to put some limitations, if you want to, on what the Department of Justice can do.

There have been earlier suggestions on how to do that. But to give them only a consultative role, I just genuinely, sincerely believe that that risks this entire venture. It places this entire venture into the hands of corporations to say we know that you want to do the right thing, so we know you are going to allow competition. I think it is more than reasonable to expect of anybody. If I am a business—even a small business—I can talk all I want to about competition and how I favor it. But the truth of the matter is, given a choice, I would rather not have it.

Mr. PRESSLER. Under the consent decree that broke up AT&T, DOJ is not the decisionmaker, it was the court, Judge Greene. Now we are making DOJ the decisionmaker under the Dorgan proposed amendment.

Mr. KERREY. No.

Mr. PRESSLER. They will make the final decision.

Mr. KERREY. It does exactly what the consent decree did, as well.

It basically says, "You are going to have multiple consent decrees." What happens when, say U.S. West buys a long-distance company. What happens then? I tell you what happens. The Justice Department has to approve it. The Department of Justice would have to approve a merger of a local company acquiring a long-distance company.

The senior Senator from South Dakota would not object to that.

Mr. PRESSLER. But under the Clayton and Sherman Acts, as my distinguished friend pointed out, the language in the bill, they already have antitrust power.

We are setting up a permanent administrative bureaucracy in the Department of Justice that is supposed to be done over at the FCC, and we have it done in the FCC in two ways. One is the public interest convenience and necessity; and two is the checklist that Senator HOLLINGS and Senator EXOR and Senator KERREY of Nebraska had there with staff.

This was all worked out. We spent night after night. Never has there been a more bipartisan effort in this Senate, preparing a bill, if I may say so. We invited everybody. I talked to all 100 Senators.

There is an implication by the Senator from Nebraska that all this was sprung upon him suddenly.

Mr. KERREY. I knew precisely what was in the bill. If I were in the committee, I would vote "no" entirely based on that provision.

Mr. PRESSLER. There is an implication that the bill is driven by corporate interests.

Mr. KERREY. It unquestionably is, Senator. That is very difficult not to deny.

I do not say that there is a dark and mysterious and evil aspect to that at all.

Mr. PRESSLER. From this Senator's point of view, the public interest is very much at heart throughout these considerations. I think all the Senators who worked on this bill have had the public interest. I do not accept that conclusion about the Senate of the United States.

Mr. KERREY. There is nothing wrong with the Senate of the United States considering and worrying about what corporate America wants. I am not saying that just because corporate America is asking for this that corporate America somehow is bad. I am not implying they are bad at all.

I am saying when I talk to people about this issue, when I get phone calls on this issue, it is rarely a citizen that is calling up and saying, "Senator, I really am concerned. I heard you talk about the Justice Department having a role in the application for interLATA freedom." Citizens do not ask about interLATA.

Mr. PRESSLER. Your staff was in the room where the bill was drafted.

Mr. KERREY. I am not a member of the committee and I did not vote on this. I am approaching a moment where I will have an opportunity to vote. I understand that my staff was involved in the deliberations. I appreciate that opportunity.

Mr. PRESSLER. I want to say how hard that staff and Senators involved worked through the weekends. A lot of Members have not had a day off since Christmas.

I find the suggestion that this bill is a result of corporate interests in the Senate of these United States, when we had a discussion this morning about assuming language, or whatever people are saying, and so forth, and maybe I misspoke. I do not know. I raised some points. I consider the Senator from Nebraska a good friend.

We have done everything we can to do what is right for the American people. If we do not pass this bill in this Congress, it will fall over to 1997 and we will lose 2 years of jobs and creativity.

This is not a perfect bill. I welcome the participation of the Senator from Nebraska.

Mr. KERREY. I think this bill will pass. It has a lot of steam behind it, and I think it is likely to pass. I am just saying it will not have my vote unless there is a strong Justice Department role.

I do not think what I am asking for is unreasonable.

Mr. PRESSLER. I find it unreasonable for the suggestion that this is a bill of corporate interests. I believe the Senators involved have acted in the public interest.

Mr. KERREY. I do not doubt they are acting in the public interest or that the senior Senator from Nebraska is acting in the public interest. I do not doubt that. That is not the point I am making.

I am saying, look out there for who it is that is asking for change. It is corporate America.

If I polled the people of Nebraska to rank this on their agenda, the only thing they would mention is probably the Communication Decency Act.

Mr. PRESSLER. There is a large part of corporate America for the Justice Department review which the Senator is supporting.

Mr. KERREY. That is true.

Mr. PRESSLER. But I am not accusing the Senator of responding to corporate America. I think we are asking, in the public interest.

Mr. KERREY. That is my point, Senator.

Corporate America has weighed in on this issue. Corporate America has contacted me on this particular issue, as they have contacted the Senator.

The point I am trying to make is that the dominant interest in this piece of legislation is a relatively small group of corporations that are currently regulated and that want to do something that the current law does not allow them to do. That is the point.

I have made before, that I will continue to make.

Mr. PRESSLER. Some of the biggest corporations in America want a Justice Department review.

Mr. KERREY. I agree, some of the biggest corporations in America do not want the Justice Department review.

That merely makes the point that this is largely the kind of an argument driven by concerns of corporations who either want to do something or do not want somebody else to do something in this area.

The PRESIDING OFFICER. I notify all Senators that it is now 4:30. Based on the previous agreement, all discussion was to cease at 4:30.

Mr. EXON. I ask unanimous consent I be allowed to continue for 5 minutes as in morning business.

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

Mr. EXON. First, to be facetious, I would like to advise my colleague from Nebraska that unless he misspoke or unless I heard him wrong, he said something to the effect that he sees nothing wrong with the U.S. Senate. If somebody would take that out of context, it would be the end of his political career. It might be a good time to ask that be stricken from the record.

Seriously speaking, I had cited earlier the section on page 8. I would also like to cite an additional paragraph from page 89 of the same act which says "before making any determination under this subparagraph, the commission shall consult with the Attorney General regarding the application."

I would simply advise both of my colleagues that this Senator has had considerable experience over the years in dealing with the bureaucracy. We have dealt for a long time, and my colleague from Nebraska has been involved in many of the interstate commerce decisions.

In no case does the Justice Department have prior consideration with regard to the Interstate Commerce Commission. Therefore, I think the point the Senator from South Dakota is trying to make is that we are treating the various agencies of the Federal Government—either independent agencies or agencies under the direct control of the President—the same as we have treated them previously.

I think that my colleague from Nebraska makes a pretty good point. I think I understand his concern.

I just want to say, as one involved in S. 1822, the predecessor of this, and this piece of legislation, the original draft that came to the committee after our distinguished colleague from South Dakota became chairman, contained no information or statement whatever to help address the concerns that have been raised, and I think to some degree, legitimately raised by my colleague from Nebraska.

It had nothing in there at all. That proposal came that would have, for all practical purposes, ignored the Justice Department.

I have cited two instances where, during the cooperation, during the discussion, during the compromise that we worked very hard to maintain, we came up with something that I think would allow the Justice Department to play a key role.

One thing I would suggest might be wrong, to go back to the illustration used by my colleague from Nebraska, U.S. West, for example, wanted to go into some kind of a network they had not previously been allowed to do.

According to the feelings, unless they were spelled out in the law, they would have to act after the fact. Of course, that is the way they always do, act after the fact.

The problem that the company, in that particular situation, I am fearful, was that they would have two different agencies of the Federal Government to go to for clearance, the Justice Department on one hand and the Federal Communications Commission on the other.

I simply say that I happen to feel that the hard-driven compromise that was worked on this by members of the committee may not be perfect, but as both Senators know, I have never voted for a perfect law since I have been here.

I will study the matter over the weekend further. I appreciate the discussion I had with my good friend and colleague from Nebraska and my colleague from the State to the north, South Dakota, where I was born. Thank you both very much.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 9:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-206. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Agriculture, Nutrition, and Forestry.

#### "SENATE CONCURRENT RESOLUTION No. 28

"Whereas, Michigan's farmers represent an important element of our state's increasingly diversified economy. American consumers purchase ever higher amounts of high quality fresh produce, and Michigan farmers continue to meet that demand. Fresh produce, by its nature, is also highly perishable with a relatively short shelf life compared to manufactured products. This characteristic of fresh fruits and vegetables imposes a burden on farmers unique to them. Specifically, the need to sell produce quickly means that fruits and vegetables may actually be consumed before the farmer can even receive payment. If farmers sell their goods to customers who are slow to pay or who fail to pay at all, farmers have few means to recoup their losses. Consumed goods can hardly be reclaimed, and the costs associated with pursuing a claim through the courts make this avenue futile in many cases; and

"Whereas, fortunately, our nation's farmers have been protected from such problems for sixty-five years by the Perishable Agricultural Commodities Act (PACA). Enacted in 1930, the PACA enforces fair trading practices in the marketing of fresh and frozen fruits and vegetables. It is administered by the Fruit and Vegetable Division of the Agricultural Marketing Service and allows farmers to ship their produce across our country in a timely fashion with confidence that they will be paid for their labor and goods. Should a contract dispute emerge, the PACA provides a means to resolve the problem without further burdening our court system; and

"Whereas, consumers benefit in many ways from this act. Not only can consumers purchase high quality produce fresh from the field because farmers may rapidly ship their goods confident that they will be paid, but other protections exist as well. For example, our schools, hospitals, and restaurants cannot be over-charged for produce because the PACA prohibits a produce dealer from hiding the true wholesale cost received by farmers for the fruits and vegetables; and

"Whereas, defenders of the PACA recognize that the act can be improved and have been willing to compromise in order to address the concerns of retailers. Unfortunately, legislation has been introduced into the United States House of Representatives that undermines efforts to preserve the PACA while improving it to correct certain shortcomings. HR 669 has been introduced into the 104th Congress to repeal the Perishable Agricultural Commodities Act. Rather than being a bill to eliminate unneeded regulations, this bill would impose a severe hardship on our state's farmers, and ultimately all people who purchase and enjoy high quality fruits and vegetables. HR 669, or any other bill that would repeal the PACA, must not be passed for the sake of our farmers and consumers. Now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That we memorialize the United States Congress to reject any efforts to repeal the Perishable Agricultural Commodities Act; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-207. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Armed Services.



## **Document No. 38**





INTENTIONAL  
BLANK